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THE LEAGUE OF WOMEN VOTERS *of New York State*

TESTIMONY BEFORE JOINT STANDING COMMITTEES ON ELECTION LAW NOVEMBER 20th, 2019, 10:00 am 250 BROADWAY, 19th FLOOR, NY, NEW YORK

I. Introduction

In 2019, for the first time ever, New York State voters had the opportunity to cast their ballots in person ahead of Election Day. The League of Women Voters was actively involved in advocating for the passage and implementation of this reform. Over the past six months, the League has been dedicated to ensuring voters knew about the new early voting policy and how they could vote early in New York State.

The League created early voting educational materials including a brochure translated into five languages and individual leaflets with early voting poll site locations, hours, transportation options, and handicap accessibility for all 62 counties. The League sent over 150,000 brochures and poll site informational leaflets to every county in New York State. The League's 48 local chapters distributed these materials at voter registration drives, community events, and League sponsored debates throughout the state. The League sent additional materials to 25 rural counties' libraries, town halls, universities, and community centers to provide additional early voting education in hard to reach areas. The League also maintained an early voting informational website with poll site information for all early voting sites in New York.

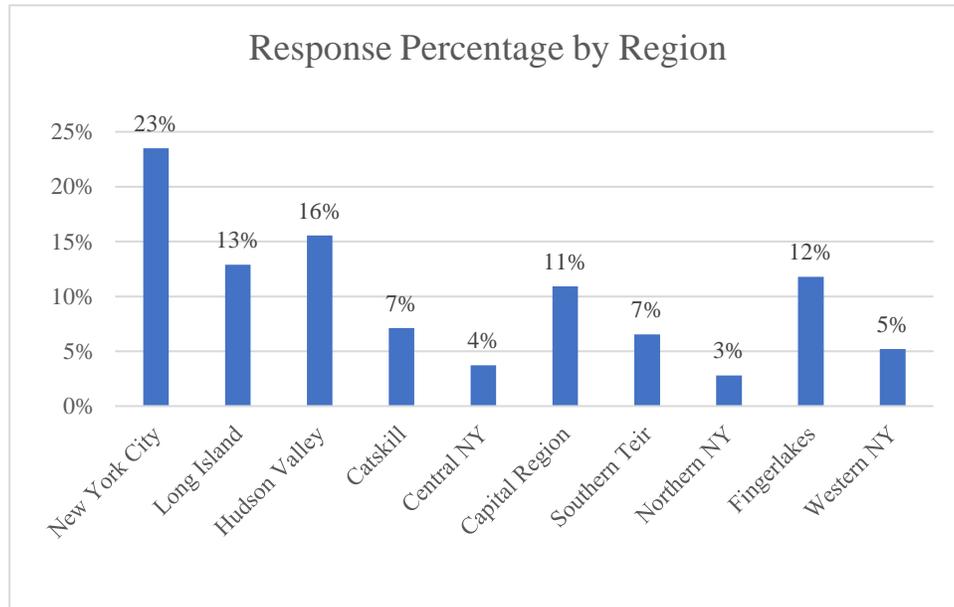
During the early voting period, the League conducted a statewide survey to find out about New Yorkers' experiences voting early for the first time. In total, the League received 1,791 survey responses from voters residing in 54 counties across the state. In addition to our survey, the League received dozens of emails and phone calls from voters and League members reporting issues about their early voting and Election Day voting experiences. A full report of our survey results is included as an attachment to this testimony. In our testimony, we will summarize our survey result and make recommendations for early voting improvements to be made ahead of 2020.

Although there were several areas in need of improvement, it cannot be understated how overwhelmingly positive the overall response was from voters who took the opportunity to vote early. More than 90% of voters surveyed said they plan to vote early again in the future. In spite of the overall positive outcome, there were several common issues that can be categorized into four areas: poll site location, poll worker readiness, equipment onboarding, and board of election outreach. Specific comments from voters across the state on all the issues listed in this testimony are included in the League's early voting survey report.

