

NEW YORK STATE SENATE

STANDING COMMITTEE ON ELECTIONS

---

Public Hearing in the Matter

Election Law Issues

Including

Help America Vote Act

---

Yonkers City Hall  
Council Chambers – 4<sup>th</sup> Floor  
40 South Broadway  
Yonkers, New York 10701

October 5, 2009  
Monday  
10 a.m.

PRESIDING:        Senator Joseph P. Addabbo  
                          Chairman

                          Senator Andrea Stewart-Cousins

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CHUCK LESNICK

City Council President

MR. LESNICK: Good morning, it's Monday, October 5<sup>th</sup>, 2009, and it's approximately 10:20. It's my pleasure to welcome everybody to the Yonkers City Council Chambers.

I'm Chuck Lesnick, your City Council President, but I'm not sitting in my normal seat today because we have a Senate hearing that's being presided by Senator Joe Addabbo.

Joe Addabbo has been a member of the Senate for a number of years. He served first four years in the New York City Council, and this is actually his first term. It just seems like he's been here forever, because his father, Congressman Joe Addabbo, served for 13 terms in the House of Representatives, so Senator Addabbo certainly has grown up around elections.

He represents the 15<sup>th</sup> District in the New York State Senate, encompassing many Queens neighborhoods, including Forest Hills, Glendale, Hamilton Beach, Howard Beach, Massmith, Middle Village, Old Howard Beach, Ridgewood, Woodhaven, parts

1 of Elmhurst, Forest Hills, Ozone Park, Regal Park,  
2 Richmond Hill, and South Richmond Hill, Sunnyside and  
3 Woodside.

4 He's a practicing attorney; he is a sixth-  
5 term New York State Democratic Committee Member and a  
6 ranking member of the South Queens Regular Democratic  
7 Club, and a whole host of other civic organizations.  
8 He is the Chair of the, was the Chair of the New York  
9 City Council Civil Service and Labor Committee where  
10 he fought for the health needs of 9/11 first  
11 responders as well as retiree rights, fair practices  
12 and workplace safety. He's got a lot of other  
13 credentials, which are on his website.

14 Senator Stewart Cousins hardly needs an  
15 introduction in this building, where she served as the  
16 first Director of Constituent Services, first African  
17 American, I should say, to have that job here. She  
18 defined the job, so in many senses, she was the first.  
19 She was certainly the first, we worked together on  
20 creating Riverfest, and we did all sorts of other  
21 firsts during that time here.

22 She, in 2004, really became the poster child  
23 for election reform. The four-month legal battle that  
24 followed her election was part of the full Employment

1 Act for Election Lawyers for New York State that year,  
2 and every variation and theory of whether ballots  
3 should be opened or not were tested out in the courts  
4 thanks to Andrea Stewart Cousins, and although she  
5 didn't prevail in the courts that year, she prevailed  
6 in the hearts and the minds of the voters, and two  
7 years later, they elected her to represent Greenberg,  
8 Mount Pleasant, and Yonkers.

9 She has had a tremendous tenure in the State  
10 Senate working with her colleagues to provide  
11 additional funds for the Yonkers School Systems,  
12 Yonkers City Government, keeping Dobbs Ferry Hospital  
13 open. She is the Chair of the Local Governments  
14 Committee and a member of the Banks Commerce Economic  
15 Development, Small Business, Environmental  
16 Conservation, Finance, Health, boy you do a lot of  
17 work up there. Veterans Homeland Security, Military  
18 Affairs. Also the Temporary Committee on Rules and  
19 Administrative Reform.

20 She made history by being the first African  
21 American woman to preside over the Senate. As  
22 Presiding Officer, she is charged with maintaining  
23 order, interpreting the rules in the practices of the  
24 Senate, and calling the members to debate and vote on

1           legislation brought to the floor; a very challenging  
2           task, especially this past June.

3                       She did have a stint, which I didn't  
4           mention, as a Westchester County Legislator, where she  
5           was elected Majority Whip and Vice Chair, and  
6           authoring and passing several landmark legislation,  
7           including the Westchester County's first Human Rights  
8           Law, Living Wage Law, Smoke-Free Workplace Laws,  
9           tougher gun laws, laws that prosecute predatory  
10          lenders, and laws that have provided tax cuts for  
11          seniors and veterans. Again, more on her website for  
12          more information.

13                      It is my pleasure to pass the gavel over.  
14          You can gavel the meeting open, to Senator Joe  
15          Addabbo, Jr., the Chair of the New York State Senate  
16          Standing Committee on Elections.

17                      CHAIRMAN ADDABBO: Thank you, very much,  
18          City Council President, Lesnick, thank you so much for  
19          the introduction, and thank, I want to thank you and  
20          your staff for allowing us to be here working on this  
21          Committee Hearing with us today. Thank you, very  
22          much, to allow us to be in this beautiful chambers.  
23          Thank you, very much.

24                      And to all who are here this morning,

1 welcome, to another hearing for the Elections  
2 Committee. Again, my name is Joe Addabbo, I am the  
3 Chair of the Committee.

4 It is a great pleasure to sit next to a  
5 member of the Senate that I respect so much, our  
6 Senator Andrea Stewart Cousins, who we will hear from  
7 in a moment.

8 Just to do a little grounds keeping over  
9 here, I want to thank a couple of people who have put  
10 this hearing together. Again, Council President  
11 Lesnick and his staff. The legal counsel for the  
12 Committee, David Kogelman; my staff, Vickie Clark,  
13 Peter DeLucia, Jr., and Frank Scaduto. We have  
14 Council Alison Kelrick, and again, I understand we'll  
15 be joined by Assemblyman Brian Kavanagh, who chairs  
16 the Harbor Subcommittee for the Assembly.

17 I want to thank the Senate staff who's here  
18 for the video, thank you, very much, for the team with  
19 us today.

20 In today's hearing, excuse me, today's  
21 hearing is the fourth of a series that we do here  
22 today in Yonkers. We started this past April, you  
23 know, and we've taken this show on the road to  
24 Buffalo, Syracuse, Rochester, Albany and New York



1 City, in an effort to open up and make more  
2 transparent what we do in Albany, in the Committee  
3 Hearings. In this case, the Elections Committee. And  
4 we've spoken about a number, excuse me, a number of  
5 issues in the Elections Committee over the past year  
6 regarding how to make the process more feasible for  
7 our voters, how to clear certain barriers for our  
8 voters, how to make the actual voting process a better  
9 process, and more efficient process. And again, in an  
10 effort to open up what we do in Albany in our  
11 government, more transparent for people and have a  
12 great dialogue and a great communication and  
13 discussion with our people.

14 Today's hearing, we will be discussing  
15 ballot access of political candidates, deceptive  
16 practices and barriers that we have for suppression,  
17 designed to keep voters from our polls. A piece of  
18 legislation from Senator Stewart Cousins regarding  
19 voter intimidation, and the pilot program that was  
20 being introduced this year in our primary and both  
21 general, upcoming general elections, with the new  
22 optical scanners in the effort to comply with the Help  
23 America Vote Act.

24 As far as voters' suppression, one of our

1 most fundamental rights is the right to vote, and yet  
2 there are still barriers that exist to that right.  
3 There has always been those who have tried to suppress  
4 voters, and we're going to talk about that today. A  
5 bill that Senator Stewart Cousins has introduced,  
6 Senate Bill 2554A, makes it a crime to disseminate  
7 false information to disenfranchise voters by  
8 discouraging them from going to the polls; such as  
9 publishing a false election date or location. And it  
10 makes it a crime for any person, or organization, to  
11 suppress a person from voting, or voting for a  
12 particular candidate for office by use of force,  
13 authority, or abuse of power.

14 So we'll be talking about voter suppression,  
15 access to our ballot, and of course, as we go to the  
16 next generation of voting machines, possibly in our  
17 efforts to comply with the Help America Vote Act.

18 It's a great conversation that we have, we  
19 talk about the pros and cons of the legislation, we  
20 talk about the pros and cons of our election process,  
21 and the information that we gather here today is  
22 useful to the members of our committee as we go forth  
23 in our legislative process or administrative decisions  
24 that need to be made with regard to the election

1 process. So again, I look forward to a good debate, a  
2 good conversation that we have today.

3 Before I introduce our Senator here, I will  
4 let you know that we have a good number of witnesses;  
5 we have roughly 13 witnesses. In order to have a good  
6 conversation and allow for some questions and answers,  
7 I'd like to keep the witnesses, if we could, to about  
8 roughly five minutes. I don't have a big buzzer, no  
9 electric shock goes to the podium if you go over your  
10 time. Just that we ask for a little respect both ways  
11 as we go through this process in a very orderly  
12 manner, so I look forward to the conversation we'll  
13 have today.

14 Again, it is my pleasure to sit next to and  
15 serve with a person who is so dedicated to her people  
16 and her district, and that is our Senator Andrea  
17 Stewart Cousins.

18 SENATOR STEWART COUSINS: Thank you, so  
19 much, thank you. Okay, you can hear me now, right?

20 Okay, thank you so much, Senator Addabbo.  
21 He also, I guess you came in just the term after I  
22 did, and he just hit the ground running. And the  
23 realities of what he's done on the Election Committee  
24 are reflected not only in this hearing and making sure

1           that people understand what it is we're doing in the  
2           Senate, and why it's important to you, but coming out  
3           to the communities, letting people weigh in on all of  
4           the different areas, it really is a pleasure to work  
5           with you in the Senate.

6                         And of course, my colleagues in the City of  
7           Yonkers, and Council President Chuck Lesnick, I do  
8           want to thank you, very much, for facilitating this  
9           meeting and making sure that the chambers are always  
10          welcoming. And, of course, I understand that we'll  
11          have other members of the Council who will come. I  
12          think Patricia McDow is scheduled to speak, and also  
13          from the County Legislature, we're expecting John  
14          Nonna, and Ken Jenkins, and also former mayor, Erin  
15          Malloy, will come from Irvington. They're all  
16          scheduled to testify today, and I hope that in the  
17          testimony, they will be able to illustrate why locally  
18          the selection of Yonkers, in particular, was an  
19          appropriate selection.

20                        Before I go further in my thank yours, I do  
21          want to thank my staff; Betsy Ball, and Chris Johnson,  
22          Steve McGlott and Brian Hegt, and Kate Glasser, and  
23          I'm sorry, it's Kate Glazer, and Tonya Holt for being  
24          here and coming down. I have some of my Albany staff

1 that has come down, who has joined with my local  
2 staff, so they get a full flavor of the district, and,  
3 you know, participate in what is very, very important.

4 I appreciate the opportunity to open this  
5 Elections Committee Hearing to briefly talk about the  
6 reasons that I've introduced the Deceptive Practices  
7 and Voter Suppression Prevention Act. In so doing,  
8 I'd also like to recognize and to express my gratitude  
9 to Ross Galin, Zoe Segal-Reichlin, and Sarah Egan for  
10 all of their hard work in drafting and amending this  
11 legislation; their time, effort and talent have  
12 resulted in a bill that is bold, expansive, and strong  
13 in its attempt to ensure clean and fair elections in  
14 the state of New York.

15 Since the first day I declared my candidacy  
16 in the New York State Senate, and through my  
17 subsequent campaigns with all of their ups and downs,  
18 and I know we all remember those; the courts decision  
19 that I was 18 votes short of a victory in 2004, and  
20 ultimately my election and reelection victories in  
21 2006 and 2008, I've been an advocate for laws that  
22 ensure accountability, and correct disenfranchisement  
23 and inequality, as well as an advocate for legislation  
24 that benefits all New Yorkers who are best served when

1 they are able to freely exercise their inalienable  
2 rights.

3 In 2006, an editorial observer in the *New*  
4 *York Times* summarized the stories of the "Dirty  
5 Tricksters" who win elections by gaming the system,  
6 intimidating voters, stifling turnout among low-income  
7 blacks, Latinos, throwing up serious challenges to  
8 legitimate registrations, and ferociously twisting  
9 legal technicalities in their favor. At the time, I  
10 wrote a letter to the U.S. Department of Justice  
11 requesting Federal monitors of polling places on  
12 Election Day, and while I referenced the mishandling  
13 of the 2004 election, which concluded with a recount,  
14 there was a more important and overriding message that  
15 I attempted to communicate as clearly as possible. We  
16 could not, and would not, let voter suppression happen  
17 again. What were apparent brazen attempts to  
18 intimidate voters, suppress voter turnout, however,  
19 we're not necessarily practices that were specifically  
20 punishable according to our current laws. So there's  
21 no law that says suppressing of vote is illegal. This  
22 is one of the reasons why this Bill is so important.  
23 It clarifies the issues, it leaves nothing to the  
24 imagination, it ensures that there are consequences

1 for any actions, individual or collective, which seek  
2 to disenfranchise any voter, anywhere, any time.

3 On election night in 2006, I concluded my  
4 remarks by saying that this appears to be a win. I'm  
5 not claiming it, however, as only mine. We are awake  
6 now. We are inspired now. We've got to work now,  
7 like we've never worked before, to change the state  
8 and to change our country.

9 Ultimately, that second time, although it  
10 didn't happen on election night, it was a win. But it  
11 was a win because all of the votes were counted, and  
12 because ultimately, my opponent had to join the chorus  
13 of people who were forced to condemn the actions of a  
14 few, which threatened to tarnish the integrity of our  
15 entire electoral process. And it was a win because  
16 here we are today, discussing legislation that we are  
17 poised to pass when we return to Albany, which will  
18 ensure that our fight for power is still about each  
19 and every individual, will not serve to selectively  
20 protect political parties, or special interests, or to  
21 serve the status quo.

22 I've introduced the Deceptive Practices of  
23 Voter Suppression Prevention Act to protect the rights  
24 of every voter, and the power of every vote. My

1           commitment to ending business as usual, and to real  
2           reform, brought me to this place, certainly with your  
3           help, and we must empower all New Yorkers equally.

4                       Over the course of almost four years I spent  
5           running for this office, I promised my constituents  
6           over and over again that I would champion a  
7           legislative agenda that produced positive change and  
8           represented real reform. To that end, I'm proud not  
9           only to have introduced this bill, but to have  
10          introduced and passed two other key pieces of reform  
11          legislation;

12                      Senate Bill 2443B, which enabled voters to  
13          vote in the correct polling place by providing such  
14          items as maps, street finders, or other descriptions  
15          of polling places to ensure that their vote counts.  
16          It requires a poll clerk or election inspector to  
17          consult a map, street finder, or other description of  
18          polling places in order to advise voters of his or her  
19          correct voting place. Something very fundamental that  
20          wasn't done before.

21                      The next one, Senate Bill 2810, which has  
22          been signed at this point by the Governor, Chapter 40,  
23          and that allows for the use of titles, initials or  
24          customary abbreviations on an absentee ballot request



1 letter, and absentee ballot application form, or  
2 absentee ballot envelop, and prevents the invalidation  
3 of an absentee ballot if the identity of the signer or  
4 witness may be established similarly referencing the  
5 signature on the request letter, application form or  
6 ballot, or to that of a person whose name appears on  
7 the registration poll ledgers.

8 When former Mayor Erin Malloy comes, I'm  
9 sure she wills speak more to that issue, of how that  
10 particular thing played out in her election.

11 The same standard will be used now that is  
12 used for signatures on designating and nominating  
13 petitions, so that is a step forward.

14 So again, I thank you, and I am, you know,  
15 looking to hear your concerns, as my constituents, and  
16 I really, again, thank you, Senator Addabbo for  
17 hosting the hearing and empowering all of the  
18 speakers, and hopefully we will work towards passing  
19 not only my bill, but all of the great bills in the  
20 Election Committee. And thank you, so much, for being  
21 part of this.

22 CHAIRMAN ADDABBO: Thank you, very much,  
23 Senator Stewart Cousins. With you and your staff, not  
24 only for the benefit of your constituents, but voters

1 in your district and throughout the state, and again,  
2 that is part of the process that we are attempting to  
3 do today, is further that work as we look to make this  
4 process a better process for the voters, and again in  
5 general, the election process.

