



**NEW YORK CITY COUNCIL
COMMITTEE ON GOVERNMENTAL OPERATIONS AND
COMMITTEE ON OVERSIGHT AND INVESTIGATIONS**

**TESTIMONY OF MARK G. PETERS
COMMISSIONER, NEW YORK CITY DEPARTMENT OF INVESTIGATION**

**CONCERNING DOI'S DECEMBER 2013 REPORT ON THE
NEW YORK CITY BOARD OF ELECTIONS**

FEBRUARY 28, 2014

Good afternoon Chair Gentile, Chair Kallos, and members of the Committee on Governmental Operations and Committee on Oversight and Investigations. I am Mark Peters, Commissioner for the New York City Department of Investigation. Thank you for the opportunity to testify here today regarding the Department's December 2013 Report about serious problems within the New York City Board of Elections (the "Board of Elections" or "Board"). Joining me is Andrew Brunsten, Inspector General for our Board of Elections Inspector General Unit.

Our investigation of the Board of Elections uncovered many disturbing and illegal activities that require swift action.

We found gross nepotism in hiring, promoting and supervising family members, substantiating four cases of nepotism in violation of the Conflicts of Interest Law, including a Board of Elections Commissioner who admitted hiring his wife to obtain health benefits he was not entitled to receive on his own. Board of Elections managers and employees reported that most jobs are not publicly posted, but are filled based simply upon the recommendations of the county political committees. Such a process has no place in City government.

We documented reports by Board of Elections employees who believed that staff are pressured to engage in political activities such as petitioning for a candidate or paying to attend political fundraisers as a condition of keeping their jobs.

During the 2013 elections, our investigators went undercover as poll workers and ineligible voters to observe Board of Elections operations firsthand. What they found was troubling: deficient voter rolls and poorly trained poll workers who improperly instructed voters to "vote down the line" for a single party and ignored voter's privacy rights by looking at votes cast. These problems undermine the voting process and confidence in our election system.

Further, the investigation revealed the Board of Elections' use of inadequate, outdated procedures that increase cost and decrease efficiency. This included Board employees, days before the 2013 Mayoral election, manually updating voter registration cards that are already available for updating on a computer.

The illegalities, misconduct, and antiquated operations detailed in the Report are deeply corrosive and must end.

These significant problems can be overcome if the Board of Elections is open to change. Despite our attempts to work with the Board of Elections at the most senior level, we have met more resistance than reform. Indeed, we have made more than 40 recommendations for strengthening operations at the Board. Just last week I sent a letter to the Board of Elections calling for a corrective action plan by February 25, a copy of which I have provided with my testimony. I still await a response.

Much is at stake here. Elections are the core of a robust democracy. The integrity of the process relies on the Board of Elections' good governance. New Yorkers are counting on the Board to get it right.

I am happy to take your questions.



The City of New York
Department of Investigation

80 Maiden Lane
New York, NY 10038
212-825-5900

February 19, 2014

By Electronic Mail and United States Mail

Michael J. Ryan
Executive Director
Board of Elections in the City of New York
32-42 Broadway, 7th Floor
New York, New York 10004

Re: Implementation of the Recommendations Made in DOI's December 30, 2013 Report

Dear Mr. Ryan:

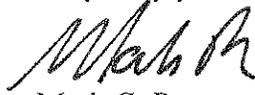
I write concerning the recommendations made by this office in our December 30, 2013 public report ("Report") regarding the New York City Board of Elections (the "BOE"). As you know, the Report contained findings from our investigation of the employment practices, operations, and election administration of the BOE. Based on the findings from this investigation, we made more than 40 recommendations for changes to policies and procedures at the BOE. *See* Report at 46-55 (discussing those recommendations). We understand that BOE Commissioners and members of BOE Executive Management have stated that the BOE has addressed or is in the process of addressing the issues identified in the Report.

When we identify operational issues at an agency and make recommendations to remedy those issues, we expect the agency to inform us concerning the steps that the agency has taken or plans to take to address the issues and to implement the recommendations. Moreover, given that both we and the BOE are in agreement about the need for various operational corrections at the BOE, BOE should provide us in writing, broken down by individual recommendations, a description of the actions that the BOE already has taken in this matter and actions it plans to take to correct the issues identified in the Report and to implement DOI's recommendations. With respect to actions not yet taken, BOE should provide in writing, again broken down by recommendation, a timeline for addressing outstanding issues and recommendations. Please provide this to us by February 25, 2014.

If you have any questions, please do not hesitate to contact Andrew Brunsten, Inspector General for the Board of Elections Inspector General Unit, directly at 212-825-2870.

Thank you.

Very truly yours,

A handwritten signature in black ink, appearing to read 'Mark G. Peters', written in a cursive style.

Mark G. Peters
Commissioner