II. Survey Demographics

Although the League is including our early voting survey report as an attachment to our testimony, we'd like to summarize the localities represented within our report. As mentioned, the League received nearly 1,800 survey responses from voters representing 54 counties. These voters reported data for 239 individual poll sites around the state. The League analyzed the statewide survey data but also created regional reports for eight areas of the state. The 54 counties were separated into New York City, Long

Island, Hudson Valley, Catskill, Capital Region, Central New York, Northern New York, Southern Tier, Finger Lakes, and Western New York. The graph below shows the percentage of voters participation in our survey categorized into each of these regions.



Within our report, the League included survey results statistics for each of these regions. Although the survey represented both urban and rural communities, voters from throughout the state reported similar issues during the early voting period. The following section explains each of the four issues and makes recommendations on how the legislature and boards of elections can remedy these issues.

III. Early Voting Issues

1. Poll Site Location

One of the most prevalent issues raised by voters surveyed was the location and type of poll site selected for early voting. 116 surveyed voters offered specific feedback regarding site locations. Voters comments varied but mainly highlighted distance from the voter's residence, accessibility, room size, and room location within the building where early voting was taking place.

Location was a major source of concern for voters throughout the state. In both rural and urban settings, voters felt that locations could have been selected more strategically to represent voters living throughout the county. Voters north of New York City reported driving an hour or more to reach their poll sites

Room size was an issue raised by voters in Erie, Kings, Nassau, Saratoga, Westchester, Ulster, and Monroe. Voters felt the rooms used for early voting in these counties were too small and made voters feel uncomfortable. Voters in Broome and Monroe also had difficulty finding their sites which were in malls and shopping centers.

Electrical power capability was an additional issue caused by poll site locations. Several early voting poll sites did not have enough electrical outlets to plug in voting machines, electronic poll books, and/or ballot on demand printers. Voters also reported poll sites locations needing to use additional electrical

sources such as gas generators to power poll site equipment. Electronic poll books in New York City were also reported to have not been charged fully before the start of the early voting period.

Public transportation and parking were two additional complaints raised by voters surveyed. 20 voters offered specific comments about the absence of public transit options or the insufficient parking options near their poll sites. Public transportation complaints were especially common in Bronx, Dutchess, Fulton, Putnam, Saratoga, Rensselaer, Monroe, and Ulster counties. Parking issues were prevalent in Westchester, Ulster, and Tompkins with lack of handicap parking being an additional issue in Albany and Suffolk.

Poll site assignment was a common complaint in the eight counties who assigned poll site locations. Albany, Orange, Westchester, and New York City voters found the assignment method confusing and several voters initially went to an incorrect poll site before figuring out their actual poll site. Voters were especially angry after discovering their early voting poll sites had electronic poll books and feasibly could have had voting centers. Although these voters still said they had a positive early voting experience overall, they said being able to vote at any site would be a great improvement.

Signage outside of poll locations was sporadic throughout the state. Voters in 11 counties said that their poll sites did not have adequate signage. Lack of signage in these counties added to further confusion about the location of poll sites. Ineffectual signage was especially an issue at poll sites housed within shopping centers or malls. These voters had difficulty finding the poll location within these larger facilities because signage was not apparent within the shopping center.

2. Poll Worker Readiness

Voters said that poll workers were overall friendly and enthusiastic during the early voting period. Unfortunately, many voters commented that poll workers did not appear to be adequately trained on the new equipment and raised concerns over the manner poll sites were staffed. 21 voters offered specific comments about poll workers performance during the early voting period.

Poll workers requested photo ID from voters in 5 counties. The League believes this was done to expedite the check in process because of the new scan function on some electronic poll book models. Voters who reported this issue refused to present their IDs but stated that they felt uncomfortable being asked. One county had signage listed at the door of their early voting poll site telling voters to have their ID ready upon entry.