6 So we will start to call our witnesses. And  
7 our first witness for today is Ross Galin of Davis,  
8 Poke and Wardwell, regarding election protection. Mr.  
9 Galin.

10 ROSS GALIN

11 Davis, Poke and Wardwell

12 CHAIRMAN ADDABBO: Mr. Galin.

13 MR. GALIN: Chairman Addabbo, Senator  
14 Stewart Cousins, Council President Lesnick, Members of  
15 the Committee, thank you, very much, for having us  
16 here today.

17 As I mentioned, my name is, as you  
18 mentioned, my name is Ross Galin. I'm joined here by  
19 my colleague both with Election Protection, N. Davis  
20 Poke, Sarah Egan.

21 We come today in support of what we believe  
22 to be a very important piece of legislation. We thank  
23 you for holding this hearing, and the others that  
24 you've held in this series, on how we can best

1 modernize New York State's election system and address  
2 the deficiencies we all know currently exist.

3 I have to add that I am personally quite  
4 pleased to be here today as a constituent of Senator  
5 Andrea Stewart Cousins in the 35<sup>th</sup> District. I'm  
6 particular proud of the role you've played in helping  
7 advance the cause of this Committee in supporting  
8 election reform in an important and meaningful way, so  
9 thank you.

10 As you know, election protection is led by  
11 the Lawyers' Committee for Civil Rights Under Law, and  
12 is supported by a diverse network of local and  
13 national coalition partners and over 10,000 legal  
14 volunteers across the country. The cornerstone of  
15 Election Protection's work is our 866-OUR VOTE  
16 hotline. Last year, over 240,000 voters, including  
17 17,000 here in New York, called the hotline seeking  
18 assistance with a variety of questions and election-  
19 related problems. Additionally, tens of thousands  
20 more received assistance from our teams of mobile  
21 legal volunteers who were stationed throughout New  
22 York City on Election Day this past November.

23 Election Protection's sole mission is to  
24 work to ensure that every citizen, who is legally

1 entitled to vote, has the ability to freely and fairly  
2 exercise that right. Unfortunately, what seems like a  
3 rather simple goal is anything but. As the Committee  
4 knows well, the current election system places a  
5 number of obstacles between voters and the exercise of  
6 their right to vote. Many of these obstacles,  
7 including a flawed registration process and  
8 restrictions on the ability to vote by absentee  
9 ballot, have already been the focus of this  
10 Committee's important work, and we appreciate that.

11 It's in that same spirit that we are here  
12 today to support the Committee in its efforts to  
13 address another important obstacle, that is the focus  
14 of Andrea Stewart Cousins' Bill S2554A, the Deceptive  
15 Practices and Voter Suppression Prevention Act. This  
16 important legislation offered by the Senator addresses  
17 two of the obstacles that currently prevent voters  
18 from freely and fairly exercising their right. As  
19 hard as it may be to believe that decades after the  
20 Civil Rights Movement and adoption of the Federal  
21 Voter's Rights Act, there are still those, who through  
22 acts of deception and coercion, seek to prevent  
23 individuals from voting.

24 In recent years, our hotline and poll

1           watchers have documented instances of several  
2           individuals using intimidation, threats and coercion,  
3           to suppress the vote, as well as the dissemination of  
4           false information intended to frighten and confuse  
5           people in to not registering to vote, or not actually  
6           going to the polls.

7                         In addition to those instances already  
8           mentioned by Senator Stewart Cousins, in November of  
9           2008, voters in Shirley, New York received automated  
10          phone calls advising that due to the anticipated high  
11          voter turn out on Election Day, Democratic and Liberal  
12          voters should cast their votes on Wednesday, November  
13          5<sup>th</sup>, the day after the election. On these calls, it  
14          was possible to press zero and speak to a live person,  
15          who conveniently reiterated the same false  
16          information. Similar deceptive information was  
17          printed on flyers and distributed in Lower Manhattan  
18          in areas where minorities were most susceptible to  
19          these flyers. The same is true in areas near  
20          Riverhead, New York. In Manhattan, it was reported  
21          that a sign posted near a legitimate polling place  
22          misdirected voters to a fictional polling place  
23          allegedly because the legitimate polling place was  
24          overcrowded.

1           In 2006, proving this is no recent  
2           phenomenon, voters in New York reported receiving  
3           harassing phone calls, or what are now known as robo  
4           calls, sometimes in the middle of the night, claiming  
5           to be from one candidate, when in fact, the calls were  
6           traced to the candidate's opponent.

7           In 2004, a caller to the Election Protection  
8           Hotline reported that Spanish-speaking residents of  
9           Port Chester, New York were being told that they could  
10          not vote unless they owned property in an effort to  
11          dissuade them from voting.

12          Deceptive practices like these have been  
13          reported all over the country in connection with  
14          recent elections. Voters in nearly a dozen states  
15          were the victims of misinformation in the weeks  
16          leading up to the 2008 election. Inaccurate  
17          information was disseminated about registration,  
18          polling locations, poll closing times, voter ID  
19          requirements, and a host of other eligibility issues.

20          During the 2000 election cycle, out-of-state  
21          students in Virginia, Michigan and Colorado, were told  
22          that if they registered to vote where they went to  
23          school, they could jeopardize their financial aide,  
24          their health benefits and their parent's tax status.

1 All untrue. In Philadelphia, flyers were distributed  
2 in minority neighborhoods stating that police officers  
3 would be positioned at poll locations to arrest anyone  
4 with an outstanding record -- ticket, including  
5 something as small as an unpaid parking ticket.

6 In 2006, in the federal election, deceptive  
7 practices were employed in Orange County, California,  
8 where 14,000 Latino voters received mailings informing  
9 them in Spanish that if they were immigrants and tried  
10 to vote, they faced criminal penalties, including  
11 incarceration. Also in 2006, some Virginia voters  
12 received automated phone messages informing them that  
13 they were ineligible to vote and would receive  
14 criminal penalties if they tried to do so. And in  
15 Maryland, flyers were distributed in predominately  
16 African American neighborhoods falsely claiming that  
17 certain candidates for federal office had received  
18 endorsements from their opponent's party.

19 Current New York law does not effectively  
20 address voter suppression or deceptive practices;  
21 Conduct intended to create confusion, frustration and  
22 fear that interfere with the electoral franchise.  
23 Senator Stewart Cousins' Bill will rectify this  
24 shortcoming by criminalizing deceptive practices in

1 connection with any election and creating a new  
2 electoral crime of voter suppression, punishable as a  
3 misdemeanor. Adoption of this legislation will both  
4 send an important message to anyone considering  
5 engaging in such conduct, and it will also importantly  
6 give law enforcement the necessary tools to address  
7 these problems and punish perpetrators.

8           Legislation similar to that proposed by  
9 Senator Stewart Cousins has been adopted  
10 overwhelmingly in both Minnesota and Virginia. A  
11 federal version has also been introduced in the United  
12 States House of Representatives and will soon be  
13 reintroduced in the Senate. Even if it passes, the  
14 legislation, the Federal legislation will not protect  
15 the rights of voters in state elections and local  
16 elections here in New York, as it applies only to  
17 Federal elections.

18           Moreover, S2554A would empower the New York  
19 State Attorney General's Office to act to undertake  
20 all effective measures necessary to provide correct  
21 information of voters who are affected by the  
22 intentional dissemination of false or misleading  
23 information. Whereas prosecutions are important and  
24 serve to punish wrongful conduct, prosecution alone



1 cannot undo the effects of wrongful conduct prior to  
2 an election. Vesting the Attorney General with the  
3 power to remediate deceptive practices would better  
4 ensure that fewer voters are prevented from voting,  
5 and it is an important and necessary step.

6 Adoption of S2554A is needed to protect New  
7 York voters seeking to vote in New York elections. In  
8 addition to denying a voice to eligible voters,  
9 suppressive and deceptive practices are poisonous  
10 towards the system and undermine confidence in our  
11 electoral system. It is critical, therefore, that it  
12 be stopped, and that is why we're here, to applaud  
13 Senator Andrea Stewart Cousins and this Committee for  
14 considering this very important piece of legislation.

15 We thank you, and we are very appreciative  
16 of your time and attention to these issues.

17 CHAIRMAN ADDABBO: Thank you, Mr. Galin.

18 Mr. Galin --

19 MR. GALIN: Yes.

20 CHAIRMAN ADDABBO: We should note, you know,  
21 for the public, that this piece of legislation, in a  
22 time when, obviously our state's not doing well  
23 financially, this piece of legislation that is no cost  
24 to the state to implement, and would be effective

1 immediately upon signing by the Governor into law. So  
2 this is a good piece of legislation for an issue that  
3 is concerning us now.

4 Mr. Galin, how long have you been interested  
5 or working on this issue?

6 MR. GALIN: On this particular issue, I  
7 would actually say I have a personal history going  
8 back to 1996 when I was working in a different  
9 capacity in the state of New Jersey, and saw voters  
10 who were dissuaded from voting in the '96 presidential  
11 and senatorial election by people inserting in the  
12 Newark Newspapers, flyers telling, in minority areas,  
13 telling them that if they voted and they had an unpaid  
14 parking ticket, or outstanding child support issues,  
15 they would be arrested.

16 I was also troubled in 2000, when working  
17 with volunteer lawyers, I found out that people were  
18 being scared, using scare tactics telling people that  
19 if they voted on the new computerized machines, they  
20 were linked to the Federal Government, that would  
21 somehow know any outstanding records they might have,  
22 and would arrest them on the spot. These, as I've  
23 mentioned in my testimony, are the type of things  
24 we've seen. We're now, I guess, 13 years since I

1 first encountered this in 1996, and that's why this  
2 legislation is so important, and, and I underscore  
3 that one of the important things about this  
4 legislation is not just that it will punish people,  
5 but that it empowers the Attorney General to act  
6 proactively before Election Day when these reports  
7 come in. When this type of conduct is notified to  
8 election officials, they can notify the Attorney  
9 General's Office to do corrective work. That's  
10 something that New York law simply doesn't provide for  
11 right now.

12 CHAIRMAN ADDABBO: Mr. Galin, one more  
13 question. Since 1996, 13 years, like you've  
14 mentioned, have you seen an increase in voter  
15 suppression tactics?

16 MR. GALIN: I can only speak anecdotally and  
17 refer the Committee to a report by the Lawyer's  
18 Committee and Common Cause, called Deceptive Practices  
19 ACT 2.0, which does in fact indicate that  
20 unfortunately, as social networking and the intranet  
21 has taken off and electronic media, we have seen a  
22 decided increase. Unfortunately, just as  
23 communication has become easier with the intranet, so  
24 too has it become easier to engage in deceptive

1 practices. So, yes, Senator, we have seen an  
2 increase.

3 CHAIRMAN ADDABBO: Okay. Mr. Galin, I  
4 appreciate your time and testimony today.

5 MR. GALIN: Thank you, very much.

6 CHAIRMAN ADDABBO: Thank you, very much.

7 Next is Mr. Terhand Brandon, Corrections  
8 Officer and voter.

9 SENATOR STEWART COUSINS: And also while Mr.  
10 Brandon is approaching, I wanted to say that, Zimmer  
11 Brandon, former City Council Person, is a staff member  
12 who has also been very, very helpful in pulling these  
13 hearings together.

14 CHAIRMAN ADDABBO: Thank you, Mr. Brandon,  
15 for your time today.

16 TERHAND BRANDON

17 Correction Officer, Westchester County

18 MR. BRANDON: First, I'd like to say good  
19 morning to everyone.

20 As you indicated, I am a Correction Officer  
21 in Westchester County, sworn to uphold the laws of New  
22 York State. And one of the things that my presence in  
23 uniform, or with my shield, is intimidation, and/or  
24 force.

1           The night of November 6<sup>th</sup>, when I went to  
2           vote, I perceived a higher than normal level of, it  
3           appeared to be official activity. Also, there was a  
4           larger number of people acting in an official capacity  
5           at the polling place. Perception. Perception is just  
6           as dangerous as direct action.

7           CHAIRMAN ADDABBO: Mr. Brandon, if I can  
8           interrupt you for one second, respectfully, what year  
9           are we talking about?

10          MR. BRANDON: November 6<sup>th</sup>.

11          CHAIRMAN ADDABBO: November.

12          MR. BRANDON: November, in 2006.

13          CHAIRMAN ADDABBO: Six, okay. Thank you.

14          MR. BRANDON: Senator Cousins' second  
15          election.

16          CHAIRMAN ADDABBO: Okay.

17          MR. BRANDON: There.

18                 After signing in, I was approached by two  
19                 individuals, one male, one female. One asked for my  
20                 identification. These individuals passed over younger  
21                 voters and zeroed on me, as an older person. Well,  
22                 rather than object or cause a scene, I did not give  
23                 them my New York State driver's license ID. I showed  
24                 them my shield. They immediately left the scene. So

1 at least for a short period of time, that form of  
2 intimidation ceased at that polling place.

3 I was born in 1946 in the south, where  
4 direct, indirect suppression, and outright denial of  
5 the vote was commonplace. All my years of voting, I  
6 have not seen or perceived any real changes. The way  
7 it's done has modified itself, but there has been no  
8 change. Whenever it's conducive for a candidate who  
9 sees that they are in jeopardy of losing an election,  
10 it's almost like no-holes barred contest. It's longer  
11 than it should be, that this practice needs to be  
12 stopped. Not just encouraged to be stopped, but  
13 stopped.

14 Now having a proposal saying that an  
15 activity of this nature will be deemed a crime, a  
16 misdemeanor or a felony, is nice. But again, it comes  
17 down to it, if there's no jeopardy, why should I even  
18 care? So it comes, this is also, I encourage the vote  
19 of this legislation, and it at least will be a  
20 beginning to start stopping the process of having a  
21 public vote intimidated by presence, by news,  
22 newscasts, misinformation, or using the intranet,  
23 again to, to discriminate wrongful information to  
24 prevent people from coming out to vote, for any

1 candidate. I don't care what candidate. But vote.  
2 If people don't vote, they don't count, their numbers  
3 don't count, and services to them in their community  
4 does not happen.

5 That's my statement.

6 CHAIRMAN ADDABBO: Well, it's a good one,  
7 Mr. Brandon. Thank you, very much. A question.

8 Since you're here in New York and that  
9 incident that happened in 2006, that was the only  
10 incident that happened to you, is that correct?

11 MR. BRANDON: Since I began voting?

12 CHAIRMAN ADDABBO: Yes.

13 MR. BRANDON: The only time.

14 CHAIRMAN ADDABBO: Okay. And it's a good  
15 point that you make. This is a, you know, a good  
16 piece of legislation that has no boundaries, in a  
17 sense, that this is for every voter, and for every  
18 candidate, that the Andrea Stewart Cousins Bill would  
19 set up the perimeters, correct, in making it fair for  
20 everybody?

21 MR. BRANDON: Well, as a minority who is the  
22 person on the inside of the situation, this would be,  
23 would help me, and my brothers and sisters, to have no  
24 fear to come out to make their official opinion known

1 as to who they want, good or bad, to support them. By  
2 electing them.

3 SENATOR STEWARD COUSINS: Just, I wanted to  
4 clarify something. I think you made it clear in your  
5 statement, but I just wanted to make sure that people  
6 understand. Did you attempt to vote and they didn't  
7 find your name in the book --

8 MR. BRANDON: No.

9 SENATOR STEWART COUSINS: -- before they  
10 asked you to identify yourself?

11 MR. BRANDON: My name was in the book, I  
12 signed in the book. Stood in line to proceed to the  
13 voting machine. They approached me and asked for my  
14 ID.

