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## **DOI ISSUES REPORT FINDING CITY BOARD OF ELECTIONS COULD HAVE SAVED TAXPAYERS \$2.4 MILLION BY CONSOLIDATING STAFFING FOR NOVEMBER 2011 OFF-YEAR GENERAL ELECTION**

ROSE GILL HEARN, Commissioner of the New York City Department of Investigation (“DOI”), issued a report today finding the New York City Board of Elections (“BOE”) could have saved the City at least \$2.4 million during the November 2011 general election by consolidating approximately 50% of the election districts and reducing the staffing number of election inspectors by about half. This was an off-year election with no major races on the ballot and where low-voter turnout was expected. Thus, in advance of the election, the BOE was urged at public hearings and by the media to consolidate, which it is legally permitted to do when anticipated voter turnout is low, and which has been done in the past. Instead, the BOE fully staffed its polling sites with 28,279 workers assigned to 6,102 election districts. DOI examined the decisions made by the BOE regarding resources used in this election including their decision not to staff poll sites as efficiently as possible.

DOI based its analysis in this Report on data provided by the BOE. The Report, a copy of which follows this release, also found:

- Approximately 90% of the 1,357 polling sites in the 5 boroughs had 10 or fewer voters for every poll worker assigned. This was the case for the majority of poll sites in Brooklyn, the Bronx, Manhattan, and Queens.
- There was an average turnout of six voters for every poll worker.
- At least 12 polling sites had more poll workers present than voters.
- Most of the races in this off-year election were uncontested, i.e., there were no Citywide, Statewide or Federal races, nor were there any proposals, questions, or referenda on the ballot.
- The BOE, which currently has a \$72.5 million budget provided by the City, stated that it had insufficient time to consolidate after the issue was raised and that it decided to maintain full staffing for this election in order to provide its workers with a “training opportunity” for its ballot scanner machines introduced in 2010. However, the Report also showed that the ballot scanners had already been utilized in two elections Citywide, and a third election in Brooklyn, Manhattan and Queens. In addition, workers had received classroom training sessions on the scanner machines.

DOI Commissioner Rose Gill Hearn said, “Using taxpayer funds cost effectively must be part of the City Board of Elections’ planning and program. DOI found that if the Board had consolidated staffing, as they are allowed to do during off-year elections, it would have saved the City more than \$2 million. Fully staffing all polling sites in the face of such low voter turnout is a costly way to do training. The BOE should not use a low-turnout election to train its staff without first doing the math.”

Councilmember Gale A. Brewer, Chair of the New York City Council Committee on Government Operations that reviews the budget and operation of the BOE, and whose hearings on this issue are referenced in the Report, said, “I want to thank the Department of Investigation for completing a report on the Board of Elections’ staffing level and costs associated with the November 8, 2011 General Election. As the Chair of the New York City Council Committee on Governmental Operations, I have held several oversight hearings with the BOE to evaluate their performance in elections. As the report makes clear, the BOE needs to do a better job of planning for low turnout elections, such as consolidating election districts and reducing staff levels at poll sites. While I appreciate that the Board has an obligation to provide sufficient staff to expedite the voting process, in low turnout elections more must be done to preserve resources.”

*DOI is one of the oldest law-enforcement agencies in the country. The agency investigates and refers for prosecution City employees and contractors engaged in corrupt or fraudulent activities or unethical conduct. Investigations may involve any agency, officer, elected official or employee of the City, as well as those who do business with or receive benefits from the City.*

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**New York City Department of Investigation  
Report on the Board of Elections' Staffing Levels and Costs  
for the November 8, 2011  
"Off-Year" General Election**

**ROSE GILL HEARN  
COMMISSIONER**

**April 2013**

## EXECUTIVE SUMMARY

- On November 8, 2011, the New York City Board of Elections (“BOE”) conducted a general election (a non-primary election), in which most of the races were uncontested.
- The November 2011 election was a so-called “off-year election,” because there were no Citywide, Statewide or Federal races, nor were there any proposals, questions, or referenda on the ballot.
- The anticipated turnout for this off-year election was extremely low. Thus, preceding the November 2011 election, members of the public and the media called on the BOE to reduce poll site staffing for this election in anticipation of low voter turnout. The BOE has legal authority to consolidate election districts under certain circumstances, and has done so on occasions in the past. Following receipt of a complaint on this issue prior to the election, the Department of Investigation (“DOI”) similarly called upon the BOE to consolidate and staff poll sites as efficiently as possible as permitted by State Election Law, consistent with its operational obligations to conduct the election.
- Nonetheless, the BOE fully staffed the sites with 28,279 poll workers assigned to 6,102 election districts.
- On November 8, 2011, of the nearly 4.4 million voters registered in New York City, only 169,041, or 3.9%, were recorded in the “public counter” as voting at the poll sites. An additional 1,402 voters cast affidavit ballots at poll sites.
- Thereafter, DOI analyzed the cost effects of the BOE’s decision not to consolidate election districts, an option under the Election Law, comparing the number of voters who cast ballots at poll sites, to the poll site staffing deployed by the BOE for this off-year election.
- DOI identified election districts that could have been consolidated under the Election Law, and using BOE’s own data, estimated the reduced number of staff that could have been deployed had election districts been consolidated and the corresponding reduced cost for the lower staffing levels.

- DOI's findings, based on an analysis of BOE records include:
  - Approximately 90% of the 1,357 polling sites had 10 or fewer voters for every poll worker assigned.
  - At least 12 polling sites had more poll workers present than voters.
  - The number of election districts required to be staffed could have been reduced by half through consolidation.
  - Such consolidation could have saved the City at least \$2.4 million in personnel costs.

**REPORT ON THE BOARD OF ELECTIONS STAFFING LEVELS AND COSTS**  
**FOR THE NOVEMBER 8, 2011 OFF-YEAR GENERAL ELECTION**

I. Introduction

A. Background

On November 8, 2011, the New York City Board of Elections (“BOE”) conducted a general election in which the only major contested race in the City was for Richmond County District Attorney. The other races included candidates running unopposed for District Attorney in the Bronx and Queens, a candidate running unopposed for the City Council in Queens, and twelve races for judicial seats throughout the Boroughs, all but three of which were uncontested.<sup>1</sup> There was no major City, State or Federal position up for election, nor was there a proposal, question, or referendum measure on the ballot. Accordingly, due to the nature of this off-year election, and based on precedent from prior off-year elections, voter turnout was expected to be low. As a result, the BOE received several requests that it take actions to reduce the resources devoted to this election in order to decrease taxpayer-funded expenses.