Overstaffing was another common issue noted throughout the state. Voters in New York, Kings, Erie, Albany, Suffolk, Monroe, Otsego, and Livingston reported that poll sites were over staffed with 10 or more poll workers at the site during slow early voting periods.

3. Equipment Onboarding

Although issues with new voting equipment were resolved quickly, voters mentioned similar breakdowns happening throughout the state. Most problems were resolved in less than 15 minutes but some problems caused a major line back up because of the time it took for these problems to be resolved.

Ballot on demand printers malfunctioned more frequently than electronic poll books and took longer to repair. Some issues were simple such as a paper jam, others, such as network issues, were difficult for poll workers to resolve.

Electronic poll pad sign in process varied across the state. Several voters stated that they struggled to sign in on the electronic poll pads. Some voters had their ballots challenged because their electronic signature did not match their “wet” signature. These voters had to submit challenge ballots and felt uncomfortable using the stylist to sign in on the poll pad.

4. Board of Elections Outreach

Only 84 participants, approximately 5%, said they found information about early voting from their county board of elections. The League received additional comments from voters about inadequate communications from county boards in eight counties. Boards of elections outreach varied greatly across the state, while some boards of elections went above and beyond to provide voters with information about early voting, others did a single mailing ahead of the primary and no follow up closer to the actual early voting period.

VI. Recommendations

a. Adjusting Poll Site Locations

Even in Erie county with 37 poll site locations, voters complained that poll sites could have been located better to accommodate larger towns and villages. Erie voters reported driving nearly 30 minutes to reach an early voting poll site. It’s difficult to accommodate large rural counties but minim standards and procedures should be implemented to ensure no voter has to travel an extraneous distance to reach their early voting poll site.

The League recommends that all county boards of elections consider our surveyed voters’ comments and adjust their poll site locations to accommodate voters from across their counties. Poll sites that did not have public transportation or parking access should be moved to address those inadequacies. County boards should also consider room size when selecting additional or new poll site locations and the electrical power capabilities of those rooms.

Voters should have the opportunity to vote at any poll site within their county. Counties should not assign poll sites as it limits voter’s ability to cast their ballot and risks diminishing overall early voting turnout. The 34 counties that hosted a single early voting poll site should consider expanding to more than one polling location. Many voters reported having too many poll workers at their site when they went to vote early, these poll workers could be designated to an alternative site during the 2020 elections.

A recent bill introduced by Senator Breslin could help to address some of the inaccessibility issues within counties that hosted a single early voting location. The legislation would mandate counties to assign one early voting site in the counties’ largest municipality. Although this law would help equitably assign poll locations, it has the potential to greatly increase costs for counties. The 34 counties in New York who were only required to assign a single early voting poll site due to the number of voters registered in that county typically used their board of elections office as their early voting poll site to save costs. Only 15 of those 34 counties have their board of election’s office in their county’s largest municipality. Each of these counties will undoubtedly incur new costs either by opening a second early voting location or by moving their single location to a new facility.

Based on survey comments, the League would urge commissioners to carefully consider potential site locations that are housed in a larger shopping center or mall. Although these locations could bring in more foot traffic from shoppers, they can also confuse voters if there is not adequate signage. Signage at poll sites in general should be increased across the state. Poll sites should have signage not only outside the poll facility but also on nearby roads and highways where voters may be driving to the site.

b. Increasing Poll Worker Training

Poll workers need more extensive training on the new electronic poll book and ballot on demand equipment. The League encourages county boards to conduct their trainings closer to the early voting period. Several poll workers said that although they felt they had been trained adequately on the new technology, their trainings were held long before the early voting period began. Counties should consider focusing training on trouble shooting the ballot on demand printers and electronic poll books.