15 SENATOR STEWART COUSINS: Okay. Thank you.

16 CHAIRMAN ADDABBO: Mr. Brandon, again, thank  
17 you for being here today --

18 MR. BRANDON: Yes.

19 CHAIRMAN ADDABBO: -- and for your testimony  
20 on this issue. Thank you, very much.

21 SENATOR STEWART COUSINS: Thank you.

22 MR. BRANDON: Have a good day.

23 SENATOR ADDABBO: You too.

24 CHAIRMAN ADDABBO: This witness is Roberta



1 Frazer, Yonkers Democratic Committee Board Leader and  
2 District Leader. Ms. Frazer. No? Okay.

3 We're going to call, let's see, is John  
4 Nonna here?

5 Is Robert Gordon here?

6 MR. GORDON: Yeah.

7 CHAIRMAN ADDABBO: Okay. Robert Gordon,  
8 next witness. New York Democratic Voter Council Anti-  
9 Fraud Committee Chair. Mr. Gordon.

10 MR. GORDON

11 New York Democratic Voter Council

12 Anti-Fraud Committee Chair

13 MR. GORDON: Would you like me to provide  
14 you with copies of my written statement?

15 CHAIRMAN ADDABBO: If you have, I'll take --  
16 and that issue for anyone, if you have a copy, I will  
17 take it here. If you don't have it today, certainly  
18 you can send it subsequent to the hearing today.

19 And thank you, Mr. Gordon. Thank you, very  
20 much.

21 SENATOR STEWART COUSINS: Thank you, very  
22 much.

23 CHAIRMAN ADDABBO: Yes, thank you, very  
24 much.

1 MR. GORDON: My name is Robert Gordon. I am  
2 here today on behalf of New York Democratic Lawyers  
3 Council, the NYDLC, to speak in favor of S2554A.  
4 Thank you, Senator Addabbo and the Committee, for  
5 convening this hearing.

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

14 Voter participation is not a partisan issue.  
15 We at the NYDLC do not ask voters who they plan to  
16 vote for, or what party they are a member of. I am  
17 not here to speak for any one party. I am speaking  
18 about the need to have an election process that is  
19 fair so that whoever wins has the respect of the  
20 public who are going to be governed.

21 In our representative democracy, no civic  
22 duty is more fundamental than voting. It is the  
23 elemental step to all of our decisions. Citizens  
24 elect their representatives, who then make decisions

1 for us all. That is why the process for the selection  
2 of public officials must be one that citizens can  
3 trust as fair and honest. Political parties can  
4 disagree about policy, but we all agree that the  
5 election process itself must have integrity. Just as  
6 important, there must be the utmost appearance of  
7 integrity. That is why incidents where a candidate or  
8 supporters use intentionally false information to  
9 deceive eligible voters is so insidious. Worse,  
10 telling voters intentionally false statements that are  
11 an attempt to frighten them away from voting, is a  
12 heinous misuse of the political process. Even  
13 challenging voters becomes obstruction of the voting  
14 process if the challenger challenges everyone waiting  
15 to vote and doesn't have a factual knowledge and basis  
16 that those individuals are ineligible.

17 It's unfortunate that many people look down  
18 on public officials these days, when you all work hard  
19 every day for the public's good. But the reason is,  
20 that politics has a perception that it's just a game.  
21 That candidates can use deceit because it's part of  
22 gamesmanship. That is why this legislation is needed.  
23 To have a clear statement in the law that we do not  
24 approve of those tactics.

1           As elections become competitive, the  
2           motivation for dishonest behavior increases. I can  
3           give you a few examples from New York, from my  
4           experience in elections.

5           In the 2006 race for State Senate in  
6           Syracuse, we had to send an attorney out after reports  
7           that a man falsely claiming to be from one candidate  
8           was outside the polling place telling the candidate's  
9           supporters the polling place had been changed and  
10          sending them away.

11          Also in the 2006 race for Congress in Utica,  
12          it was reported that people went door to door on  
13          election morning falsely claiming to be from the Board  
14          of Elections, and falsely telling perspective voters  
15          their polling place had changed.

16          Recently in 2009, there was a special  
17          election for Congress in Saratoga Springs. We had to  
18          send an attorney out after reports that a man went  
19          through Skidmore College with a bullhorn telling the  
20          students that they weren't allowed to vote. In that  
21          race also, we had to send out an attorney after a  
22          challenger was challenging every student who came in  
23          to vote.

24          Then there's also general chicanery in 2006,

1           which the prior speaker spoke to, about repeated robo  
2           calls at night by one candidate deceptively pretending  
3           to be from the other candidate.

4                        I understand that you'll be hearing from  
5           various incidents from Westchester so I won't cover  
6           that.

7                        This sort of behavior is considered part of  
8           the political process in some circles. There's one  
9           commentator, Rush Limbaugh, boasted in September 2006  
10          on his radio show that this was an appropriate  
11          technique to deceive voters.

12                       There are numerous examples from other  
13          states, others were mentioned earlier, I'll just go  
14          briefly.

15                       There were flyers in Philadelphia in 2008  
16          telling students that the authorities were planning to  
17          monitor the polling place to catch anyone who had  
18          tickets.

19                       In Arizona in 2006, men with guns were  
20          posted outside the polling places to check for  
21          immigrants.

22                       Flyers in Milwaukee in 2004 told voters that  
23          if they owed child support, they would be arrested at  
24          the polling place.

1                   There have been numerous of incidents over  
2                   the years of falsely claiming, in the name of a Board  
3                   of Elections, that has false information. Several  
4                   states have recognized the need to criminalize  
5                   deceptive practices. Florida, Minnesota, Missouri,  
6                   New Hampshire, New Mexico, Louisiana, and North  
7                   Carolina specifically outlaw deceptive practices.  
8                   California even has a sanction against communication  
9                   on line that's deceptive. Montana, Nevada, New  
10                  Jersey, Pennsylvania, South Dakota and Wisconsin  
11                  outlaw impeding the vote through "fraudulent  
12                  contrivance". Colorado, Ohio, and Virginia make it  
13                  unlawful to otherwise interfere with the free exercise  
14                  to vote or induce someone to refrain from voting.

15                  The value of S2554A is several fold:  
16                  Presently Election Law 17150 does refer to  
17                  intimidation fraudulent device, but without  
18                  identifying what behavior is covered. This leaves the  
19                  questions subject to interpretation. This bill  
20                  clarifies the type of behavior that is prohibited.

21                  Two, it clarifies and increases the  
22                  punishment under Election Law 17166 for intimidation  
23                  or deception of voters to make it a class A  
24                  misdemeanor for the first violation, a class D felony

1 for the second, and then a class D felony thereafter.

2 For those who are involved in the campaign,  
3 there should be a clear statement as to what is  
4 permitted and what is not permitted. In this way,  
5 well meaning people will have a clear understanding of  
6 what they are supposed to do. Similarly, by  
7 clarifying the law, we avoid having dishonest people  
8 who will claim the law is unclear to try to avoid  
9 responsibility for their actions.

10 In closing, these voter protection bills,  
11 the statutes in other states that I've mentioned,  
12 passed in Republican control legislatures and Democrat  
13 control legislatures because it's the right thing to  
14 do. The State Senate should pass this bill because it  
15 restores to politics a recognition that it's a  
16 profession, and the legislature respects the voting  
17 public. Everyone, from every side of the aisle, can  
18 agree to take affirmative steps to improve the image  
19 of politics and politicians. This bill sends a strong  
20 statement that the New York Legislature finds that  
21 deception and intimidation have no place in our  
22 election process.

23 The NYDLC commends the Senate for taking up  
24 this important issue.

1                   CHAIRMAN ADDABBO: Thank you, very much, Mr.  
2 Gordon. I want to thank the New York Democratic  
3 Lawyers Council for the work that they've done on this  
4 issue. I know they've done some work, and I  
5 appreciate that.

6                   I asked the question earlier to Mr. Galin  
7 about, do you see this as a rising issue? You  
8 mentioned some instances in your testimony, but again,  
9 the work that you've done on this issue, have you seen  
10 it, is it becoming a rising or more important issue  
11 over the years?

12                  MR. GORDON: It's become, it's become a  
13 rising issue in the last few years, but I will say my  
14 own judgment, it's part and parcel of the closeness of  
15 many elections. In other words, when it's a  
16 landslide, they don't, no one really work very hard  
17 for one side or the other. But when races area few  
18 percentage points here or there, at the margins, there  
19 will often be someone who will want to, rather than  
20 promote themselves, will also try to shave off votes  
21 from the adversary. And that's where getting, you  
22 know, a few hundred, a few thousand votes lost, can  
23 make a difference in a race. So I think because of  
24 the general politics of our state and our country,



1           being as close as they are, that has given more  
2           motivation to certain people and certain groups to use  
3           those kind of tactics more often.

4                   CHAIRMAN ADDABBO:   Okay.  There being no  
5           other questions, Mr. Gordon, thank you, for your time  
6           and testimony.

7                   MR. GORDON:   Thank you.

8                   CHAIRMAN ADDABBO:   Thank you, very much.

9                   Ladies and gentleman, I just want to make an  
10          announcement.  We have been joined by Assemblyman  
11          Brian Kavanagh.  He is Chair of the HAVA Subcommittee  
12          for the State Assembly, and I want to welcome Brian  
13          for being with us here today.

14                   Thank you, very much, Mr. Gordon.

15                   Next witness, Lillie Gallon.  Is Ms. Gallon  
16          here?

17                   Ms. Gallon is Yonkers Democratic Committee  
18          Ward Leader and District Leader.

19                   Good morning, Ms. Gallon.

20                   LILLIE GALLON

21                   Yonkers Democratic Committee Ward Leader

22                   MS. GALLON:   Good morning.  Thank you, for  
23          having the hearing here.

24                   I didn't prepare a speech, but I've been a

1 Co-Ward Leader in Yonkers now since I guess maybe  
2 1996. And on Election Day, the Ward Leader and I  
3 travel the whole Third Ward, to all the polling  
4 places, to hopefully be able to minimize the conflicts  
5 that occur in the polling places. And actually, that  
6 seems to have worked pretty well, most of the time.

7 But we do see problems, not as great as some  
8 other areas of the city. And it also depends upon the  
9 seriousness and the wanting to keep the position of  
10 that particular race by the candidate or candidates.

11 One of the issues that, or many of the  
12 issues that we frequently see on our side of town is  
13 poll watchers being very aggressive, thinking they're  
14 part of the process when they're not. Creating a  
15 hostile environment for the voters because sometimes  
16 things happen, and then the voter is drawn in to the  
17 conflicts that are occurring at the poll.

18 Arguing with the poll inspectors. Sometimes  
19 the poll inspectors, who may not even come from the  
20 City, become really aggressive with other poll  
21 inspectors, upsetting them, creating, again, a hostile  
22 environment within the polling place for the voter.  
23 And drawing that voter into that, and certainly that's  
24 not what the voter is there for.

1                   The other issue is challenges. Or asking  
2                   for ID when clearly in the book, it doesn't require  
3                   the ID. And when you tell them that they're not  
4                   supposed to ask for the ID, or ask them, does it say  
5                   in the book that ID is required, then they become  
6                   hostile with you. And again, it's an intimidation  
7                   tactic.

8                   A lot of times, things happen early, early  
9                   in the morning when people are on their way out to  
10                  work, but they want to get their vote in before the  
11                  day is gone. And they don't appreciate having to do  
12                  that, and sometimes they leave because of it, because  
13                  it's taking too much time.

14                  People's names in the book are missing.  
15                  We've had many instances where we've had old-time  
16                  couples living in the area, going to the same polling  
17                  place for years and years and years, and all of a  
18                  sudden, one is there and one isn't. Now they didn't  
19                  die. So we want to know, well, what happened, and  
20                  then they're required to do a paper ballot. They're  
21                  not always told that they can go to the City Hall and  
22                  actually only came to my attention recently, that the  
23                  judges sitting usually in City Hall, during primaries,  
24                  only general elections. So as a result, even if they

1 had the time or the desire to come to City Hall to be  
2 allowed to vote in the polling machine, they're not  
3 interested in doing it, or they just don't have the  
4 time to do that.

5 I have noticed over the years, and I was  
6 listening to the attorney, and I know it's not all  
7 politicians, but there are a few that make it a bad  
8 name for everybody. And a lot of time, over and over  
9 again, you hear people when you talk to them about  
10 voting and making sure of the importance of voting,  
11 they say, what's the purpose? My vote doesn't count.  
12 Because they see it as an illegal process, not a legal  
13 process. Because when you have the redistricting to  
14 make sure that you have, you keep your position, all  
15 the money that's spent to make sure that you win, all  
16 the little things that happen, that make it so that  
17 less and less the voter has any say so in their  
18 process, and it's very disturbing.

19 And I'm really glad that there is some  
20 legislation pending, and I hope that it goes through  
21 because as far as I'm concerned, the only people who  
22 are important in this process is the voter. That's  
23 what this country was built on. But that's not what  
24 it seems that the politicians, not all, again, but

1           it's pervasive on all levels of government, that they  
2           forget that. And in my perception, sometimes I think  
3           they're trying to make them less and less valuable to  
4           the process, to eliminate them, on any level, whether  
5           it's signing petitions, registration, voting, any  
6           level, I see it happening over and over and over  
7           again. And I don't think it's right, and I don't  
8           think that's what this country is about. So that  
9           truly I do hope that the legislation passes, and that  
10          again, the confidence can be built within the  
11          community, that it is important.

12                   And education. Education is key. Because a  
13          lot of people don't understand the interdependence of  
14          government, levels of government upon each other. And  
15          what rights they have, because it always seems that  
16          they have less and less rights all along.

17                   So that's all I have to say. Thank you, for  
18          listening.

19                   CHAIRMAN ADDABBO: Well let, Ms. Gallon, and  
20          I appreciate your testimony, and I think you're  
21          correct, the focus should be the voter. It's a great  
22          right to have, and obviously the Election's Committee  
23          has been trying to increase voter participation and  
24          clear some barriers to make sure that voter turnout

1 and the voters that do vote have a good experience.

2 If a voter doesn't have a good experience,  
3 they feel intimidated, or they just see something not  
4 right, in your opinion, you're there, you see  
5 something, who should you contact? If you're a voter  
6 and you see something, or you're a victim of it  
7 yourself, if you're at the polling site, who do you  
8 suggest they contact?

9 MS. GALLON: Well I've never personally had  
10 a problem.

11 CHAIRMAN ADDABBO: Mm-hmm.

12 MS. GALLON: But when I'm around and there  
13 is a problem going on, I try to resolve it if I can  
14 because I make sure that I go to all the poll  
15 inspector trainings so that I have a, kind of a birds  
16 eye view of things that are changing in the polling  
17 place. So I do try to, if possible, intercede. And  
18 then other times, I tell them they need to call the  
19 Board of Elections which isn't always helpful. But,  
20 you know, I think from a personal perspective, and  
21 when I think about sometimes people having problems, I  
22 don't think they think they have an avenue to make a  
23 complaint and that it be made and taken seriously and  
24 a resolution. Because that goes in tune with

1 sometimes poll inspectors that have been a problem  
2 over and over and over again, who are argumentative,  
3 who prevent other poll inspectors from doing their  
4 job. Who stockpile paper ballots, and because they're  
5 able to intimidate the other poll inspectors, you  
6 don't know if it's valid or not why these paper  
7 ballots are being filled out. And in writing, and  
8 also in phone calls, complaints have been made. The  
9 person isn't removed. So that's another issue.

10 CHAIRMAN ADDABBO: Okay. Thank you, very  
11 much, Ms. Gallon.

12 MS. GALLON: You're welcome.

13 CHAIRMAN ADDABBO: Thank you, for your time  
14 and testimony. Elegra Dengler. Is Ms. Dengler here?

15 UNIDENTIFIED SPEAKER: She is.

16 CHAIRMAN ADDABBO: Oh, I'm sorry. Ms.  
17 Dengler is from the Citizens Voting Integrity.

18 ELEGRA DENGLER

19 Democratic District Leader, Dobbs Ferry

20 MS. DENGLER: Thanks a lot for having this  
21 hearing and giving the public a chance to address you  
22 guys.

23 I'm Elegra Dengler, I'm a Democratic  
24 District Leader in Dobbs Ferry here in Westchester

1 County, former Trustee in the Village of Dobbs Ferry;  
2 have experience on the ballot, protecting the ballot,  
3 in the polling place.