At a public Commissioners’ meeting on October 4, 2011, the BOE heard statements from representatives of community groups urging the consolidation of election districts, as permitted under the State Election Law, to decrease the number of polling staff required on Election Day. According to New York State Election Law, the minimum level of staffing is determined by election district. *See* Election Law § 3-400 *et seq.* Each election district is required to be staffed by four election inspectors, each paid a minimum of \$200 per day, and equally divided between the two major political parties. When election districts are consolidated, however, they only require the staffing level of a single district. The reduced staffing would therefore result in cost savings to the City.

On October 31, 2011, the *New York Daily News* published an editorial discussing the calls to consolidate election districts in this off-year election. The editorial estimated that a reduced staff would save the City several million dollars. According to the *Daily News*, a Board Commissioner defended the Board’s decision not to consolidate election districts because “the agency is using the low-turnout election to familiarize staff with the City’s year-old electronic vote scanners.” *Opinion, Stop Thieves!* *Daily News*, Oct. 31, 2011, at 22. Moreover, the *Daily News* reported that the BOE requested 260 *additional* poll site coordinators to be assigned to the Bronx because, according to a Board Commissioner, that Borough did not have a September primary in which poll workers could “practice.”

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<sup>1</sup> Of the 16 races throughout the Boroughs, there were a total of four contested races: (1) the contest for Justice of the Supreme Court in the Second Judicial District of Brooklyn; (2) the contest for Civil Court Judge in Brooklyn; (3) the contest for Justice of the Supreme Court in the Eleventh Judicial District of Queens; and (4) Richmond County District Attorney.

On November 2, 2011, DOI also received a complaint alleging that the BOE was needlessly planning to overstaff polling sites for the commenced November 8, 2011 general election. Based on this complaint, discussions with Counsel to the BOE, and a preliminary review of the applicable law, DOI sent the BOE a letter on November 4, 2011 in which DOI summarized concerns about needless staffing and suggested that the BOE exercise its discretion to staff polling sites as efficiently as possible consistent with its overall responsibilities. Further, DOI raised the possibility of consolidating election districts.

Following the general election on November 8, 2011, an extremely low voter turnout was reported Citywide, as predicted. *See, e.g.,* David Seifman, *How NYC spent \$110 a ballot on joke vote*, New York Post, Nov. 13, 2011, at 12. DOI then began an investigation into the effects of the BOE's decision not to consolidate election districts for the November 8, 2011 election. In particular, DOI looked at staffing levels at polling sites Citywide and compared the number of poll workers at each poll site with the number of voters who came out and cast ballots that day. DOI also reviewed election districts that could have been consolidated under the Election Law and estimated the reduced number of staff that could have been deployed had election districts been consolidated. As part of the investigation, DOI obtained records from the BOE including election results and statistics for each of the races across the City by election district and poll site coverage assignments by election district,<sup>2</sup> and reviewed the applicable provisions in the New York State Election Law. DOI analyzed this information, cross-referencing the various compilations of data to determine voter turnout and staffing at each poll site, as well as the feasibility of consolidating election districts within each poll site. In addition, DOI interviewed Steven Richman, BOE's General Counsel, and Juan Carlos "JC" Polanco, the BOE Commissioner who served as President of the Board at the time of the November 8, 2011 election.

#### B. The November 8, 2011 Election

BOE opted not to consolidate any election districts for the November 8, 2011 election even though the issue of consolidation was raised publicly in advance of this "off-year" election in light of anticipated low-voter turnout. According to the records provided to DOI by the BOE, of the nearly 4.4 million voters registered in the City, only 169,041 votes were tallied by the "public counter."<sup>3</sup> An additional 1,402 affidavit ballots were cast at poll sites in the five

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<sup>2</sup> The documents provided by the BOE included documents that reflect the actual number of voters who voted at each poll site on November 8, 2011; New York State Voter Enrollment by Election District, Party Affiliation, and Status as of November 1, 2011; a Site Coverage Report for the 2011 General Election; Statement and Return Report by ED/AD; and a final tally of poll workers who staffed poll sites on November 8, 2011, broken down by election district.

<sup>3</sup> According to the 2011 Poll Worker's Manual, the "public count" is "[l]ocated on the LCD screen of the Scanner, this counter shows the total number of votes that have been cast on the Scanner in a particular election." The public counter number, therefore, represents the number of voters who cast ballots in person at a poll site scanner on Election Day. It does not, however, represent the total number of votes cast in an election because absentee, and military, and affidavit ballots are counted separately and are not included in the public counter tally. Unless otherwise specified, the public counter is used to calculate voter turnout in this Report. Board of Elections of the City of New York, 2011 Poll Worker's Manual, 154.

Boroughs on Election Day. This reflects a 3.9 percent voter turnout rate at the poll sites. At the 1,357 poll sites throughout the City, 28,279 poll workers were assigned to staff 6,102 election districts at a minimum cost calculated by DOI of \$5.6 million.<sup>4</sup> Those staffing levels represent an overall average of approximately 6 voters for every poll worker.

## II. The New York City Board of Elections

Under the New York State Election Law, the New York City Board of Elections is responsible for conducting all elections in the City of New York. The BOE's responsibilities include operating all polling sites throughout the City including recruiting, training and assigning poll workers; maintaining, deploying, and setting up voting equipment; certifying the election results; maintaining voter registration records; and processing candidate petitions. *See* Election Law § 3-100 *et seq.*; *About the Board of Elections*, <http://www.vote.nyc.ny.us/html/about/about.shtml>.

The Board consists of 10 Commissioners split evenly between the two major political parties. Election Law §§ 3-200(2), (3). There are two Commissioners from each Borough who are recommended by an executive committee of both political parties, and then appointed by the City Council for a term of four years. *Id.* at §§ 3-200(3), 202(1), 204(4). Commissioners must be registered to vote in the county for which they are appointed and be a member of the party recommending the appointment. *Id.* at § 3-200(4). Additionally, a central office and five Borough offices manage day to day operations for the BOE. *Id.* at § 3-214(1). The chief and deputy clerks of the Borough offices are appointed by the Commissioners from that Borough. *See: About the Board of Elections*, <http://www.vote.nyc.ny.us/html/about/about.shtml>. According to statements made to DOI by both BOE General Counsel Steven Richman and Commissioner Polanco, Borough offices operate independently of each other and decisions such as staffing the poll sites and combining election districts are made at the Borough level.