Counties should conduct additional training for poll workers to inform them of New York State's voter ID laws. Poll workers should never ask a voter for their ID and the ID scanning function of electronic poll books should be disabled. Poll workers should be encouraged to report any instances of voter's being asked to present their ID.

c. Addressing Equipment Issues

Many of the issues found in the use of voting systems can be substantially reduced by improving management practices such as personnel training. Boards of elections should require tracking and documentation of all procedures from the testing of machines to the handling of ballots. Transparency in the operation and management of voting systems must be maintained and rigorous testing of every voting machine should be conducted before the early voting period to ensure equipment is operating properly. The League recommends conducting uniform, public testing of voting systems to maintain transparency and ensure public trust in those who have questioned the new technology.

Boards should restrict physical access to all components of voting system and educate voters on the use of all voting equipment both in advance of the election and at the polling place. Poll workers should receive more extensive training on the machines and be provided with a back-up plan in the event of machine failure. Boards should design a routine process that checks for problems that may have occurred but have not been visible during the early voting period or on Election Day.

The League would also urge that all electronic poll book ID scanners be disabled, and voters and poll workers educated on why IDs should never be requested at a poll site. In counties where voter ID cards were used, boards must conduct additional education and outreach to ensure voters know that using these scan cards is not mandatory and are only used to expedite the check in process, not to verify a voters' ID or eligibility to vote.

d. Expanding Board of Elections Outreach

Although 95% of voters said they were able to easily find information about early voting, the number of voters who had difficulty finding that information from their board of elections is far too high. Boards of elections need to make a more concerted effort to inform voters ahead of the early voting period. This issue will be even more pressing in 2020 when voters will have three early voting periods. Boards of elections should consider using email outreach in addition to mail correspondence. Boards of elections should prioritize early voting materials on their websites and ensure that they are easy to find. Counties should also work with local news outlets to publicize site locations in the week leading up to the early voting period and during the early voting period.

The state board should mandate that counties select their early voting poll locations far enough in advance that both the media and election advocates sharing poll site locations, have enough time to create materials to publicize site locations and hours. If a county board does have to change a site location or time, the county should make a greater effort to inform voters of these changes again drawing on the media to publicize the changes.

e. State Funding

New York's first ever early voting period was a success with a few easily improved issues. The League has not yet heard how much counties spent to implement these new procedures. The state appropriated \$24 million for counties to fund their early voting procedures. \$14 million was meant for new equipment and infrastructure while \$10 million was dedicated to staff poll sites. This year, county boards only had to make arrangements for one early voting period. In 2020, county boards will have to plan three early voting periods beginning in April for the Presidential Primary. Even though counties started to purchase new equipment this cycle, counties will still require technology funding to purchase more machines and pay for additional trainings to be held ahead of the primary elections. The League would recommend that at a minimum the state provide \$45 million for the 2020 election cycle. This cost would include \$20 million for the additional primary voting periods and \$24 million for county boards to purchase electronic poll books that can be used for Election Day across their county.

V. Additional Concerns

Counties who purchased electronic poll books and ballot on demand printers did not necessarily use these new technologies on Election Day. The League has identified two counties who switched back to paper poll books on Elections Day and we believe there are many more. In Westchester county, a poll worker reported that the paper poll book arrived late because election workers had to update the voter rolls to reflect those who had voted early. We are concerned that this may have been an issue in other parts of the state and we would urge the legislature to work with the board of elections to recommend procedures for that process and to allocate enough funding in 2020 so that all Election Day poll sites can utilize electronic poll books.

VI. Conclusion

The League of Women Voters applauds the New York State Board of Elections and all 62 county boards of elections for their tireless work in making the first year of early voting a success. Thank you to the dedicated election commissioners, staff, and volunteers, who worked tirelessly to finally bring early voting to New York State, and thank you to the State Legislature for finally passing this long overdue election reform. Early voting in 2019 was far from perfect but it was a fantastic first run. We are looking forward to seeing improvements in our early voting operations ahead of the 2020 primaries and general election. The League will continue to work to educate voters about the early voting period and we hope to continue to collaborate with the Board of Elections and the New York State Legislature on making these necessary changes.