4 I observed the primary recount in New  
5 Hampshire, the Clinton/Obama recount where paper  
6 ballots and scanners were used. I've also  
7 participated in election protection in Florida as,  
8 from New York Democratic Lawyers Council sent to  
9 volunteers to Florida to help protect the election in  
10 Broward County, Florida, which is another infamous, a  
11 place with infamously bad elections in the past.

12 And since 2004, we've had a group in  
13 Westchester County, Citizens for Voting Integrity,  
14 seeking to protect our vote as we potentially go to  
15 this new voting system.

16 After decades of generally trusted and  
17 reasonably tamperproof elections in New York, run on  
18 mechanical lever voting machines, the transition to a  
19 new voting system based on paper ballots and scanners  
20 carries much risk, which I have seen firsthand. The  
21 threats to our elections posed by this new voting  
22 system must be taken seriously. New York State must  
23 adequately fund all the increased costs of training,  
24 administration, security, audits and equipment. Local



1 government in this fiscal climate, will not, on their  
2 own, be able to adequately fund this replacement  
3 voting system.

4 I'm currently working for the Town of  
5 Greenburg, and Greenburg's cutting police, they're  
6 cutting recreation. The county is in fiscal crisis,  
7 and the state is in fiscal crisis, but if' you're  
8 going to implement this new system, you must  
9 adequately fund it. You've got to fund the audits.  
10 You can't push this down to the local level. If  
11 adequate funding in New York is not available, New  
12 York should not replace the current voting system,  
13 which is functional and has proven functional over the  
14 years.

15 Security costs money. With this new voting  
16 system, we have two very vulnerable, we're replacing  
17 it with two very vulnerable points; one is we need  
18 security for the paper ballots. The other is, we need  
19 security for the vote counting scanners.

20 In the case of the paper ballots, the  
21 problems are well documents. Ballot box stuffing,  
22 misplacement of ballot boxes, substitution,  
23 destruction of ballots. In the old days, it was, the  
24 reason we got the lever voting machines was when

1 ballot boxes were floating in the East River. So  
2 paper ballots are vulnerable. Chain of custody is  
3 crucial.

4 And then the second is the security for vote  
5 counting scanners. The problems of computerized vote  
6 counting are similarly well documented. Study after  
7 study shows what Princeton found in 2002 with their  
8 security analysis of the Diebold Accuvote Scanner,  
9 scanner system. The study shows that -- I have links  
10 to the studies, it found that an attacker who gets  
11 physical access to a machine, or its removable memory  
12 card, for as little as one minute, could install a  
13 malicious code. Malicious code on a machine could  
14 steal votes undetectably, modifying all records, logs  
15 and counters to be consistent with the fraudulent vote  
16 count it creates. An attacker could also create  
17 malicious code that spreads automatically and silently  
18 from machine to machine during normal election  
19 activities. A voting machine virus could effect the  
20 entire election if only one machine is infected.

21 So adequate audits are essential to ensure  
22 that the scanners are counted accurately, are counting  
23 accurately, and I'm not sure, I don't see a timer, so  
24 I don't know how much time I have, but, you know.

1 UNIDENTIFIED SPEAKER: It's not regulated.

2 MS. DENGLER: Just give me a, you know, 60  
3 seconds, whatever.

4 I observed the elections in September, you  
5 know, the primary ballot, the voting that we just had.  
6 And I only was in four polling sites, but of the four,  
7 two of the machines were already dented, the door was  
8 dented. In one of them, a door was dented so much  
9 that you could have access through that door. The  
10 quality of these machines is, you know, we're paying  
11 as much as the cost of a small car for these voting  
12 machines, and they should be able to hold up, you  
13 know, at least one election, because they're not even  
14 being widely used yet in Westchester, only by disabled  
15 voters. Also one, there's supposed to be, I  
16 understand, three security stickers and on one out of  
17 the four, one of the stickers, the one over the ballot  
18 box door was there. Indicates need for training,  
19 support for our poll workers, which costs money, which  
20 we need from the state.

21 And I would say there are three  
22 circumstances under which New York State should not,  
23 under these conditions, use these new scanners at all.

24 The first is, if the scanners do not pass

1 the certification to New York standards. They're  
2 currently being evaluated. If they don't pass those  
3 standards, they should not be used.

4 Two, if New York State does not completely  
5 support the counties with funding to cover all of  
6 their increased costs, especially adequately,  
7 statistically adequate audits.

8 And the third thing is if the voting machine  
9 vendor is found at any time to be in violation of New  
10 York State Finance Law, and the New York State  
11 Comptroller's Procurement and Disbursement Guidelines,  
12 to date, most of the large voting machine vendors have  
13 failed to meet these standards. I have a report  
14 attached that details the problems that vendors have  
15 created for election officials, counties and election  
16 workers around the country over the past few years.

17 So in conclusion, given the known  
18 vulnerabilities and costs of both paper ballots and  
19 electronic vote counting, I urge you, I urge the State  
20 Legislature, in these fiscally uncertain times, to  
21 amend NYS ERMA Law to allow counties to retain their  
22 lever voting machines. And secondly, the Federal HAVA  
23 Law appears not to ban lever voting machines, but to  
24 ensure that there's no cost to litigation, I urge you

1 to, the State Legislature, to convince our  
2 Congressional Delegation to clarify Federal Law by  
3 granting an exemption for New York State to keep our  
4 level voting machines. And I have a couple of  
5 attachments.

6 Voters Unite Report, vendors are undermining  
7 the structure of U.S. Elections. And the GIO Report  
8 from 2005 General Accounting Office, the Federal  
9 Agency, Elections, Federal efforts to improve security  
10 and reliability.

11 CHAIRMAN ADDABBO: Thank you, Ms. Dengler.

12 Ms. Dengler, a couple of questions. A  
13 previous hearing of the Elections Committee we had was  
14 in Albany, and the argument was made by a number of  
15 witnesses to keep the lever machines. And again, I'm  
16 mindful of their concerns, and obviously their points  
17 of view. A question. There is an ongoing discussion  
18 that even with the HAVA and ERMA requirements, that  
19 even with the lever machines but by having at least  
20 one optical scanner machine at a polling site, that  
21 would satisfy the requirements of HAVA and ERMA. To  
22 your understanding, would that be correct?

23 MS. DENGLER: On my reading of the law, you  
24 know, any, maybe a couple of you may be lawyers, there

1 is not, it's not clear in HAVA. In my reading of the  
2 law, it says that a lever -- does not ban lever voting  
3 machines. It says you must have this handicapped  
4 accessibility, which we now have, because we have  
5 these scanners in every polling place. So the Federal  
6 Law, I don't think, is clear. The State Law is clear.  
7 It says levers must go. And you folks are from the  
8 State, so you can just, you know, take that sentence  
9 out of there and let us continue with our existing  
10 voting system.

11 CHAIRMAN ADDABBO: And we are of the  
12 understanding that the State will make a decision,  
13 roughly by the end of this year, they still have the  
14 pilot program going on for this next November,  
15 upcoming November general elections, and so you know,  
16 this Committee will have another hearing after the  
17 general elections to again, examine how the new  
18 machines faired during both primary and general  
19 elections, so we'll take a look and reevaluate the new  
20 machines there.

21 Assemblyman Kavanagh.

22 ASSEMBLYMAN KAVANAGH: Just a question.

23 You mentioned that it's important to have  
24 statistically significant audits of the new election

1 systems. Do you have an opinion about how those  
2 audits ought to be structured, what percentage of the  
3 ballots ought to be audited?

4 MS. DENGLER: I'm, that's not my field of  
5 expertise. There have been comments, I think on that,  
6 from other parties about what's a statistically  
7 adequate audit. In my position of what I saw in New  
8 Hampshire, especially, I think it's really crucial  
9 what happens on election night, before those paper  
10 ballots leave the polling place, that the audit,  
11 whatever audit and count happens, has to start on  
12 election night. You can't put those paper ballots in  
13 a box and send them off someplace and, and have them  
14 out of public view and then have a count. So, because  
15 in New Hampshire, you know, what I observed was there  
16 was the paper ballots exactly, or approximately  
17 matched the printout from the computer. But the  
18 ballots that we were looking at in the State Capital,  
19 we had no way of telling whether those were the same  
20 ballots that had been actually voted on in  
21 Londonderry, or wherever they came from. Because  
22 there was no, they had been out of public view, they  
23 were in, well, New York won't have this problem, but  
24 in New Hampshire, they were literally in Staple's

1 boxes, used Staple boxes with the tape around them.  
2 But once those paper ballots go out of view, anything  
3 can happen to them. We didn't even get the, in New  
4 Hampshire, we didn't even get the poll books so that  
5 we could determine that the same amount, we had the  
6 same amount of ballots that had been voted on in the  
7 local town.

8 ASSEMBLYMAN KAVANAGH: Okay, thank you.

9 CHAIRMAN ADDABBO: Thank you, Ms. Dengler.  
10 Appreciate your time and testimony today.

11 MS. DENGLER: And the --

12 CHAIRMAN ADDABBO: I'll take them here.  
13 Thank you, very much.

14 I know our Senator, our State Senator Andrea  
15 Stewart Cousins has other appointments. I want to  
16 thank, once again, our Senator for being here, for  
17 representing the people so well, for her staff and her  
18 efforts with this issue, so thank you, very much,  
19 Senator Andrea Stewart Cousins.

20 SENATOR STEWART COUSINS: And of course,  
21 thank you, Senator Addabbo, for hosting these  
22 hearings, and for having them right here in Yonkers,  
23 because as you can see, people have quite a lot to  
24 say.



1                   And again, Assemblyman Kavanagh, thank you  
2                   for coming, and welcome to the district, and again,  
3                   thank you, to all who have taken their time to  
4                   participate in this, and hopefully with your help, we  
5                   will really create, again, the type of electoral  
6                   system that you can have confidence in and be proud  
7                   of. So thank you, so much.

8                   CHAIRMAN ADDABBO: Thank you, very much,  
9                   Senator.

10                   Our next witness, I believe in continuing  
11                   the issue about lever machines and optical scanners,  
12                   Marjorie Gersten.

13                   MS. GERSTEN: Correct.

14                   CHAIRMAN ADDABBO: Marjorie is from Where's  
15                   the Paper.org.

16                   MARJORIE GERSTEN  
17                   Representing Brooklyn Chapter of  
18                   WheresThePaper.org

19                   MS. GERSTEN: Representing Brooklyn.

20                   And I will do this in an amended fashion,  
21                   just to sort of speed it along.

22                   I do have some comments though, on what was  
23                   just, with what Elegra Dengler spoke beautifully  
24                   about, as always.

1           You mentioned the pilot program, but what,  
2           from what I understand, is not really sufficient  
3           auditing, so it's not a true pilot program. And with  
4           certification, you keep talking about the importance  
5           of certification, it's immutable process and whatever  
6           they certify and test months and years before has  
7           nothing to do with operations during an election.

8           And I would also ask, I also have memory of  
9           New Hampshire, where the memory cards got immediately  
10          erased. So here you're counting ballots at infinitum  
11          and you're not really comparing it to anything. So  
12          there are a lot of problems with having to audit and  
13          cross-check when we don't have funds and we don't have  
14          set up procedure.

15          I'm just going to talk for a little bit  
16          about the lack of accurate information for the public  
17          and public officials. And I thank you for holding  
18          this hearing and inviting us to speak.

19          I am increasingly concerned that our state  
20          is moving ahead to replace our lever voting machines  
21          without accurate information, about either the levers  
22          or the new equipment of paper ballots and scanners.

23          The public has not been informed, and worse,  
24          neither have our public officials. I want to briefly

1 address four areas and submit documentation to inform  
2 this Committee.

3 Number one, I'm of the contention, as of  
4 many, that HAVA does allow the use of levers if  
5 supplemented by accessible equipment in each poll  
6 site. And it's attached, the relevant portions.

7 Public officials have heard for years from  
8 vendors and their public relations firms that HAVA,  
9 the Help America Vote Act of 2002, prohibits continued  
10 use of lever voting machines. The widespread belief  
11 in this falsehood shows that on one reads legislation.

12 I urge you to distribute this paper, company  
13 documentation, that quotes "the relevant portions of  
14 HAVA in order to inform our legislators, Governor,  
15 county election commissioners and deputies, and  
16 staff."

17 Another point I just want to mention is that  
18 parts and service for lever machines are easily  
19 available and expensive. It is almost an urban legend  
20 that you can't get parts and service for lever voting  
21 machines. Except that people in suburban and rural  
22 parts of our state also have heard this repeatedly,  
23 and it is false.

24 I would like to submit into public record

1           this letter, it's attached, from the Voting Machine  
2           Service Center, which has been in business for over 32  
3           years, and services the AVM lever voting machines used  
4           in most upstate counties, as well as into public  
5           record the facts from International Election  
6           Solutions, which services the Shoup machines used in  
7           the city and Albany County; that state levers can be  
8           maintained indefinitely and inexpensively.

9                        To the best of my knowledge, the lever  
10           voting machines in Ulster County were renovated to  
11           nearly new condition recently for an average cost of  
12           just \$400 each, and such maintenance needs to be done  
13           once every four years. The average cost per machine  
14           then is just over \$100 per year.

15                       Point three. The lever machines can be  
16           broken. However, if our county maintenance personnel  
17           are sinners when it comes to doing a proper job of  
18           keeping the levers in nearly new condition, they will  
19           not all of the sudden become saints when they have to  
20           work on computers.

21                       The main difference is: When a lever  
22           machine is broken, everyone notices. When a  
23           computerized optical scanner is working improperly,  
24           dropping votes or crediting votes to the wrong

1 candidate, no one will notice. As long as people can  
2 still slide their paper ballot into the slot,  
3 everything will look fine.

4 And you talked about giving everybody a  
5 wonderful experience. They will have a wonderful  
6 experience of pushing buttons and sliding paper in,  
7 but that is not what we consider a voting procedure.

8 The lever machines were designed to  
9 facilitate quick visual inspection and simple  
10 mechanical tests, so that they are easy to maintain  
11 and inspect. They cannot switch votes. The low  
12 undervote rate in New York State tells us they work  
13 very well. In 2004, our undervote rate was under 1  
14 percent. In 2008, it was similar.

15 In contrast, computers are impossible to  
16 inspect visually. They require expensive, time-  
17 consuming tests by making up test ballots and feeding  
18 them through the scanner.

19 The scanners are allowed to handle up to  
20 4,000 ballots on election day, according to New York  
21 State's Regulation 6210.19. Yet no one will test that  
22 many ballots in their pre-election tests, and errors  
23 that kick in after a few hundred or a thousand ballots  
24 are cast, will never be detected by pre-election

1 testing. We need realistic testing, but we cannot  
2 afford it.

3 And to the last point, people say paper  
4 ballots will protect us. That would be true if the  
5 votes on the paper ballots were to be hand-counted  
6 immediately upon close of the polls while under  
7 continuous observation by observers.

8 However, 97 percent of paper ballots will be  
9 counted only by computer, invisibly, via software that  
10 cannot be inspected by any candidate or voter, or even  
11 our county election officials. The ballot programming  
12 is on little memory sticks, or memory cards, that will  
13 be secured with a piece of sticky paper called a  
14 tamper evident seal, that could be lifted up and stuck  
15 down again instead of tearing to pieces when it is  
16 peeled off.

17 I do not believe that a 3 percent spot-check  
18 of scanners, combined with 97 percent invisible  
19 computerized vote counting will protect anything  
20 except errors and fraud.