Commissioners receive a per diem, not exceeding \$30,000 per year, for attending Board meetings. Election Law § 3-208. Commissioner Polanco explained to DOI that the Board's party caucuses nominate one Commissioner to serve as president and one Commissioner to serve as secretary, on an annual rotating basis. He also stated that the president and secretary cannot be a member of the same political party. Commissioners meet in public session every Tuesday to discuss a variety of issues that come before the Board. *See: Board of Elections of the City of New York, Annual Report 2011*, at 1, *available at* <http://vote.nyc.ny.us/downloads/pdf/documents/boe/AnnualReports/BOEAnnualReport11.pdf>. All actions of the Board require a majority vote, but some may be delegated to a committee of the Board. *See: Election Law* § 3-

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<sup>4</sup> This figure is based on the conservative assumption that all poll workers were paid \$200 per day, the minimum rate of payment, according to BOE testimony and documents. *See* New York City Board of Elections Poll Worker Application Form, *available at* <http://vote.nyc.ny.us/downloads/pdf/forms/boe/pollworkers/PollworkerApplication.pdf>; Minutes of the Meeting of the Commissioners of Elections, July 20, 2011, at 3-6, *available at* <http://vote.nyc.ny.us/downloads/pdf/documents/boe/minutes/2011/072011meet.pdf>. As explained in Section III.B below, election coordinators, who pursuant to the Election Law, may at the discretion of the Board be assigned to oversee poll sites, are paid \$300 per day.

212(5); DOI Interview with Commissioner Polanco. Minutes of Board meetings are posted on the BOE's website.

### III. Election Districts and Poll Site Staffing – Law and Procedures

#### A. Election Districts

The basic unit of voter registration and elections is the election district. Election Law § 4-100(1). The BOE has the authority to create, consolidate, divide, or alter election districts. *Id.* at § 4-100(2). Each election district may contain up to 1,200 active voters,<sup>5</sup> but may be smaller for voter convenience.<sup>6</sup> Furthermore, election districts may not span more than one political subdivision, such as an assembly or congressional district. *Id.* at § 4-100(3)(a). These requirements result in election districts that have well below the maximum number of active voters, according to BOE Counsel Steven Richman. DOI's analysis of BOE data regarding the 6,102 election districts in New York City found that 188 election districts had 100 or fewer active voters. *See* Appendices A-E.

#### B. Poll Site Staffing Requirements

Poll sites are designated by the BOE and may be used by as many election districts as is practicable and convenient. Election Law §§ 4-104(1), (3). Thus, it is possible for a poll site to serve only a single election district or to house multiple districts. Regardless of how many election districts are contained within a single poll site, each election district is required to have a minimum of four election inspectors assigned specifically to it, evenly divided between the two major political parties. *Id.* at §§ 3-400(1), (3). According to BOE Counsel Richman, BOE's Borough offices assign additional poll workers, such as election coordinators, relief inspectors, interpreters, and door clerks, on a poll site-wide basis.<sup>7</sup> Each Borough office files an "exception

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<sup>5</sup> An active voter is a voter who is properly registered, is eligible to vote in the election, and, circularly, is not "inactive." N.Y. Comp. Codes Rules & Regs. tit. 9, § 6217.9(a). An "inactive" voter remains eligible to vote, but his or her name is not included in the book used at the poll site for a variety of reasons, including the return of election material sent to his or her address as undeliverable. N.Y. Comp. Codes Rules & Regs. Title 9, § 6217.9(a)(2).

<sup>6</sup> Pursuant to Election Law § 4-100(3)(a), election districts may not contain more than 950 active registrants, but this ceiling may be raised to 1,150 with approval from the Board of Elections. On February 28, 2012, the BOE submitted a legislative proposal to the Governor and Legislature proposing an amendment to Election Law § 4-100(3)(1). The BOE proposed that the number of registrants per election district be increased from not more than 1,150 to 4,000 to reflect the capabilities of the new optical scanning system. Currently and in November 2011, however, once an election district exceeds the 1,150 voter limit by more than 50 voters, it must be realigned. Election Law § 4-100(4).

<sup>7</sup> BOE Counsel Richman explained that when lever voting machines were in use, the Election Law also required the appointment of up to four poll clerks per election district, evenly divided between parties, depending on how many machines were in use in each district. However, in the new ballot/scanner system, scanners and other equipment are deployed on a poll site-basis, rather than per election district. BOE, therefore, assigns any poll workers beyond the required inspectors to the poll site rather than the election district.

report” requesting the total number of personnel it determines is necessary to staff its poll sites.<sup>8</sup> These reports are reviewed and approved by the Commissioners according to Richman and Polanco.

As explained in the 2011 Poll Worker’s Manual, poll workers perform the following duties:

- **Election Inspectors** – Election Inspectors work in bipartisan pairs. They monitor the tables where voters sign in and receive their ballots, as well as the Privacy Booths, Ballot Marking Devices, and Scanners. Inspectors are also responsible for adjudicating, by majority vote, challenges to voter qualifications. Election Law §§ 8-502, 504.
- **Poll Clerks** – Poll Clerks perform many of the same functions as Election Inspectors, except that they do not monitor the sign-in tables and cannot determine voter challenges. Poll Clerks also work in bipartisan pairs.
- **Information Clerk** – Information Clerks direct voters to the proper sign-in table and poll site and provide general assistance throughout the day.
- **Interpreter** – Interpreters are placed at targeted poll sites to assist Chinese, Korean, and/or Spanish speaking voters.
- **Door Clerk** – Door Clerks are placed at poll sites with alternate entrances accessible by voters with disabilities. The Door Clerk monitors the entrance and ensures that it remains accessible.
- **Election Coordinators** – Election Coordinators oversee the poll site and supervise all of the poll workers at that site. The number of Election Coordinators assigned to a poll site varies according to how many election districts are contained in it. Generally, single election district poll sites do not have an Election Coordinator. Poll sites with two to six election districts have one Election Coordinator, those with seven to twelve election districts have two Election Coordinators, and those with thirteen to eighteen have three Election Coordinators.<sup>9</sup>

In addition, the BOE deploys Assembly District Site Monitors that are responsible for monitoring poll sites and assisting with Election Day activities throughout an Assembly District. BOE also maintains pools of unassigned standby workers who may be dispatched to poll sites where they are needed.

Poll workers are paid a daily rate, plus an additional amount for attending training sessions. Election Law §§ 3-420(1), (2). Inspectors and Poll Clerks are paid \$200 for each

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<sup>8</sup> DOI requested the exception reports for the November 8, 2011 election from the BOE, but they were never provided.

<sup>9</sup> During his interview, BOE Counsel Richman said that, going forward, the BOE plans to assign an election coordinator to *all* poll sites, including those that contain only a single election district.

Election Day they work, plus \$100 for attending a six hour training and passing an exam. They also receive a \$75 bonus if they work two Election Days. Interpreters, Door Clerks, and Information Clerks are also paid \$200 for each Election Day they work, plus \$25 for attending the training and passing the exam and an extra \$35 for working two Election Days. No poll worker is paid unless he or she has attended a training and worked on Election Day.<sup>10</sup> Election Coordinators are paid \$300 for each Election Day, as are Assembly District Site Monitors, plus an additional \$50 for a post election “debriefing” session.<sup>11</sup> They receive the same training as Election Inspectors and Poll Clerks, as well as any additional training that the BOE prescribes. Election Law §§ 3-401(2), (3).

### C. BOE’s Authority to Consolidate Election Districts

Although there is a minimum staffing requirement for each election district at a poll site, the Election Law does allow the BOE to reduce the required number of poll workers in certain circumstances where the statutory level of staffing may not be necessary. Such circumstances include an “off-year” general election like the November 8, 2011 election, in which the office of President, Vice-President, Governor, or Mayor is not on the ballot. In such an “off-year” election, the BOE may consolidate election districts within a poll site so long as the combined election district would have no more than 2,000 eligible voters<sup>12</sup> and so long as the ballots used by each election district are identical. *Id.* at § 4-104(5)(c).

The authority to consolidate election districts in general elections pursuant to Election Law § 4-104(5)(c) was granted to the New York City BOE in 1995.<sup>13</sup> At the time, the sponsors of this bill justified it on the grounds that the turnout at off-year elections is always “extraordinarily low.”<sup>14</sup> Indeed, they expressly noted that “[i]t should be a great saving if the

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<sup>10</sup> New York City Board of Elections Poll Worker Application Form, *available at* <http://vote.nyc.ny.us/downloads/pdf/forms/boe/pollworkers/PollworkerApplication.pdf>; Minutes of the Meeting of the Commissioners of Elections, July 20, 2011, at 3-6, *available at* <http://vote.nyc.ny.us/downloads/pdf/documents/boe/minutes/2011/072011meet.pdf>.

<sup>11</sup> Minutes of the Meeting of the Commissioners of Elections, July 20, 2011, at 2-7, *available at* <http://vote.nyc.ny.us/downloads/pdf/documents/boe/minutes/2011/072011meet.pdf>; Appendix to testimony submitted by BOE Deputy Executive Director Dawn Sandow to the City Council Committee on Governmental Operations, March 16, 2011.

<sup>12</sup> The number of eligible voters includes active, inactive, and pre-registered voters (i.e., those who registered prior to turning 18, but who will be 18 on or before Election Day), but does not include voters whose names have been purged, for example, because of death or a felony conviction N.Y. Comp. Codes R. & Regs. Title 9 § 6217.9(a).

<sup>13</sup> 1995 N.Y. Laws Ch. 95; Bill Jacket, 1995 N.Y. Laws Ch. 95, at 5 (New York State Senate Introducer’s Memorandum in Support of Senate Bill #4276) (amending Election Law § 4-104(5) to “permit the merger of election districts which regularly vote in the same polling places for general election in New York City in the ‘off year’ four-year election cycle”).

<sup>14</sup> Indeed, consistently low voter turnout, particularly in light of the expense of conducting an election, was frequently cited by commenters on the bill permitting the BOE to undertake this consolidation procedure. *See, e.g.*, Bill Jacket, 1995 N.Y. Laws Ch. 95, at 5 (New York State Senate Introducer’s Memorandum in Support of Senate Bill #4276) (“In the City of New York in the ‘off-year’ of the four-year election cycle, when there are very few offices on the ballot . . . turnout is extraordinarily low. It should be a great saving if the City could merge election

City could merge election districts at this low turnout election.” 1995 N.Y. Laws Ch. 95; Bill Jacket, 1995 N.Y. Laws Ch. 95, at 5. Where election districts are consolidated, the law would mandate fewer poll workers for the single consolidated district than would have been required for the individual unconsolidated districts, thereby reducing the required number of inspectors and, depending on the poll site, the recommended number of coordinators. This process would produce cost savings for the BOE and the City, as fewer poll workers would be required to staff the election.

This consolidation procedure is by its very terms only to be used when there are a small number of eligible voters in the election districts that are subject to consolidation. Voters in consolidated districts continue to vote at their regular polling place because consolidation is only permitted among election districts that are already housed at a single poll site. Election Law § 4-104(5)(c). The Election Law thereby seeks to promote efficiency while minimizing inconvenience to voters.<sup>15</sup>

#### IV. Analysis of the Staffing Levels and Costs

##### A. Materials Reviewed by DOI

In addition to interviewing the BOE General Counsel Richman, and the President of the BOE at the time of the election, Commissioner Polanco, DOI reviewed various documents provided to it by the BOE, including: the New York State Voter Enrollment by Election District, Party Affiliation and Status Report; the Election Night Election District-Level Results Report; the Statement and Return Report by Election District/Assembly District (“ED/AD”); the Poll Worker Payroll Detail by ED/AD; the Site Coverage Report; and documents that reflected the number of poll workers that worked on election day organized by Borough and election district. Using these documents, DOI was able to estimate staffing levels and costs at poll sites throughout the City and to determine how many elections districts could have been consolidated, had the BOE chosen to do so.

##### B. Circumstances Surrounding the November 8, 2011 Election

The last off-year election in New York City prior to November 2011 was held in November 2007; election districts were not consolidated in that election either. Like the November 8, 2011 general election, the only major contested race in November 2007 was for Richmond County District Attorney. The other races during that year included candidates

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districts at this low turnout election.”); *Id.* at 14 (Letter from City of Buffalo Mayor Anthony Masiello to Michael Finnegan, May 24, 1995) (“This legislation would result in reduced costs to the City [of Buffalo] when conducting these elections. The amending of the election law would also allow for a more efficient and effective voting process”); *Id.* at 15 (Letter from New York City Mayor Rudolph Giuliani to New York State Governor George Pataki, May 23, 1995) (“In the City of New York’s off-year elections, turnout is extremely low and it would be of great cost savings to the City if it could merge election districts for these low-turnout elections.”).