21 At the September 17<sup>th</sup>, 2009 meeting of the  
22 New York State Association of Counties, Aimee Allaud,  
23 Elections Specialist, New York State League of Women  
24 Voters, said, we advocated for the paper ballot,

1 ballot marker-scanner system because with rigorous  
2 procedures and citizen oversight, it is effective in  
3 ensuring both access and accuracy. She also said,  
4 newer technology can provide better verifiability.  
5 However, New York State will not have rigorous  
6 procedures. Three percent spot-check is not rigorous.  
7 To give a sense of what three percent means, ATM  
8 transactions are verified 300 to 500 percent.

9 We will not have citizen oversight because  
10 our state law allows the voted ballots to be out of  
11 observers' view for up to 15 days with no oversight  
12 whatsoever. And it's just a couple more paragraphs.

13 Regardless of what new technology can or  
14 cannot provide, we should not move ahead to replace  
15 our lever votings based on theoretical possibilities.  
16 It is time for our public officials to get more  
17 realistic.

18 Our nation faces an economic downturn. Our  
19 people are out of work. Our tax base is shrinking.  
20 Our state faces a \$2 billion deficit this year, \$18  
21 billion in three years.

22 The likelihood of rigorous procedures in the  
23 foreseeable future is zilch. No county can afford  
24 them, no county has invited its citizens to observe

1 the paper ballots between the end of the election day  
2 and the three percent audit that takes many days after  
3 the election.

4 Given these circumstances, it is urgent for  
5 our state to reconsider the path we are on  
6 immediately.

7 I urge you, Chairman Addabbo, and your  
8 Committee, to try to spread light on these issues to  
9 other officials, and to try to halt our misguided  
10 plans to replace our lever voting machines until we  
11 can afford to handle the new technology as securely as  
12 it needs to be handled.

13 Thank you. And I think just a change of a  
14 word in ERMA from shall to may, I think that's been  
15 brought up before, gives us some breathing space.

16 Thank you.

17 CHAIRMAN ADDABBO: Thank you, Ms. Gersten.  
18 A question, Ms. Gersten, I'm sorry.

19 MS. GERSTEN: Oh, sorry.

20 CHAIRMAN ADDABBO: A quick question from  
21 Assemblyman Kavanagh.

22 MS. GERSTEN: Yes.

23 ASSEMBLYMAN KAVANAGH: I just want to focus  
24 on this issue of the paper ballot being out of public



1 view.

2 MS. GERSTEN: Mm-hmm.

3 ASSEMBLYMAN KAVANAGH: Currently the lever  
4 machines are open on election night, the numbers are  
5 read, if anyone is there to observe, they're then  
6 locked up, packed up, shipped back to the Board of  
7 Elections, and at some later date, they're opened up  
8 again and we all have a chance to review them. Is  
9 that --

10 MS. GERSTEN: It's not apples and oranges  
11 because it's transparently, it's transparent  
12 immediately. Whereas, you know, with New Hampshire,  
13 as I'm saying, the memory card, you know, unless it's  
14 read and not erased, there are just too many variables  
15 that are unknown that can be falsified. Whereas, I  
16 mean a lever machine is like a bicycle. It's just  
17 gears and chains and, and it's all very transparent.  
18 And we can see, to a certain extent, and up to one  
19 percent undervote, what's happening. Whereas  
20 everything is pretty secret with an electronic system.

21 ASSEMBLYMAN KAVANAGH: I understand that,  
22 but in terms of actual custody of the machinery, --

23 MS. GERSTEN: Mm-hmm.

24 ASSEMBLYMAN KAVANAGH: -- I mean, if I

1           wanted to, if I were someone at the Board of Elections  
2           has custody of a machine and I want to change the  
3           outcome on a lever machine, that would be probably not  
4           significantly more difficult than changing the paper  
5           that's in the bin and simultaneously changing the --

6                       MS. GERSTEN: I mean what you can do  
7           electronically is, is a lot greater than what you have  
8           to do with a machine one at a time.

9                       ASSEMBLYMAN KAVANAGH: But you're not going  
10          to change the paper --

11                      MS. GERSTEN: And with --

12                      ASSEMBLYMAN KAVANAGH: -- as well, right? I  
13          mean, just for example, the ES&S machines, which were  
14          in use for a pilot in Buffalo. There is a box where  
15          the ballots go in, there's a counter. The counter  
16          reveals the count on Election Day, to anyone who  
17          happens to be there at the closing time so everybody  
18          gets a digital readout of what the count was as of  
19          that night.

20                      MS. GERSTEN: Mm-hmm.

21                      ASSEMBLYMAN KAVANAGH: The paper's still in  
22          the bin. The counts are presumably on those chips,  
23          and I'm not, I'm just, since you're here to advocate a  
24          particular position, I'm just questioning that

1 position, I'm not --

2 MS. GERSTEN: I'm just saying.

3 ASSEMBLYMAN KAVANAGH: -- taking a position  
4 myself here.

5 MS. GERSTEN: When we had election law  
6 change from paper, they determined that the  
7 transparency of the mechanical, and the hand counting  
8 that night of whatever paper ballot was done for  
9 absentee, or whatever, because that was 100 percent  
10 transparency. And chain of custody was satisfied.  
11 When we're talking about three percent, or unless  
12 you're doing 100 percent that night, which is nothing  
13 I would wish on any Election Board or Commission poll  
14 site, so that's the difficulty of what the optimum is.  
15 Am I sort of getting this? You're talking about an  
16 unrealistic goal with electronics.

17 ASSEMBLYMAN KAVANAGH: And just to be clear,  
18 what my, I share your concern about the adequacy --

19 MS. GERSTEN: Yes.

20 ASSEMBLYMAN KAVANAGH: -- of the audit. I  
21 believe the law is currently too vague about what,  
22 three percent of what ought to be counted. I think  
23 three percent is probably too low a number. But just,  
24 I'm just focusing on this chain of custody issue.

1 MS. GERSTEN: There are statisticians, I  
2 mean if you're insistent on like pursuing this, there  
3 are statisticians, and it's not just a flat  
4 percentage, there are ways to economically do this --

5 ASSEMBLYMAN KAVANAGH: No, I understand  
6 that, I'm just, my question is different. I'm just, I  
7 understand that if we have machines, whatever kind of  
8 machines they are.

9 MS. GERSTEN: Mm-hmm.

10 ASSEMBLYMAN KAVANAGH: We need them to  
11 accurately count the vote. We then need to secure  
12 them, reliably. And then we need to open them at a  
13 time when everyone can see it.

14 My question is, if the machines are, you  
15 know, visible throughout Election Day, they're closed  
16 up, they're secured, just like the machines are now,  
17 and then we review the results, if the review is  
18 adequate, is there something about paper machines --

19 MS. GERSTEN: Well there's something about  
20 the mechanic, mechanical machine, which does not  
21 change without changing it versus electronic, which is  
22 a mutable. It changes all on its own. Or it may be  
23 programmed to do so. It's just very much an unknown,  
24 and we're never really ahead of the curve. So, you

1 know, it's very important to take this memory card,  
2 whatever the results are, and do as much as you can  
3 do, and it's a lot of work and a lot of expense. So  
4 what we're saying, is for all the time and trouble,  
5 and money we don't have, why switch at this point?  
6 Because I don't think what we're being offered in  
7 electronics is anywhere near what we deserve with the  
8 money we're spending. I mean there are people, and  
9 I'm one of them, that electronics are always a  
10 problem. And there are some people that just sort of  
11 like them, believe in them, and like their computer is  
12 the one computer that never crashes.

13 ASSEMBLYMAN KAVANAGH: Right.

14 MS. GERSTEN: But even if you, you want to  
15 pursue it and say it's of the future, we're just not  
16 there yet. They haven't really changed the designs  
17 since they foisted it on us like 10, 15 years ago.  
18 All the money hasn't, has been spent on PR and  
19 litigation, and nothing on designer research.

20 ASSEMBLYMAN KAVANAGH: Okay, and I take it --

21 MS. GERSTEN: And it's junk, so that's part  
22 of the problem.

23 ASSEMBLYMAN KAVANAGH: And I take it your  
24 concerns about the electronics are not assuaged by the

1 fact that there's, unlike our current machines,  
2 there's actually paper that indicates the, that could  
3 be an indication of the intent of each voter.  
4 Obviously that doesn't matter --

5 MS. GERSTEN: I think --

6 ASSEMBLYMAN KAVANAGH: -- whose out auditing  
7 it.

8 MS. GERSTEN: It's the devil we know, and  
9 we've worked with it for years, and we know where  
10 things happen. It's one percent, it's stuff we don't  
11 know. Things have happened, and we know that. It's  
12 what we don't know and will never know with  
13 electronics that really should terrify us a lot more.

14 ASSEMBLYMAN KAVANAGH: Thank you.

15 MS. GERSTEN: Okay.

16 CHAIRMAN ADDABBO: Thank you, Ms. Gersten.

17 Our next witness, Joanne Robinson, Yonkers  
18 Democratic Committee.

19 JOANNE ROBINSON

20 Democratic District Leader

21 MS. ROBINSON: Good morning, my name is  
22 Joanne Robinson. I'd like to say thank you for  
23 coming, Senator Addabbo, and your Committee.

24 I don't have a prepared statement, but I

1           have been a Democratic District Leader for the last  
2           20-so years, some years, and I've seen what I consider  
3           abuses, especially when I listen to the testimony of  
4           Ms. Gallon, and I would agree with her on the fact  
5           where you have some people ask for identification, and  
6           that's, and it says that you're not, and I think that  
7           intimidates people. Many incidences, I've seen  
8           couples who have come to vote year after year, and  
9           then all of the sudden, their name doesn't appear, and  
10          I think this really discourages people from voting.

11                   Also, I don't know if this, you would  
12          consider an abuse, but when it says permanent  
13          registration, and people think that when they fill out  
14          that registration card, that, you know, if they move  
15          from one apartment to the next, or they move someplace  
16          else, that they don't have to register anymore, and I  
17          think that's an abuse because in a sense, it  
18          disenfranchises them, they're not aware that this  
19          happens.

20                   The other thing is when you take somebody's  
21          name off the list, I think that's another abuse  
22          because you're disenfranchising them, and that person  
23          should be notified by the Board of Elections. And I  
24          think that's unfair.

1                   And when you were just talking about  
2 percentages and the electronic system, I'd like to say  
3 that I think money should be spent, especially in  
4 training. We have a difficult enough time training  
5 people on the levers, and I really strongly believe  
6 levers because if you see what happens on the  
7 intranet, can you imagine what you can do with those  
8 electronic machines?

9                   And I also feel that it's very important  
10 that you talked about percentages. Why is it just  
11 that certain percentages, certain machines are  
12 examined and not all? Doesn't everybody's vote count?

13                   And I really feel very strongly, when it  
14 comes to prisoners, maybe it's not an abuse, but they  
15 really are not aware of when they can vote and when  
16 they're not. And when people come up to me and say,  
17 oh, when I'm registering someone, they'll say to me, I  
18 can't vote, or this or that, and then I'll say to  
19 them, were you incarcerated? And nobody really  
20 explains to them exactly when or when they cannot  
21 vote. I think that should be an education by the  
22 probation officers, because I think that's an abuse of  
23 their right. They've served their time in jail, or  
24 whatever institution, and then they come out and they



1 don't really know whether they can. I know it's a  
2 misdemeanor, or there's certain felons or things, but  
3 they really should educate them.

4 And I also think another thing that's  
5 important, that money, that I think it's an abuse that  
6 we can spend loads and loads of dollars on voting and  
7 telling people, you know, to vote for this candidate  
8 or not, but money should be set aside so that people  
9 know that voting, voting is important. And that when  
10 it is, when it occurs, the days, the voting days, and  
11 where people can get information. And especially if  
12 they're, if they are challenged, they don't have an  
13 avenue. I have taken people personally to the judge  
14 because I don't care whether you're Republican or  
15 Democrat, you should not be disenfranchised. And, you  
16 know, you sit there and affidavit paper, and an  
17 affidavit doesn't count. You need to have that vote  
18 on the machine. And people are not aware of that.  
19 And I think that's, I personally think that's an abuse  
20 when people are not aware. And they're also  
21 intimidated. They have to go to the judge, and it's a  
22 simple, it's a simple process, but they don't know  
23 that. And we need to spend more money on education  
24 and making people aware. I think, that, to me, is a

1           terrible, terrible thing. We always want people to  
2           vote, and we talk about why they don't vote when you  
3           have 30 percent, or, you know, or 40 or 50 percent  
4           when other nations that we are talking to about  
5           democracy have a much higher percentage of voting than  
6           we do.

7                           Thank you.

8                   CHAIRMAN ADDABBO: Ms. Robinson, I just want  
9           to let you know, I think you bring up a fine point  
10          about education and awareness, which is why we do  
11          these hearings, and I think that's why Senator Stewart  
12          Cousins' legislation is so important, it will raise  
13          the awareness of voter intimidation now that they'll  
14          be a law again, that deals with it, and deals with the  
15          penalty, and I think you're very correct when you say  
16          there needs to be an awareness and education about  
17          voter intimidation. And hopefully as you we go  
18          forward, we can get this issue out there, so I think  
19          you're right on point.

20                   MS. ROBINSON: Thank you, very much.

21                   CHAIRMAN ADDABBO: Thank you, Ms. Robinson.

22                   MS. ROBINSON: I'm sorry, I don't have a  
23          statement written for you, but I do hope that you will  
24          have your court reporters, or whomever, take all this

1 information down.

2 CHAIRMAN ADDABBO: We do.

3 MS. ROBINSON: Thank you, very much.

4 CHAIRMAN ADDABBO: Thank you.

5 Our next witness, Catherine Skopic.

6 CATHERINE SKOPIC

7 Also Representing Virginia Martin

8 MS. SKOPIC: Good morning, and thank you,  
9 Senators Addabbo.

10 CHAIRMAN ADDABBO: Good morning.

11 MS. SKOPIC: And our HAVA representatives.  
12 My name is Catherine Skopic of Tribeca, New York, and  
13 we just received testimony this morning from Virginia  
14 Martin, who is the Democratic Commissioner of Columbia  
15 County Board of Elections. And I have both her  
16 testimony and mine. May I bring you copies?

17 CHAIRMAN ADDABBO: Sure thing.

18 I will first read the testimony of Virginia  
19 Martin, the Democratic Commissioner, Columbia County  
20 Board of Elections. The Help America Vote Act and the  
21 New Voting System.

22 VIRGINIA MARTIN

23 (Reading from Catherine Skopic)

24 Thank you, Senator Addabbo, for this

1 opportunity to be heard, which I take advantage via  
2 proxy, as I am busy in Hudson preparing for the  
3 November election.

4 I entered the Columbia County Board of  
5 Elections as commissioner last December, and I did so  
6 with high hopes for implementing our Sequoia voting  
7 equipment, which included both the ballot marking  
8 device, which our county had already displayed, or  
9 deployed in two elections, and the optical scanner,  
10 which it had not, and has not yet.

11 It didn't take long for me to realize that I  
12 had a very difficult row to hoe. It didn't take long  
13 to realize that any and all efforts to help people  
14 with disabilities to vote were getting lost in the  
15 shuffle. Or that the resources this voting system  
16 would require were fantastically more than my county  
17 ever dreamed of spending on elections. Or that the  
18 equipment was shoddily made and poorly designed. Or  
19 that given today's economic realities, my chances of  
20 getting the funds and the staff my board would need to  
21 successfully implement this system were somewhere  
22 south of zero. Or that given the increasing number of  
23 optical-scan problems coming to light across the  
24 United States and around the world, the chance of New

1           York State giving me a system of regulations that  
2           would truly protect my voters, my candidates and  
3           myself, while also protecting my taxpayers was, yes,  
4           far south of zero.

5                       Then I read HAVA, and I saw that while the  
6           legislation does provide money to replace lever  
7           machines, it most certainly does not require that they  
8           be replaced.

9                       And then my worldview shifted, and I started  
10          advocating to keep our lever voting machines, which we  
11          could use alongside our ballot-marking devices.  
12          Because clearly, the new machines, the opscans, are  
13          nothing, if not a very expensive and insecure means of  
14          voting that demands that we institute a backup system  
15          of very expensive and very insecure paper ballots.