<sup>15</sup> See Bill Jacket, 1995 N.Y. Laws Ch. 95, at 11 (Memorandum from New York State Board of Elections to the Governor’s office, re: Assembly Bill 4959, May 19, 1995) (“by limiting the consolidation to those election districts regularly located in the same polling place, [the bill] does not inconvenience the voter”).

running unopposed for District Attorney in Queens and the Bronx and races for judicial seats throughout the City.<sup>16</sup> The voter turnout rate at poll sites for the 2007 election was approximately 6.4 percent.<sup>17</sup>

The BOE Commissioners were well aware of projections of a low voter turnout in advance of the November 8, 2011 election and of public concerns about the cost of staffing the poll sites. In addition to the experience with the prior “off-year” election in 2007, at a meeting of BOE Commissioners on October 4, 2011, representatives of two community groups specifically asked the Commissioners to recognize the impending low turnout in light of the few contested races and urged that election districts be consolidated Citywide to save the City money. Minutes of the Meeting of the Commissioners of Elections, Oct. 4, 2011, at 11-12, *available at* <http://vote.nyc.ny.us/downloads/pdf/documents/boe/minutes/2011/100411meet.pdf>. There were also published reports criticizing the BOE for wasting millions of dollars to unnecessarily staff poll sites for the November 8, 2011 election. A *Daily News* on-line posting on October 26, 2011 reported on the estimated cost savings that consolidation of the November election would achieve. Celeste Katz, *November Election Will Cost NYC \$17 Million*, New York Daily News, Oct. 26, 2011. And in a subsequent *Daily News* editorial published in the October 31, 2011 print edition, the paper predicted that “turnout will be nil, or lower” in the Bronx where the only race was for district attorney, and the incumbent was running unopposed. Opinion, *Stop Thieves!* Daily News, Oct. 31, 2011, at 22.

BOE Counsel Richman said that other than the discussion of consolidation reflected in the minutes of the October 4, 2011 meeting, he was not aware of any other consideration of the issue by the Board. He said that there was a consensus among the Commissioners that by the time the issue of consolidation was raised, it was too close to the election to make that type of a change. He said that had consolidation been implemented after the suggestion was made at the October 4, 2011 meeting, the poll workers would still have had to be paid because they had already been notified to work on Election Day. However, Mr. Richman acknowledged that the Board was aware of the low voter turnout projected for the November 2011 election and had, as a result, directed that fewer ballots be printed than where a high turnout was anticipated. Mr. Richman asserted that this action resulted in cost savings for the election.

Moreover, Commissioner Polanco, who was serving as president of the BOE at the time of the 2011 general election, testified that he did not recall any individual conversations about consolidation occurring, among BOE members and that the decision regarding whether to consolidate was in fact made on a borough by borough basis. He said that he recognized that the meeting minutes from the October 4, 2011 meeting reflect that the issue of consolidation was raised at a Board meeting, and that the BOE concluded that the Commissioners should discuss the idea with the clerks from the BOE Borough offices. According to Commissioner Polanco, he

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<sup>16</sup> The 2007 general election also contained a State-wide ballot question concerning drinking water for a hamlet in the Adirondacks.

<sup>17</sup> BOE’s summary of election results indicates that 248,296 votes were recorded by the public counter in the 2007 election. BOE’s 2011 Annual Report indicates that 3,856,342 voters were registered in New York City in 2007.

spoke to the Bronx Deputy Clerks about the issue and there was no decision to consolidate election districts in the Bronx. He said that he did not know what any of the other Boroughs decided to do.<sup>18</sup>

Commissioner Polanco further testified that he was strongly opposed to consolidation because he wanted to give the poll site staff “hands-on experience” operating and closing the new scanners, and that he believed this was the reason the BOE chose not to consolidate any election districts in the November 2011 election. He asserted that anything less than 100% staffing would have been “malpractice” given the opportunity to train staff for the upcoming 2012 Presidential election. He said if he could redo the November 2011 election, he would still staff the poll sites exactly the same way, *i.e.*, full staffing Citywide so that they would be prepared for the upcoming Presidential election.

### C. BOE’s Preparation and Staffing for the November 2011 Election

Despite the pattern of low voter turnout in off-year elections that prompted the 1995 legislative changes to allow for consolidation of election districts, and notwithstanding calls for consolidation of election districts from the public, the BOE planned for full voter turnout and staffed poll sites accordingly. The Board did not combine any election districts on November 8, 2011. The voter turnout at the polls was 3.9 percent.<sup>19</sup> According to DOI’s analysis of information provided by the BOE, there were 28,279 poll workers assigned to 1,357 poll sites across the City. BOE Site Coverage Report for the 2011 General Election; BOE Final Tally Listing of Poll Workers who worked on Election Day identified by Borough and Election District, (hereinafter “BOE Final Tally of Poll Workers”). At a minimum cost of \$200 each, that results in \$5.6 million in poll worker costs. In its 2011 Post Election Day Analysis, BOE reported that it actually spent \$5.9 million on poll worker costs.<sup>20</sup>

DOI took the information it received from the BOE that showed the number of poll workers who actually worked at each poll site and compared that to the final voter tallies that reflect the actual number of voters who voted at each poll site. Statement and Return Report by

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<sup>18</sup> According to Commissioner Polanco, while the Bronx opted not to consolidate, it did reduce its original request for 260 additional poll workers by 90, and instead requested 170 extra poll workers to staff its poll sites. He said that when the Borough offices calculate the number of staff needed for a poll site, they take into consideration the size of the poll site and the expected number of poll workers they anticipate will not show up on Election Day. He testified that due to changes in the tax law that apply to poll workers and the scanners, Borough staff had estimated a higher than usual “drop off” rate for poll workers and therefore recommended that more poll workers be hired.

<sup>19</sup> According to the New York State Voter Enrollment by Election District, Party Affiliation, and Status as of November 1, 2011 provided to DOI by the BOE, there were 4,383,685 voters registered in the City for the 2011 general election. Based on BOE’s Statement and Return Report by Election District for General Election 2011, DOI calculated that 169,041 votes were recorded by the public counter for the November 2011 election along with 1,402 affidavit ballots, for a voter turnout rate at the poll sites of 3.9 percent.

<sup>20</sup> The difference between DOI’s estimated cost and the actual cost reported could be due to payments made to standby poll workers who were not deployed to poll sites or to the higher payments made to an unknown number of election coordinators who were paid at a rate of \$300 each. Neither the number of standby workers nor the number of election coordinators was provided to DOI by the BOE.

Election District/Assembly District (“ED/AD”); BOE Final Tally of Poll Workers. DOI’s analysis revealed that many poll sites throughout the City were staffed at a level that far exceeded the level required by law, a foreseeable result given the predicted low voter turnout.<sup>21</sup> In addition, when voters who cast affidavit ballots are included in the total count, 12 poll sites had fewer voters than poll workers. Approximately 90% of poll sites had 10 or fewer voters for each poll worker assigned to the site. No poll site had more than 39 voters for each poll worker.<sup>22</sup> DOI’s analysis by Borough excluding affidavit ballots revealed the following:

- In Brooklyn, at 99% of poll sites (392 of 397), there were 10 or fewer voters for each poll worker.
- In the Bronx, at 95.6% of poll sites (197 of 206), there were 10 or fewer voters for each poll worker.
- In Manhattan, at 89.5% of poll sites (314 of 351), there were 10 or fewer voters for each poll worker.
- In Queens, at 93.9% of poll sites (295 of 314), there were 10 or fewer voters for each poll worker.
- In Staten Island, at 31.5% of poll sites (28 of 89), there were 10 or fewer voters for each poll worker. These figures do not include voters who cast affidavit ballots.

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<sup>21</sup> In addition, DOI determined that 265 poll sites had fewer than the required four election inspectors for each election district.

<sup>22</sup> This figure does not include voters who cast affidavit ballots.

The chart below illustrates the poll site staffing and voter turnout for each Borough:

<b>Borough</b>	<b># of Poll Sites</b>	<b># of Poll Workers</b>	<b>Registered Voters</b>	<b>Public Counter<sup>23</sup></b>	<b># of Affidavit Ballots Cast</b>	<b>% of Registered Voters who Voted</b>	<b># Voters per Poll Worker</b>
<b>Brooklyn</b>	397	9,123	1,341,239	43,120	372	3.2%	4.7
<b>Bronx</b>	206	4,022	661,497	21,046	307	3.2%	5.2
<b>Manhattan</b>	351	5,636	1,029,294	31,350	278	3.0%	5.6
<b>Queens</b>	314	7,605	1,083,474	47,978	310	4.4%	6.3
<b>Staten Island</b>	89	1,893	268,181	25,547	135	9.5%	13.5
<b>TOTAL</b>	<b>1,357</b>	<b>28,279</b>	<b>4,383,685</b>	<b>169,041</b>	<b>1,402</b>	<b>3.9%</b>	<b>6.0</b>

Using information provided by the BOE, DOI examined the number of registered voters in each election district by poll site and determined that, under Election Law §4-104(5)(c), 1,104 of the 1,357 poll sites contained election districts that could have been consolidated. If fully utilized, consolidation could have decreased the number of election districts from 6,102 to 3,066, a 49.8% decrease. This process would have resulted in significant cost savings because it would reduce the number of election inspectors required to be staffed at each poll site. When all 6,102 election districts remain unconsolidated, 24,408 election inspectors are required (four for each election district). If consolidation were employed, however, the number of election districts would have been reduced to 3,066, requiring only 12,260 election inspectors saving as much as \$5000 at some poll sites. Because election inspectors are paid \$200 per day, this reduction would have saved the BOE more than \$2.4 million. The chart on the next page illustrates the cost savings in each Borough estimated by DOI.<sup>24</sup>

<sup>23</sup> The “public counter” records the total number of ballots that have been cast at a scanner and represents the number of individuals voters who voted in person at a poll site, minus those who cast absentee or provisional ballots that would not have been processed through a scanning machine.

<sup>24</sup> These cost savings calculations are based upon a comparison of the cost of staffing unconsolidated election districts with the minimum required number of election inspectors, versus the cost of staffing consolidated districts with the minimum required number of election inspectors. Each of these inspectors is paid \$200/day. At many poll sites, additional poll workers above the minimum required number, such as interpreters, door clerks, and election coordinators, may have been deployed. This cost saving figure assumes that all additional poll workers in addition to the required inspectors (such as interpreters, door clerks, and election coordinators) were necessary and appropriate. However, because DOI was not provided with the Borough exception reports containing specific information regarding the positions filled by these poll workers, it cannot take a position on the appropriateness of these staffing decisions and whether even further cost savings might have been achieved.

<b>Borough</b>	<b># of Poll Sites</b>	<b># of Election Districts</b>	<b>Minimum # of Inspectors Required</b>	<b>Actual # of Poll Workers, including Inspectors</b>	<b># of Inspectors Required if Election Districts are Consolidated</b>	<b>Cost Savings</b>
<b>Brooklyn</b>	397	2,031	8,124	9,123	3,636	\$897,600
<b>Bronx</b>	206	975	3,900	4,022	1,852	\$409,600
<b>Manhattan</b>	351	1,244	4,976	5,636	2,980	\$399,200
<b>Queens</b>	314	1,495	5,980	7,605	3,024	\$591,200
<b>Staten Island</b>	89	357	1,428	1,893	768	\$132,000
<b>TOTAL</b>	<b>1,357</b>	<b>6,102</b>	<b>24,408</b>	<b>28,278</b>	<b>12,260</b>	<b>\$2,429,600</b>

Election coordinators are paid \$300 per day as opposed to the \$200 per day given to inspectors. The BOE assigns election coordinators to poll sites based on the number of election districts housed at each site.<sup>25</sup> Accordingly, it is also possible that consolidation of election districts could have resulted in additional cost savings by reducing the number of election coordinators that were utilized. Since the information about poll worker assignments provided by the BOE to DOI did not specify how many election coordinators were assigned to each specific location, DOI was unable to perform this analysis.

Based on DOI's analysis of the BOE-supplied information, the following are examples of estimate cost savings that could have been achieved through consolidation of specific election districts:

- The poll site located at PS 249 (Poll Site # B0386) in Brooklyn contains 17 election districts and was staffed by a total of 78 poll workers. The poll site has a combined total of 10,934 registered voters, of which only 318 public counter votes, plus 5 affidavit ballots, were cast on November 8, 2011 (*i.e.*, there were 4.1 voters for every poll worker at that site). These 17 election districts could have been consolidated into 6 election districts which would have required 44 fewer election inspectors, saving \$8,800.
- The poll site located at PS 193 (Poll Site # B0144) in Brooklyn contains 15 election districts and was staffed by a total of 60 poll workers. The poll site has a combined total of 5,254 registered voters, of which only 223 public counter votes, plus 2 affidavit ballots, were cast on November 8, 2011 (*i.e.*, there were fewer than 3.8 voters for every poll worker at that site). These 15 election districts could have been consolidated into 5 election districts which would have required 40 fewer election inspectors, saving \$8,000.
- The poll site located at the Dreiser Loop Community Center Auditorium (Poll Site # X0059) in the Bronx contains 16 election districts and was staffed by a total of 64 poll

<sup>25</sup> The guidelines for assignment of election coordinators are contained in BOE's 2011 Poll Workers' Manual.

workers. The poll site has a combined total of 9,599 registered voters, of which only 505 public counter votes, plus 4 affidavit ballots, were cast on November 8, 2011 (*i.e.*, there were fewer than 8 voters for every poll worker at that site). These 16 election districts could have been consolidated into 6 election districts which would have required 40 fewer election inspectors, saving \$8,000.