16                      When I made the decision to keep our lever  
17          machines, I also decided that I would redirect the  
18          energy of my board otherwise would have put into  
19          making the opscans work toward what I thought HAVA was  
20          supposed to be about in the first place; helping  
21          people with disabilities to vote. Since then, our  
22          board has jumped in with both feet, so to speak, to  
23          help disabled people to know that we have ballot-  
24          marking devices, to make sure we have appropriately

1 trained staff in charge of those BMDs at our poll  
2 sites, to make sure our poll sites are fully  
3 accessible, to help everyone all over the county  
4 understand the challenges that people with  
5 disabilities face, and to set up mechanisms by which  
6 all kinds of voters can come to appreciate their many  
7 differences and welcome the participation of all in  
8 the democratic process of casting their votes.

9 I'm very proud of the modest strides we've  
10 made so far, and of the people who have stepped  
11 forward to assist us as we make the act of voting more  
12 democratic. I'm very proud that my county is solidly  
13 behind me and recognizes how illogical it is to  
14 transition from a voting system that works to one  
15 that, without throwing endless piles of money in its  
16 direction, would give us no more than a toss-up chance  
17 of doing what a voting system should do; account for  
18 every vote cast just as it was cast by the voter who  
19 cast it.

20 And my county knows that I won't certify a  
21 computer-counted election.

22 I have taken a proactive position against  
23 electronic voting. While it's not one that many other  
24 election commissioner will take publically, it's a

1 position that most are sympathetic to. I know it's  
2 what our voters, our poll workers, our staff, and our  
3 candidates want. It's certainly what the legislators  
4 who levy our taxes want.

5 Please, listen to the experts who say that,  
6 for electronic voting to be secure, election boards  
7 must conduct very thorough, and yes, expensive,  
8 auditing of the paper ballots of every race. Please,  
9 read the case studies that show how costly electronic  
10 will be for us. Please, acknowledge that optical  
11 scanners have very real limitations and  
12 vulnerabilities. Please, pay attention when yet  
13 another hack into an electronic voting machine is  
14 brought to light. Please, listen and believe when the  
15 two companies providing parts for lever machines tell  
16 you that they are ready and willing to continue  
17 providing all the parts we need, even manufacturing  
18 new lever machines if necessary. Please, think of the  
19 voters, the candidates, and the taxpayers. Please  
20 understand that, to maintain my own integrity, I have  
21 no choice but to refuse to certify a questionable  
22 election result. Please rethink the notion of  
23 electronic voting.

24 We're the Empire State, and we can be the

1 first to take the courageous step in saying no thank  
2 you to electronic voting. If we do, others will  
3 follow. Because when it comes to voting, a simple  
4 mechanical system alongside a ballot-marking device is  
5 better.

6 And now, my very brief statement of my own.

7 CHAIRMAN ADDABBO: Just one point --

8 MS. SKOPIC: Sure.

9 CHAIRMAN ADDABBO: -- for clarification,  
10 because I made a mistake upon introducing you. You  
11 had read a statement from Virginia Martin, the  
12 Democratic Commissioner for the Columbia County Board  
13 of Elections.

14 MS. SKOPIC: Correct.

15 CHAIRMAN ADDABBO: That was --

16 MS. SKOPIC: We just received this testimony  
17 that I just read.

18 CHAIRMAN ADDABBO: And I appreciate you  
19 reading it, thank you.

20 MS. SKOPIC: Yes. That was from Virginia  
21 Martin, Democratic Commissioner, Columbia County Board  
22 of Elections.

23 MS. SKOPIC: And now I'm going to read my  
24 own.



1           As citizen of these United States, reside of  
2           New York State and Educator of 35 years, and I've also  
3           worked on election protection in Philadelphia in the  
4           2004 election, I am present standing here before you  
5           this morning to speak of democracy and the vital  
6           importance of maintaining it.

7           As you know, in order for a democracy to be  
8           a democracy, there must be fair, transparent and  
9           honest elections. The lever voting machine has shown  
10          to be the most reliable, transparent and tamper-proof  
11          voting mechanism we have.

12          Integrity of the vote means that every vote  
13          is counted as the voter intended. Citizen oversight  
14          of elections needs to be facilitated by the voting  
15          technology itself, as well as the procedures with the  
16          vote. As one who has worked several elections as an  
17          inspector, I can assure you that with our lever voting  
18          machines, ordinary people can meaningfully, with  
19          checks and counterchecks, witness, manage, count,  
20          record, and deliver the results of the election to  
21          protective custody who deliver it to the Board of  
22          Elections.

23          There is the protective counter, there is  
24          the public counter, there is the cards, there is the

1 registration book, all of these serve as checks and  
2 counterchecks against the vote and can be proven.

3 So why am I here today concerned about our  
4 democracy? New York State plans to replace these  
5 dependable voting machines with voter-marked paper  
6 ballots and precinct-based optical scanners as of  
7 2010. About one third of upstate counties began using  
8 this new technology as of this year's September  
9 primary. This is a problem for our democracy because  
10 no one can meaningfully observe the handling, storage  
11 or counting of votes.

12 Scanners are computers, and computers have  
13 to be audited. In all other applications, outside of  
14 elections, every computerized step is verified, such  
15 as in the ATM where one's transaction is verified at  
16 least three to five times. New York State law  
17 requires only three percent spot-check of the  
18 scanner's recording, which is not enough to ensure  
19 that the correct winners were found. It means we will  
20 have 97 percent invisible vote count.

21 Another problem with this voting system is  
22 that the resultant voting ballots are out of the  
23 observer's view for up to 15 days, offering the  
24 opportunity for tampering and public suspicion. And

1           there won't be any way of knowing if tampering took  
2           place or not. This is not the way of democracy that  
3           conducts its business in complete public view.

4                     In addition to the lever voting machines  
5           preserving our democracy, we already own them.  
6           Millions of dollars will not have to be spent on  
7           something that does not work as well as what we  
8           already have. And levers were built to last over 120  
9           years. We still have decades left on them.  
10          Maintenance is easy and inexpensive. We could save  
11          the money. I urge you to preserve our democratic  
12          process by keeping our lever voting machines.

13                    Thank you.

14                    CHAIRMAN ADDABBO: Thank you, Ms. Skopic,  
15          and thank you for the reading of the prior statement  
16          as well.

17                    MS. SKOPIC: You're welcome.

18                    CHAIRMAN ADDABBO: Thank you, for your time.  
19                    Our next witness is Ms. Erin Malloy, former  
20          Mayor of Irvington. Malloy, good afternoon.

21                    ERIN MALLOY

22                    Former Mayor of Irvington

23                    MS. MALLOY: Good afternoon to you, and  
24          thanks for the opportunity to speak to you today.

1           As you mentioned, I'm the former Mayor of  
2           Irvington. I also served as a trustee. Prior to  
3           that, I was President of League of Women Voters of  
4           Westchester and the Local Rivertown's League. I am  
5           here in none of those capacities.

6           My name is Erin Malloy, Erin B. Malloy, or  
7           as the good sisters of Immaculate Heart of Mary would  
8           have it, Mary Erin Malloy. And I have, under those  
9           guises, a checking account, Social Security card  
10          saying Mary Erin, and the only time I've ever used B.  
11          in the last, you know, so many years, is when we  
12          refinanced my house. So the IRS is perfectly happy to  
13          accept a check for Mary Erin Malloy's taxes, from Erin  
14          Malloy, and as is everybody else, so there are many,  
15          and I use those examples from a personal standpoint,  
16          of how there are differences in the way one frequently  
17          signs their name.

18          And I'm here in support of the two Senate  
19          bills that Senator Stewart Cousins has sponsored,  
20          2810, and 2545. And both of these address the removal  
21          of restrictions of, as a reason, as a rational for  
22          excluding an absentee ballot. The reasonable  
23          expectations of differences in the way one signs their  
24          names.

1           So very frequently, especially in the last  
2           40 years, 30 years, women in particular, will have  
3           hyphenated names. I did not do that. There are  
4           certainly any number of women who are Stewart Cousins,  
5           for example, and what does happen is that sometimes if  
6           it's not a hyphenate, or you would sign Andrea S.  
7           Cousins, Andrea Stewart Cousins, and there are a  
8           couple of things that happen with that. One is it  
9           depends on how the computer sorts the names. So while  
10          I am not personally a victim, I was collateral damage  
11          to a situation that arose just because of that.

12           A woman sent in for an absentee ballot for  
13          my first mayoral campaign. She received it in the  
14          mail. She filed her absentee ballot in a timely  
15          fashion, signing it Susan B. Morton. On election  
16          night when they were counting it, they did not see a  
17          Susan B. Morton. They looked under Morton. As it  
18          turned out, the election, without going into all the  
19          hideous details, wound up with a split vote of, I was  
20          tied with the incumbent, with one, well first I was  
21          ahead by one with two votes uncounted, two absentee  
22          ballots uncounted. We asked, they asked if they would  
23          allow one of those votes to be counted but not the  
24          other, and we said certainly, but we reserved all

1 rights for the second ballot. The second ballot was  
2 Susan B. Morton, Susan Brenner Morton, sorted under  
3 Brenner in the files.

4 Well eight months later, after original  
5 rulings that her vote should be counted, I mean  
6 obviously there, you know, the interest of her having  
7 done exactly the right thing, the name was there, she  
8 had voted in any number of other elections, and the  
9 point of not counting her ballot was just absurd on  
10 the face of it. And why, and that it didn't happen,  
11 and resulted in on this chaos in our village, was  
12 really a source of a lot of amusement, cost  
13 destruction of our budgets, and in general, you know,  
14 disregard for, you know, the idea that every vote  
15 should count.

16 I have a lawyer friend who says that  
17 Republicans think that voting is a privilege, and the  
18 Democrats think it's a right. I think that's not a  
19 fair assumption. I think this is beyond what  
20 anybody's political stripe is. I think -- and I saw  
21 that in my village. People were outraged that this  
22 woman -- people who were not my supporters, that this  
23 woman, who legitimately cast a ballot, could not have  
24 her vote counted. And so I think as a philosophical

1 point, the idea of finding reasons to not cast  
2 legitimately, not count legitimately cast votes, is  
3 really just anathema to everything that we stand for.

4 So, I would ask that you support this, as do  
5 I, and I appreciate your time. Thanks.

6 CHAIRMAN ADDABBO: Thank you, Ms. Malloy.

7 Just out of curiosity, how many voters in  
8 the village? How many votes were cast?

9 MS. MALLOY: We have, there's 6,600 people,  
10 about 4,000 voters. In that election, we had about  
11 1,800 people, which was a pretty fair turnout for  
12 anybody in the, you know, in 2005. I mean, we've done  
13 better lately, but --

14 CHAIRMAN ADDABBO: I think we had you  
15 slightly more than the past runoff in New York City, I  
16 think.

17 MS. MALLOY: Yeah, right. Three hundred and  
18 ninety.

19 CHAIRMAN ADDABBO: You have a higher  
20 percentage of voters, certainly. You know, and I'm  
21 very happy that you acknowledged the Senator. Senator  
22 Stewart Cousins has really been successful in  
23 championing the name issue of a voter in the State  
24 Senate, and obviously we encourage her to go forward

1 with those issues, but it is an issue. And certainly  
2 I agree with you, anybody who's qualified to vote, to  
3 go vote, and their vote should be counted. So any way  
4 we can help in that endeavor, certainly we look  
5 forward to working with you.

6 MS. MALLOY: Thank you.

7 CHAIRMAN ADDABBO: Thank you, for your time  
8 today.

9 MS. MALLOY: My pleasure.

10 CHAIRMAN ADDABBO: Thank you, very much.  
11 Our next witness, Margaret Setterhome.

12 MS. SETTERHOME: Good morning.

13 CHAIRMAN ADDABBO: Good morning.

14 MARGARET SETTERMORE

15 MS. SETTERHOME: And thank you, for holding  
16 these hearings. I only found out about them on  
17 Friday, so I don't have something prepared. And also,  
18 it seems that there could have been a better turnout.  
19 I don't know if the email outreach in, you know, for  
20 the Hispanic community was dated properly? I'm just  
21 questioning about the turnout if there was, you know,  
22 does this Committee have a proper outreach in their  
23 communiqué, and could you review that, because this is  
24 such an important issue.



1           The right to vote, that every vote is  
2           counted, that every vote is a reflection of our  
3           inalienable rights enshrined in our Constitution; the  
4           right to vote is like a pillar of our entire country.  
5           It's probably the most substantial pillar, pillar of  
6           all. And for that to be under attack.

7           I want to pause and tell you a true story,  
8           briefly, that throughout the summer of 2001, I was the  
9           favorite voter registration person in Grand Central  
10          Station. The Station Master's Office gave me, they  
11          blocked out most of the time they had for public space  
12          for, you know, for public service, so I got the prime  
13          space nearly every day of the month; August, July,  
14          August and September.

15          Now I had an American flag behind me tapped  
16          up. I wrote red, white and blue. I had, you know, a  
17          stars and striped scarf. And I had my little table  
18          there, and I would say register to vote, register to  
19          vote, as people would pass, you know, come and go. I  
20          didn't have a lot of people until 9/11. After 9/11,  
21          now of course, the station had been closed, and then  
22          when it reopened, there I was. I was mobbed. There  
23          now was, there were grand American flags hung, and  
24          they still stand today in the station. I had the only

1 one prior to that. And I had lines. And I had help  
2 from the police. And I took care of everyone. I  
3 registered every party there. I was non partisan.  
4 It's just the passion for what we have.

5 I've lived overseas most of my life, in  
6 third-world countries where there were dictatorships,  
7 and I'd lived in a war zone. And people would look at  
8 me as an American and know what I had, you know, and  
9 they dreamed for that. You could see it in their  
10 eyes, they wished for what we have. So when I came  
11 back in the year 2000, really relieved to be stateside  
12 again, I just had this feeling, we don't seem to value  
13 what we have. Then I saw this overwhelming passion  
14 for what we have after 9/11. Because terrorists  
15 threatened to take away what we have.

16 So, therefore, I had these incredible lines  
17 after 9/11. That's because of terrorism that was,  
18 shall we say, from the outside. But what's happening  
19 now with our voter system, is like terrorism from the  
20 inside.

21 I've heard it today with the speakers before  
22 me as described as tucannery (phonetic), insidious  
23 poisoning of our system, that, you know, they're  
24 deceptive practices, fraudulent, contrivances and all

1           this. I'm going to use a stronger word. It's a type  
2           of terrorism. To corrode our voting system, to make  
3           it so weak and unreliable that we can't depend on it  
4           when our entire democracy depends on this. There are  
5           hackers for hire. It's very serious. The Pentagon  
6           spends billions protecting their system because we  
7           want to be safe from what? Terrorism. We don't have  
8           enough resources to protect, we're not going -- it is  
9           too vulnerable to turn this precious voting system to  
10          an electronic system that can be very easily under  
11          attack. It's something we cannot give the grace of  
12          our country to. I don't feel we should do it. And it  
13          is not about the fear of the new or the fear of  
14          change. No. Our whole election process is about  
15          going for change, going for new. The process itself  
16          is all about that.

17                    This system should be something as someone  
18                    aptly described it, something so reliable a machine,  
19                    that's like a bicycle machine. It's, you can see it,  
20                    you can value it, it's there. And also she made a  
21                    very important point, that it comes down to about \$100  
22                    a year, per machine, to keep it going, keep it oiled,  
23                    keep it going. It's simple. Things, remedies don't  
24                    have to be high tech. They can be low tech and work

1 very well.

2 Now one of the issues, the pressures we're  
3 under, there are two pressures mainly in our voting  
4 system, and I'll wrap this up.

5 One is convenience. There are long lines,  
6 and people have to go. They've got to, you know, so  
7 there's this pressure. Oh, let's make it easier so  
8 everyone votes, they know it's not going to be a, you  
9 know, hell, you know, a day that is wasted waiting in  
10 line. Americans want convenience. Things are  
11 instant. We have microwaves, we have, we're like  
12 this, okay. I think the remedy is simply to have  
13 better trained poll workers, and also more of the  
14 lever machines.

15 I've been a poll worker, and I know that  
16 when everyone's well trained in the crew, and we have,  
17 and all the machines are working, we don't have a  
18 situation, there are three down, you know, that they  
19 have to be working. When everyone's trained very,  
20 very well, we keep it moving. And then the people  
21 waiting in line see that it's moving, and it won't be  
22 that long, and there's this, you have to have good  
23 training, and monitoring, and all that.

24 And now before I go into the other point

1           that's important on, you know, the pressure we're  
2           under, is that on 9/11, I was a poll worker. And,  
3           near the Trade Center. And when it was clear we were  
4           under attack, people in line started to cry. They,  
5           you know, they wanted to cast their vote, but now what  
6           do they do, you know? And I just cried out, vote.  
7           They don't want us to even have the vote, the people  
8           that are doing this. I was emotional, I said vote,  
9           just vote, show that you can fight this. You know,  
10          some people just voted just because they felt that  
11          way. This was as we were under attack. And, you  
12          know, then of course there was no line because of the  
13          situation, and everybody was running north. But I  
14          stayed with the machines, and an officer did, and one  
15          other person, until we got the call that the election  
16          was cancelled. It was primary day for the Mayor of  
17          the City of New York, so the election was cancelled,  
18          so oh, we could all run north. But, you know, we have  
19          to protect what we have, from an inside corrosion,  
20          inside unreliability. That smacks of a kind of  
21          terrorism. And you can be sure that those who want to  
22          destroy what we have would use this as a means to, you  
23          know, hackers for hire, get in there and get their  
24          person who's going to, you know, give the contract, or

1 something.

2 The other thing is, anything to destroy what  
3 we have. Now, the other pressure we're under aside  
4 from convenience, which can be addressed; more  
5 machines and a better trained staff, is lobbying.  
6 These computer companies and programmers, they have  
7 expensive, you know, they have lobbyists, who then  
8 carefully, public relations wise, they shape their  
9 campaigns to sell this so called remedy. And then, of  
10 course, too, part of selling what they think is, you  
11 know, they want you to believe it would work, is to  
12 downplay the advantages of the lever machines. This  
13 is a sales pitch. That is their sales pitch. You're  
14 under pressure from, you know, the industry that wants  
15 an account. So you have to just look at it that way,  
16 and you will be standing firm and protecting what is  
17 so valuable, so extraordinary in this country is the  
18 voting right for every person, and to stand strong,  
19 and acknowledge the brilliant sales pitch that the  
20 electronic industry is promoting, but say thanks, but  
21 no thanks, and keep what is so precious.

22 And so thank you, for indulging me with  
23 these remarks.

24 CHAIRMAN ADDABBO: Thank you, Ms.

1           Setterhome.

2                   MS. SETTERHOME: Thank you.

3                   CHAIRMAN ADDABBO: Thank you, for your time  
4 and testimony.

5                   Our next witness is a gentleman who was up  
6 here earlier, City Council President. Senator, step  
7 forward. Mr. Lesnick.

8                   MR. LESNICK

9                   City Council President

10                  MR. LESNICK: Thank you, Senator, and  
11 Assemblyman, and it's good to see you from this angle  
12 as well.

13                  I wasn't going to speak today, but in  
14 hearing some of the comments that people were making,  
15 I thought about some previous comments that I've made  
16 about the election inspectors. Because they are the  
17 backbone of this system, and they work very hard. I  
18 think they get \$200 for a very long day that starts  
19 about quarter to 6 and goes till about quarter after  
20 9.

21                  In some parts of the state, it's really easy  
22 to find election inspectors. In other parts, it's  
23 very difficult, and I have two suggestions that will  
24 increase the pool of election inspectors.

1           The first is, to recognize that it is every  
2 much a civic duty as jury duty is, let's say. And as  
3 a citizen, you get called for jury duty once every  
4 four years, you have to serve five days. Many people,  
5 especially sole entrepreneurs, can't take five days  
6 off in a row. And if you gave them the option of  
7 serving as an election inspector for five elections  
8 during a four-year period as an exemption and  
9 alternative to jury duty, they might pick it. And  
10 that would give you a pool of people that you could  
11 call upon.

12           The second is, and again, some of these  
13 election inspectors have been doing this for so many  
14 years, they're getting a little old and tired. They  
15 can't always lift the books, they can't always see the  
16 lights and things. It's important to bring young  
17 people into the process. If you drop the age from 18  
18 to 16, obviously a 16-year old isn't a registered  
19 voter, but if they could be an apprentice election  
20 inspector for that two-year period, you'd be training  
21 new people, you'd be providing jobs and opportunities  
22 for young people, and teaching them about the  
23 electoral process in the same fell swoop.

24           So, two suggestions to increase the pool of



1 inspection people. Thank you, very much.

2 CHAIRMAN ADDABBO: Well before you go.

3 MR. LESNICK: Yes.

4 CHAIRMAN ADDABBO: Just so you know, one of  
5 the reasons I love doing these hearings is that we get  
6 to hear ideas, and some of these ideas turn into  
7 legislation, so that is another purpose of these kind  
8 of hearings. And already, we have a couple of  
9 suggestions from previous speakers.

10 Just so you know, there is legislation  
11 pending in my Committee reducing the age of poll  
12 workers and inspectors, technically, to again,  
13 encourage younger people to get involved, and also  
14 widen the pool of perspective workers.

15 And certainly the other idea about serving  
16 in lieu of jury duty is something that we can discuss  
17 in the Committee, so again, City Council President  
18 Lesnick, I appreciate your suggestions and certainly  
19 will bring it back to the Committee.

20 MR. LESNICK: Sure. It would especially  
21 work for people like lawyers who are often exempt from  
22 jury duty anyway, so make them work on the polls  
23 instead. Thanks.

24 CHAIRMAN ADDABBO: Thank you, very much.

1 Thank you.

2 I'll read off a couple of names here. If  
3 you're here, please step forward.

4 Do you have a Ms. Margarett Walton? Is she  
5 here today? Ms. Margarett Walton?

6 Do we have a Mr. John Noona? These were  
7 people I mentioned that they may want to testify.

8 Ken Jenkins? Is he here?

9 Patricia McDow? I don't think, she's not  
10 here.

11 Roberta Frazer, right? That's your sister,  
12 correct?

13 MS. FRAZER: Yes, we're identical twins.

14 CHAIRMAN ADDABBO: So I figured if I didn't  
15 see another one of you here, then she's not here.

16 MS. FRAZER: Yes.

17 CHAIRMAN ADDABBO: Right.

18 Now those were all the people that had  
19 signed up to speak. We have a -- please, come  
20 forward.

21 CHAIRMAN ADDABBO: Good afternoon.

22 MS. SCOVA: Good afternoon.

23 CHAIRMAN ADDABBO: Just please state your  
24 name for the record, please.

1                   PATRICIA BRENNAN SCOVA

2                   Town Clerk, Town of Mt. Pleasant

3                   MS. SCOVA: Patricia Brennan Scova, I'm the  
4                   Town Clerk in the Town of Mount Pleasant. I've been a  
5                   Town Clerk for about 18 years. Before that, for 25  
6                   years, I worked as an election inspector. I was  
7                   involved with my mother in politics, she was the  
8                   secretary to Electoral College for New York State back  
9                   in the 1970's, so I've been around the process for a  
10                  while.

11                  My concern is also the lever machines. The  
12                  new machines, I understand they were used in Putnam.  
13                  I've spoken to some of the clerks in Putnam. They're  
14                  concerned about the count, the three percent. It goes  
15                  beyond that. They said the privacy of your vote was  
16                  not good. They said once they mark their ballot, they  
17                  walk with their ballot to the machine to put it into  
18                  the scanner, and they felt the inspectors could see  
19                  their vote. Especially the primary, when there wasn't  
20                  a large list of candidates. They also said with your  
21                  seniors, some of them are a little shaky, they have to  
22                  mark the box that if you're just out of the line of  
23                  the box, it's rejected. So there are things to  
24                  consider for our seniors voting on these new machines.

1           They're very used to the lever machines. In fact,  
2           some of them still come in and look for the handle  
3           overhead from the old lever machines instead of in  
4           front.

5                         Your lever machines are so safe. I will  
6           point out a personal example.

7                         Several years ago, the keys weren't returned  
8           for the, after the election. And the Board of  
9           Elections came to recanvas, and I didn't have the keys  
10          for a particular district. They said they wanted me  
11          to break the machine, to break the lock. I said give  
12          me some time, I'll call and see how fast I can get  
13          keys, and also I'll call a locksmith. I had two  
14          locksmiths and one of my detectives. The two  
15          locksmiths came in, they could not get into that  
16          machine to open it, and my detective, who has picked a  
17          few locks, could not get into the voting machine. So  
18          your lever machines are very secure.

19                        And one thing I'd like to point out to the  
20          Assemblyman, not all of the lever machines are stored  
21          with the Board of Elections. Mine are stored in my  
22          building, right with my police department. So my  
23          machines are always secure. There is a gate into the  
24          area, besides the locked door, and when there is an

1           impoundment, we padlock the door and we tape the door  
2           with crime tape. So our machines are very secure.

3                       The problem with, I think, some of our  
4           elected officials, is they don't know the process of  
5           Election Day. They don't know the process of a voting  
6           machine. We, as clerks, did run the elections up  
7           until two years ago, and now the Board of Elections  
8           has taken it over. We have secured our machines, we  
9           have secured our voters' integrity, as far as their  
10          vote, and I feel the proposed machines, we are not  
11          ready for them, our voters are not ready for them, our  
12          inspectors are not ready for them.

13                      And going back to the inspectors, their  
14          training has to be upgraded. They need more training.  
15          They don't need training in April, for a 70-year old  
16          person, 75-years old person, a training in April for  
17          voting in November. We have to have ongoing training.  
18          We have all, most of us in our communities now in  
19          Westchester, we have our own cable stations. We  
20          should have something on our cable stations for the  
21          training of our inspectors, as an ongoing thing.  
22          Especially say from mid-August with primaries and with  
23          the voting in November.

24                      But, I thank you for your time. I hope

1           you'll consider all that was said today about the  
2           lever machine.

3                         CHAIRMAN ADDABBO: Patricia, I'm sorry, for  
4           the record, could you just spell your last name,  
5           please?

6                         MS. SCOVA: S-C-O-V, as in Victor, A.

7                         CHAIRMAN ADDABBO: Scova. Ms. Scova, how  
8           many -- you said that you had actually, you had the  
9           experience of running the elections and obviously  
10          overseeing it, for how many years?

11                        MS. SCOVA: Well I'm there, about 14 years.

12                        CHAIRMAN ADDABBO: About 14. And now the  
13          Board of Elections, correct?

14                        MS. SCOVA: Now the Board of Elections.  
15          Well, they've taken over part of it, we still do part.  
16          It's kind of a mish mash in that right now. We're not  
17          doing it, but we are doing it. There's still a lot of  
18          gray area, and it's not easy for the Clerks or the  
19          Board of Elections, because we're not sure who's  
20          responsible for what at this point.

21                        CHAIRMAN ADDABBO: And do you know how many  
22          registered voters in the area?

23                        MS. SCOVA: In my area?

24                        CHAIRMAN ADDABBO: Right.

1 MS. SCOVA: About 26,000.

2 CHAIRMAN ADDABBO: Twenty-six thousand.

3 We have a questions from Assemblyman  
4 Kavanagh.

5 ASSEMBLYMAN KAVANAGH: Thank you, and I just  
6 want to say that you mentioned elected officials not  
7 fully familiar with the election process. As I, I'm a  
8 very newly appointed share of a sub-committee in the  
9 Assembly on Election Day Operations, and certainly  
10 will be looking forward to learning a great deal from  
11 folks like yourself, and I've already been around the  
12 state to meet with election officials in a few  
13 counties, and we'll continue that, and that's also why  
14 I'm here today, even though I'm not a member of this  
15 Committee.

16 I just want to talk to you about the, your  
17 points about the, about securing the machines, and  
18 your point is well taken that in some parts of the  
19 state they're not, there's not a central location  
20 where the Board of Elections stores them. But in  
21 terms of physically securing machines after the polls  
22 close, would you anticipate, assuming, and I  
23 understanding you have concerns about implementing the  
24 non-lever machines, the electronic machine, but would

1           you anticipate that the security of the machines from  
2           the point the polls close to the point where the  
3           machines are opened and examined, would be handled  
4           similarly?

5                       MS. SCOVA: Yes. I know a lot of places,  
6           you know, like Yonkers, they have 300 and some  
7           machines. I don't know if they get them all back  
8           election night, or it's the next day, or if it's the  
9           course of several days. But there has to be one, one  
10          size fits all, as far as -- if you're doing this, do  
11          it right. Everybody should be under the same guise.  
12          All machines go out one day before, or they're picked  
13          up one day afterwards, but I think one size fits all,  
14          it should be, across the state. At least the state.  
15          I know HAVA was designed to make the whole country,  
16          you know, more or less in compliance, and one page,  
17          but that's not happening, it's not happening in New  
18          York because counties are allowed to pick whatever  
19          machine they decide on and that, I think is a mistake.  
20          I think the state should be uniform.

21                       And one thing I would ask that as clerks,  
22          we've been completely ignored. There was a committee  
23          previously to yours, that we met with with the League  
24          of Women Voters in White Plains several years ago, and



1 not a clerk was invited to be on that committee. And,  
2 you know, we're the guys on the front line. We're  
3 still getting the calls from our voters and our  
4 inspectors, even though the Board of Elections is  
5 doing the hiring of the inspectors at this point. The  
6 clerks are still on the front line. We're still  
7 getting the phone calls. And we're the ones that deal  
8 with the voters, not the Board of Elections, and not  
9 with a committee, so we'd like to be include to, you  
10 know, know about these public hearings or any  
11 committee meetings that you'd have. I think we have  
12 good input.

13 ASSEMBLYMAN KAVANAGH: I appreciate your  
14 input today, thank you.

15 MS. SCOVA: Thank you.

16 CHAIRMAN ADDABBO: Ms. Scova, thank you, for  
17 your time and testimony today.

18 Ladies and gentleman, we're going to take a  
19 brief intermission here, a recess. John Nonna, who's  
20 Westchester County Legislator and Ken Jenkins of  
21 Westchester County Legislator, both are traveling  
22 together and they're on their way. They are  
23 technically the last two to give testimony today, so  
24 we'll take a brief recess until, upon their arrival.

1 Thank you, very much.

2 (Brief Recess Taken)

3 CHAIRMAN ADDABBO: Okay, good afternoon,  
4 everyone. And thank you, for your patience.

5 We will reconvene, and the next witness will  
6 be John Nonna, Westchester County Legislator and the  
7 New York Democratic Council's Co-Chair. Mr. Nonna.

8 JOHN NONNA

9 Member New York Democratic Council

10 MR. NONNA: Thank you Senator.

11 I am a member of the New York Democratic  
12 Council, in fact, I'm Co-Chair of that group, and a  
13 Westchester County Legislator. And the purpose of our  
14 group is to protect the right to vote. We're a  
15 coalition of lawyers and non-lawyers dedicated to  
16 fostering universal participation and trust in the  
17 electoral process by ensuring that all eligible  
18 persons can register to vote easily, all registered  
19 voters are able to vote simply, fairly and without  
20 intimidation, and all votes are counted, and all  
21 voting systems are open and reliable.

22 And we count several thousand New Yorkers  
23 from across the state among our ranks, and as I said,  
24 membership is open to not only lawyers, but any people

1           who share our commitment to voting rights. And since  
2           our inception in 2004, we have organized election  
3           monitoring activities and municipal, county,  
4           congressional and statewide elections in rural,  
5           suburban and urban communities across New York State,  
6           and we protect the vote no matter which party the  
7           voter is enrolled in.