- The poll site located at PS 33 (Poll Site # X0093) in the Bronx contains 13 election districts and was staffed by a total of 61 poll workers. The poll site has a combined total of 8,527 registered voters, of which only 223 public counter votes, plus 7 affidavit ballots, were cast on November 8, 2011 (*i.e.*, that there were fewer than 3.8 voters for every poll worker at that site). These 13 election districts could have been consolidated into 5 election districts which would have required 32 fewer election inspectors, saving \$6,400.
- The poll site located at PS 23 (Poll Site # 11172) in the Bronx contains 7 election districts and was staffed by a total of 31 poll workers. The poll site has a combined total of 4,746 registered voters, of which only 73 public counter votes, plus 6 affidavit ballots, were cast on November 8, 2011 (*i.e.*, there were fewer than 2.6 voters for every poll worker at that site). These 7 election districts could have been consolidated into 3 election districts which would have required 16 fewer election inspectors, saving \$3,200.
- The poll site located at PS 102 (Poll Site # Q0200) in Queens contains 11 election districts and was staffed by a total of 48 poll workers. The poll site has a combined total of 2,922 registered voters, of which only 138 voted on November 8, 2011 (*i.e.*, there were 2.9 voters for every poll worker at that site). These 11 election districts could have been consolidated into 2 election districts, which would have required 36 fewer election inspectors, saving BOE \$7,200.
- The poll site located at the Services for the Underserved (Poll Site # 11111) in Queens contains two election districts and was staffed by a total of 13 poll workers. The poll site has a combined total of 104 registered voters, of which only 9 voted on November 8, 2011 (*i.e.*, there were 0.7 voters for every poll worker at that site). These two election districts could have been consolidated into a single election district, which would have required 4 fewer election inspectors, saving \$800.
- The poll site located at PS 23 (Poll Site # S0032) in Staten Island contains 10 election districts and was staffed by a total of 40 poll workers. The poll site has a combined total of 6,240 registered voters, of which only 828 public counter votes, plus 4 affidavit ballots, were cast on November 8, 2011 (*i.e.*, there were fewer than 20.8 voters for every poll worker at that site). These 10 election districts could have been consolidated into 4 election districts which would have required 24 fewer election inspectors, saving \$4,800.
- The poll site located at PS 165 (Poll Site # M0135) in Manhattan contains 10 election districts and was staffed by a total of 47 poll workers. The poll site has a combined total of 9,375 registered voters, of which only 246 public counter votes, plus 2 affidavit ballots, were cast on November 8, 2011 (*i.e.*, there were fewer than 5.3 voters for every

poll worker at that site). These 10 election districts could have been consolidated into 6 election districts which would have required 16 fewer election inspectors, saving \$3,200.

#### VI. BOE's Explanations for the Decision Not to Consolidate

In the media and during the course of DOI interviews, BOE representatives offered two explanations for BOE's decision not to consolidate election districts for the November 8, 2011 election:

- That there was insufficient time for the BOE to scale back on staffing for the election; and
- full staffing was necessary to give poll workers additional training on the ballot scanning devices.

#### VII. DOI's Analysis of BOE's Explanations for the Decision Not to Consolidate

##### A. There was Insufficient Time to Consolidate Election Districts

BOE Counsel Richman informed DOI that by the time the issue of district consolidation was raised at the October 4, 2011 Board meeting, it was too close to the election to make any changes in staffing levels because by that time, inspectors had already been appointed and given notices to work. However, this rationale does not explain why the Board itself did not consider consolidation prior to it being suggested at the October 4, 2011 Board meeting. The potential cost savings achieved by district consolidation have been recognized at least since 1995 when legislation was passed authorizing the New York City BOE to undertake this procedure. *See* Bill Jacket, 1995 N.Y. Laws Ch. 95, at 5, 6, 11, 13-16. A similar procedure had in fact been utilized as early as 1999 during a primary for a State Senate seat in Queens: the *New York Post* reported that during this primary, only 4 people showed up to cast a vote. David Seifman, *Queens Election Was A Lost Cause Just 6 Votes Cast In 30G Primary*, N. Y. Post, Oct. 10, 1999, at 9. According to the *Post*, the BOE was able to consolidate election districts, reducing the cost of the election "from \$227,000 to about \$30,000." *Id.* More recently, in August 2007, BOE's Chief Voting Machine Technician "recommended that in accordance with the Election Law, the respective Borough Commissioners authorize their boroughs to combine Election Districts . . . for the September 18, 2007 Primary Election."<sup>26</sup> Minutes of the Meeting of the Commissioners of Elections, Aug. 14, 2007, at 3, available at <http://vote.nyc.ny.us/downloads/pdf/documents/boe/minutes/2007/080707meet.pdf>.

At a January 31, 2012 Commissioners' meeting following the criticism of the Board's failure to consolidate for the November 2011 election, the two Borough Commissioners for

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<sup>26</sup> The procedure recommended by the Chief Voting Machine Technician was for the consolidation of any election district with fewer than 100 eligible voters into another district so long as the total number of eligible voters does not exceed 500, as permitted by Election Law § 4-104(5)(a). The consolidations that occurred for the 1999 primary, discussed above, and 2012 Republican Presidential Primary, discussed below, were likely effected pursuant to this same provision. The consolidation of election districts for the Special Election for Carl Kruger's seat likely occurred pursuant to Election Law § 4-104(5)(c), which permits consolidation of election districts within a poll site so long as the total number of eligible voters is no more than 2,000. It is this latter section that would have authorized consolidation during the November 2011 general election.

Brooklyn requested that the Board combine election districts for the Special Election to be held on March 20, 2012 for the 27<sup>th</sup> Senate District seat in Brooklyn once held by Carl Kruger, who resigned in December 2011. Minutes of the Meeting of the Commissioners of Elections, Jan. 31, 2012, at 6-7, *available at* <http://vote.nyc.ny.us/downloads/pdf/documents/boe/minutes/2012/013112meet.pdf>. According to the minutes of the Board meeting, a total of 97 out of 258 districts were combined. In addition, on February 21, 2012, the Board unanimously adopted a request to combine election districts for the April 24, 2012 Republican Presidential Primary. Representatives of the BOE subsequently appeared before the City Council's Committee on Governmental Operations on March 29, 2012 to testify on the City's preliminary budget for Fiscal Year 2013. During that testimony, the BOE advised the Council that for the 2012 Republican Presidential Primary, 3,213 election districts would be combined throughout the City, for a savings cost in poll workers' salaries of more than \$1.8 million.

During his interview with DOI, BOE Counsel Richman said that the BOE decided to combine elections districts for the 2012 Republican Primary election because many districts have a small universe of voters who are registered as Republican (*i.e.*, a small number of eligible voters for that election), which increases the number of election districts for which consolidation is a possibility. Mr. Richman also said there was more time to effect the combination of election districts because the Board first began discussing that concept at least two months before the Republican Primary – a strong contrast to the November 2011 election, when a discussion did not occur until about a month before the election and workers had already been notified of their assignments.