8                         And we have quite a lot of experience in  
9           monitoring the polls on election date, and we will  
10          quickly bring one to, that our experience brings one  
11          to the conclusion that there are some problems at the  
12          polls that are better solved through prevention  
13          beforehand rather through intervention on Election Day  
14          when the time pressure is very difficult in trying to  
15          resolve a problem that a voter has at the polls.

16                        We have formed a number of committees that  
17          research and investigate election law-related issues,  
18          such as implementation of the Help America Vote Act in  
19          New York State, minority voting rights, encountering  
20          deceptive practices. I believe one of my colleagues  
21          on the Lawyers' Council has already testified, Rob  
22          Gordon, who chairs the Committee on Countering  
23          Deceptive Practices.

24                        I appeared today to speak in support of one

1 of the measures being considered by the Committee,  
2 Senate Bill 2554, introduced by Senator Andrea Stewart  
3 Cousins, which amends Article 17 of the Election Law  
4 by adding a new section, 17-153, creating the crime of  
5 voter suppression and providing penalties for that  
6 crime. We believe this bill will strengthen the  
7 current law against voter intimidation and suppression  
8 and serve to deter such activities before they occur  
9 on Election Day. This legislation would also provide  
10 some appropriate penalties for that crime, which  
11 undermines not only one of our basic tenants, but one  
12 of the basic fundamental tenants of democracy that all  
13 registered voters be able to vote simply, fairly and  
14 without intimidation. And I'd like to just mention  
15 some of our organization's experience in elections in  
16 New York State.

17 We applaud and support measures which serve  
18 to protect the essential right of voters to make their  
19 voice heard. Such measures need little justification.  
20 Senator Andrea Stewart Cousins references Election Day  
21 2006 in Yonkers as a justification for this  
22 legislation. The incidents that occurred that day are  
23 a prime example of the remaining presence of voter  
24 suppression in today's elections, and we can speak

1 directly to what our field attorneys dealt with  
2 firsthand on that day.

3 On November 7<sup>th</sup>, 2006, the Lawyer's Council  
4 deployed more than 500 attorneys and other volunteer  
5 poll watchers across the state to observe and solve  
6 incidents as they arose. When incidents do occur,  
7 ranging from broken machines to voter intimidation,  
8 they were phoned to our local boiler room of attorneys  
9 for further review, and to be recorded. Within in the  
10 35<sup>th</sup> Senate District, this district, where the highest  
11 density of incidents occurred, our boiler room  
12 recorded 110 incidents on Election Day, an abnormal 28  
13 percent of those incidents involved voter intimidation  
14 or suppression.

15 Poll watchers observed several instances of  
16 off-duty police officers and firefighters actively  
17 intimidating voters. In several polling places, off-  
18 duty police officers displayed guns and badges while  
19 questioning voters and escorting certain poll watchers  
20 around to question poll workers and voters.  
21 Firefighters, many of whom were not Westchester  
22 residents, questioned voters inside and outside of the  
23 polls and loitered inside the polling places without  
24 purpose. Off-duty corrections officers, still wearing

1           their correction department jackets, checked over poll  
2           workers' lists. Poll workers were also intimidated by  
3           the officers accused of electioneering and told they  
4           were not allowed to write down license plate numbers  
5           of the offending officers.

6                        These intimidating persons came in large  
7           groups with different poll watchers reporting the  
8           presence, for instance, of seven firefighters, large  
9           groups of officers, and "twenty operatives" at  
10          different polling places throughout the day. These  
11         large groups disrupted the polling, the voting process  
12         and clearly displayed their allegiances to voters.

13                      Our poll watchers also reported numerous  
14         voters being challenged based on their signatures and  
15         details of addresses. These challenges were legal,  
16         but the frequency with which they occurred was  
17         abnormal and indicated that they were pre-planned.

18                      Josh Stuben, one of our poll workers at the  
19         Police Athletic League in Yonkers on that day,  
20         witnessed an elderly voter who was having difficulty  
21         writing being repeatedly questioned as to why her  
22         signature did not match the one on record. The goal  
23         of the challenging poll watchers was that challenged  
24         voters be made to vote on paper ballots that would be

1 subject to scrutiny by the candidate's attorneys, and  
2 at risk for being disqualified due to simple errors in  
3 filling out the affidavit.

4 These challenges also serve another  
5 nefarious purpose. They slow down the voting process,  
6 create lines and cause votes to leave without casting  
7 a vote. And also tremendously decreasing confidence  
8 in the whole democratic process.

9 One voter sought a court order to vote on  
10 the voting machine but was intimidated away from  
11 casting her vote by poll workers, even after  
12 displaying a court order.

13 This past November, the NYDLC had a team of  
14 over 1,000 attorneys in the field across New York  
15 State. And fortunately, only 4 percent of incidents  
16 on Election Day 2008 involved intimidation. However,  
17 this is still almost 30 incidents across the state  
18 that should not have occurred. And they occurred  
19 disproportionately in districts with contentious  
20 races, just as they did in 2002. So our work has made  
21 it clear that the law on voter intimidation and  
22 suppression must be clearer, and the penalties  
23 stricter, in order to safeguard the voter's right to  
24 participate in the electoral process.

1           So in conclusion, I speak in support of  
2           Senate Bill 2554 amending the election law to create a  
3           new section creating the crime of voter suppression  
4           and providing penalties for that crime. As Senator  
5           Stewart Cousins aptly says in her justification, "This  
6           legislation would fill an important void in the  
7           election law by creating a new statute that would  
8           directly address and hold people accountable for  
9           intentionally suppression the vote."

10           This measure would be significant welcome  
11           contribution to the electoral process in the state of  
12           New York protecting the rights of voters and  
13           strengthening our democratic process.

14           Thank you, for your time.

15           CHAIRMAN ADDABBO: Thank you, very much, Mr.  
16           Nonna.

17           And our last witness for today is Ken  
18           Jenkins, Westchester County Legislator.

19           KEN JENKINS

20           Westchester County Legislator

21           MR. JENKINS: Thank you, Senator.

22           First, let me say good afternoon to you, and  
23           I appreciate having the opportunity to speak this  
24           afternoon. I'm actually going to speak on multiple,



1 with multiple hats on, as we normally have tendency to  
2 do.

3 Not only am I County Legislator that  
4 represents this particular area, the 16-County  
5 Legislative District, I was fortunate enough to follow  
6 Senator Stewart Cousins in her County Legislative  
7 seat, but I'm also the Chairman of the Yonkers  
8 Democratic Party. And between the issues as we've  
9 seen on voter suppression over the years, there is  
10 clearly a necessity for us to have action that's taken  
11 at the state level and make some modification in our  
12 voter process, and I want to speak about specific  
13 items, not just limited to the voter intimidation  
14 portion. So, certainly we are in support of Senator  
15 Stewart Cousins' Bill that is in front of us, 2554  
16 regarding voter intimidation and specifically created  
17 penalties at a different level.

18 The experience that we've had in Yonkers on  
19 several occasions, and legislative, Nonna pointed out  
20 one at the PAL, where myself and the First Vice Chair  
21 of the party happened to go several times that day  
22 because of the level of intimidation and suppression  
23 tactics that were there. Not only were there huge  
24 numbers of people outside of the polling place, and a

1 lot of times that happens when people are handing out  
2 literature, at least they claim to be handing out  
3 literature, in front of polling places, that that  
4 intimidates people. But inside of the polling place,  
5 we had many different locations where there were  
6 multiple people inside of the location.

7 So an example is at one particular location,  
8 had eight different people for the same candidate.  
9 But because that candidate was on multiple lines, they  
10 were allowed to have, you know, a set of poll watchers  
11 for each one of those lines. And I'll get to that a  
12 little bit later 'cause that needs to be modified, but  
13 I will tell you that the people in this particular  
14 voting place were, the workers were intimidated by the  
15 amount of people that were there. Not because there  
16 were going to be any changes. This particular  
17 district was heavily African American, and has been  
18 heavily African American and Democrat, and there was  
19 not going to be any changes of the vote.

20 At the end of that particular polling site,  
21 if I recall correctly, I believe that Senator  
22 received, out of the 600 votes that are in that area,  
23 somewhere in the 590 range. So the people being on  
24 the polling site did not make a modification, but

1           tried to serve as intimidation. And it actually  
2           served the opposite process, where people said, you  
3           know what, I'm, I stood on some situations in the  
4           south and in the past where intimidation took place,  
5           and this reminded me of that, and I did relate that to  
6           some of the officers, the fire officers who were off  
7           duty at the time to deal with that.

8                        In addition, the process where every  
9           signature is checked, there has to be some kind of  
10          limit, I'm not sure if we get to the NFL rules that  
11          you can have two challenges per half, but I don't  
12          think that's gonna happen at that level, but there  
13          certainly should be some reasonable level of  
14          challenge.

15                      All of us, I know the signature on my own  
16          voting card does not look the same as my signature  
17          today since I signed it when I was 18 years old, and  
18          it's been a few years since that point in time. Yes,  
19          I might have that youthful appearance, but I'm  
20          definitely not 18 anymore.

21                      The next point that I wanted to bring up was  
22          that in our poll inspectors, there's several bills  
23          that are in front of you that happen to do with the  
24          poll inspector process as itself, as it is, and to

1 allow split shifts of our poll inspectors because  
2 quite frankly, asking anyone to be working for 16  
3 hours a day, at minimum, is, we would, we have all  
4 these other laws that prevent that. All right. They  
5 would be a sweat shop, or something else, we would be  
6 in violation of many of our own laws, but we ask  
7 people routinely, many of them happen to be senior  
8 citizens, to stand and to be around for 16 hours and  
9 have their wits about them the same way at 6 o'clock  
10 at night as they did at 6 o'clock in the morning. So  
11 it's something that we should certainly consider as  
12 we're going through this particular process.

13 We did have several improvements. And it  
14 would be remiss on my part not to suggest that there  
15 weren't, based on the things that we had happen in  
16 first our 18 vote laws with Senator Stewart Cousin and  
17 then her subsequent wins. There were changes that  
18 were made at the polling places that when someone  
19 comes to a polling place, they must be told the right  
20 polling place now, they're not allowed to vote because  
21 of the Ask Ed system that the state has funded, that  
22 helps give people information along with a map for  
23 them to get to the place they have to go to, in both  
24 English and in Spanish, will say the things out to

1           them, so there are improvements that have been made,  
2           and we should note that.

3                         Now the other part was with the registration  
4           and training that we have to do for our election  
5           inspectors.

6                         The Democratic Lawyers Group, the New York  
7           Democratic Lawyers' Council and all those great  
8           organizations that help people through these process,  
9           and I'm sure there's counterparts on the other  
10          parties; the fact of the matter is, the fact that we  
11          have those groups in existence means that there are  
12          significant problems in the system that must be  
13          addressed. We should not have to have a cadre of a  
14          thousand lawyers to be available to us to be at all  
15          the polling places, which they were for us in Yonkers  
16          and in the 31<sup>st</sup> State Senate District, to be at every  
17          polling place to monitor and maintain, have a boiler  
18          room where they're taking complaints. There's  
19          something wrong with that particular part of the  
20          process that we have to have that in the beginning.

21                         Now I did relate a point of having, you  
22          know, six people in a room, and fortunately for me and  
23          many other individuals, we are blessed to be cross  
24          endorsed by other parties, but the fact of the matter

1 is that you all need to take up that particular change  
2 and make a modification in that as well. And it does,  
3 much purposes.

4 One is that we're trying to get more people  
5 involved in the electoral process. We can't do that  
6 if everyone's scoffing up all the opportunities to say  
7 something based on being on multiple lines. But more  
8 importantly, it opens up the process, and I think that  
9 there's some things that could be modified that would  
10 be beneficial to the candidates as well. There's no  
11 reason for people that are running for office to be  
12 glorified cookie sales people to knock on every door  
13 to get the same, a number of signatures on a petition,  
14 which is subsequently challenged as a matter of  
15 routine, to make sure that you're getting on the line.  
16 I think that the parties, all of the individual  
17 parties, select people through their endorsement  
18 process, and those guys should get on the line  
19 automatically. People that want to challenge,  
20 therefore, then would carry those petitions and would  
21 have that ability to challenge by that, but because  
22 there's less people involved, now you're not  
23 challenging signatures that said, you signed before  
24 the other person signed. And then quite frankly would

1           it would do is, it will eliminate some of the things  
2           that we're concerned about from an ethics and a  
3           campaign finance reform perspective of. You know, I  
4           have candidates that seek other lines, and the fact is  
5           that they spend a lot of money trying to seek those  
6           lines, and it may or may not be worth that particular  
7           effort. Certainly, there will be people that over the  
8           years, who say that I didn't have that level of  
9           support and they may not have been victorious, but if  
10          you're a great elected official, then your message  
11          comes across no matter which things that should have  
12          to be done on.

13                         The party traditionally has performed the  
14          role here, at least in Yonkers before the HAVA Act  
15          continued, or kicked in, where we had situations where  
16          the party and the ward leaders and the district  
17          leaders would go out to polling sites, and they would  
18          be the trouble shooters. And many times can tell you  
19          still, we're the first line of defense. So on  
20          Election Day when there's a problem, the poll watchers  
21          call, and from a boiler room, they'll call the local  
22          official and the party's chair, and we'll go out to a  
23          site, and we'll work with the Board of Elections and  
24          say, this is a problem, you need to come down here

1           because obviously on Election Day when hundreds of  
2           sites, they can't be everywhere. But the fact of the  
3           matter is, all of the documentation that's in front of  
4           the poll inspector, all the documentation that's up on  
5           the wall for people with 32 or 33 different sheets of  
6           paper around each polling site, is just too much. We  
7           need to clarify, we need to straighten up the  
8           processes and the procedures, and those things will  
9           make more people become voters and stay involved in  
10          the process. Right now, that doesn't happen as much  
11          as it needs to.

12                        Again, I appreciate the opportunity for  
13                        coming out and being able to present this information  
14                        to the hearing today, and I'm happy to answer  
15                        questions if you have any, Senator.

16                        CHAIRMAN ADDABBO: Well, Mr. Jenkins, you  
17                        made a great, great case for being the last witness  
18                        because you just summed up all our issues that we  
19                        spoke about today, some of which you should know that,  
20                        you know, some of the issues you mentioned regarding  
21                        signature on a card and part-time workers, these are  
22                        things that either the State Senate has worked on or  
23                        is currently working, and certainly, we hope to keep  
24                        in touch regarding the status of all of these issues,



1 and these are important issues, as we look to increase  
2 the, or facilitate the voting process for qualified  
3 voters. And obviously make the experience of voting a  
4 pleasurable one as they, you know, again, do their  
5 Democratic and patriotic duty of voting.

6 Again, I appreciate your time here today.

7 MR. JENKINS: Thank you.

8 CHAIRMAN ADDABBO: And I appreciate, you  
9 know, all witnesses' time here today, so thank you,  
10 very much, Mr. Jenkins.

11 Again, thank you, very much for  
12 participating.

13 Just again, I want to thank City, the  
14 Council President Chuck Lesnick and his staff for  
15 allowing us to be here today. Of course, our Senate  
16 staff, the media here. To my right here, the  
17 Assemblyman Brian Kavanaugh, again, thank you, for his  
18 efforts. And again, it's this kind of dialogue, as I  
19 take this back to my colleagues in the Election's  
20 Committee, but also the broader body of the State  
21 Senate, as we talk about the processes that need to be  
22 changed, or at least addressed, making it an easier  
23 process for our voters throughout the state. That's  
24 what these hearings are for.

1                   Our next hearing is this Friday, coming up  
2                   in Manhattan, on the same topics, and I look forward  
3                   to a, you know, a constructive discussion at that  
4                   point.

5                   But once again, it is a pleasure being here  
6                   in Yonkers, and thank you, very much, and this hearing  
7                   is adjourned.

8                   Thank you very much everyone.

9                   **(Whereupon, the proceeding in the**  
10                  **above-entitled matter was concluded)**