#### B. The Election Provided an Opportunity for Additional Poll Worker Training

The BOE also justified the decision not to consolidate any election districts by asserting that the full staffing was necessary to give poll workers additional training on the ballot scanning devices. After more than 50 years of using lever voting machines, the BOE introduced a new electronic scanning system for the September 2010 Primary Election, and had to train more than 36,000 poll workers on the new scanners. Board of Elections of the City of New York, Annual Report 2010, at 4, *available at* <http://vote.nyc.ny.us/downloads/pdf/documents/boe/AnnualReports/BOEAnnualReport10.pdf>.

The September 2010 Primary Election Day was beset with a number of issues involving the new scanners, including inoperable voter equipment, poorly trained poll workers, in addition to other problems including late poll site openings. *See, e.g.*, Sam Roberts, *Recount Finds 195,000 Votes Were Missed on Election Night*, New York Times, Dec. 3, 2010, at A24; Transcript of the Minutes of the Joint Committees on Government Operations, Oct. 4, 2010 at 7. As a result, the BOE sought to improve poll worker recruitment and training, which included six hours of classroom and “hands-on training” with the new voting equipment. Transcript of the Minutes of the Joint Committees on Oversight and Investigations, Governmental Operations, Dec. 6, 2010, at 28.

Additionally, prior to the November 2011 off-year election, poll workers had opportunities to use and become familiar with the new equipment. The first use of the new scanner system City-wide was in the primary election of September 2010; the equipment was used a second time in the November 2010 general City-wide election; and a third use occurred in a September 2011 primary held in three Boroughs (Brooklyn, Manhattan and Queens). While the new scanner system experienced significant problems during its inaugural usage in September 2010, there were fewer problems reported in the November 2010 general election where the system was used for the second time.<sup>27</sup> After, yet another use of the scanner equipment, the criticism of the BOE after the September 2011 primary in Brooklyn, Manhattan and Queens, focused on the delays in reporting election results and the manner in which votes were counted, issues on which poll worker training would have little effect.<sup>28</sup> Thus, the November 2011 election was the third, and in some Boroughs, the fourth time that poll workers worked with the electronic machines. The poll workers had also received the aforementioned training as well, ordered after the maiden use of the equipment in September 2011.

Moreover, the use of the November 2011 election as a training exercise was an expensive way to train poll workers, and given the extremely low turnout it was an inefficient one as well. Many poll workers had minimal voter contact and less practice than they would have had in an additional training course. The BOE is in fact required to conduct yearly training sessions for all election inspectors, poll clerks, and election coordinators, regardless of whether they have received the training before, Election Law § 3-412, and has a training budget with which to do this. In her March 16, 2011 City Council testimony, BOE Deputy Executive Director Dawn Sandow submitted a cost summary for poll worker classroom training in 2011 that indicated that the BOE anticipated spending nearly \$4 million on training payments to poll workers. Each poll worker is required to receive six hours of training per election year. Minutes of the Meeting of the Commissioners of Elections, July 20, 2011, at 3, *available* at <http://vote.nyc.ny.us/downloads/pdf/documents/boe/minutes/2011/072011meet.pdf> Accordingly, some of the poll workers who worked in the November 2011 election had six, twelve or even eighteen hours of training regarding the ballot scanning machines prior to the November 2011 election.

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<sup>27</sup> See, e.g., James Barron, *Voters Encounter Scattered Problems*, New York Times, Nov. 2, 2010, *available* at <http://cityroom.blogs.nytimes.com/2010/11/02/voters-encounter-only-scattered-problems/> (“New Yorkers using the new computerized voting system seemed to encounter fewer problems on Tuesday than they did during the September primary”).

<sup>28</sup> See, e.g., Barry Paddock et al., *Yes, Of Course I Know the Way to D.C.*, Daily News, Sept. 15, 2011, at 3; *Board of incompetence*, Daily News, Sept. 15, 2011, at 28.

## VII. Conclusions and Recommendations

As reflected in this report, the BOE failed to conduct sufficient advance planning and analysis for the November 2011 election, an election that it knew well in advance would have an extremely low voter turnout. As a result, the cost of that election was unnecessarily high. Absent consolidation of all 6,102 election districts, 24,408 election inspectors are required under the Election Law to staff each district (four for each). DOI found that if consolidation had been employed, however, the number of election districts would have been reduced to 3,066, requiring only 12,260 election inspectors. Based on the \$200/day minimum payment for election inspectors, DOI estimated that if the BOE had consolidated all of the eligible districts, it could have achieved a savings of at least \$2.4 million.<sup>29</sup>

The claim articulated by the BOE that it did not have sufficient time to implement consolidation because it was first suggested by a member of the public at the BOE's October 4, 2011 meeting, was a situation of their own making, fails to address the fact that by that date the BOE was already well aware of the projected low turnout for the November 2011 election, and that consolidation procedures had been utilized several times in the past. In addition, the BOE's claim that a fully staffed election was necessary to afford poll workers additional training, must be viewed in light of the fact that poll workers had already received mandatory training on the scanner system, and the system had already been used in at least two prior elections Citywide, and for some boroughs in three prior elections. Lastly, using as a training exercise an election with so few voters afforded the full complement of poll workers deployed minimal voter contact and practice; an additional training class could have been less costly and more effective.

The analysis undertaken by DOI was extremely labor intensive and involved the review of massive amounts of data that was provided by the BOE on paper rather than in an electronic, searchable form. We note that the BOE does not provide resources to DOI for investigations, audits and/or oversight. Nonetheless, DOI has jurisdiction and examined these allegations of waste by the BOE because the BOE is funded by City tax dollars. We further note that during the time we conducted this examination, additional criticisms of the BOE have been made in the media and to DOI. These criticisms do raise significant questions about the BOE's operation and efficiency that should be examined more closely.

Based on the foregoing, DOI makes the following recommendations:

1. The potential dollar savings that can be achieved through the consolidation of election districts can be significant. When election districts are combined, fewer poll staff are required, reducing the amount that must be paid in poll worker salaries. Consolidation is unlikely to cause great delay or inconvenience in elections in which low voter turnout is expected. Nevertheless, consolidation should be employed in a considered manner and should only be employed in instances where doing so would not compromise the electoral process. The BOE should continue to consider consolidation in a timely manner in every election where it is permitted under the Election Law and, when appropriate, use the consolidation provisions to run

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<sup>29</sup> Additional cost savings might also have been achieved via consolidation due to fewer "election coordinators" but information provided by BOE was not sufficient enough to conduct that calculation.

efficient elections and prevent waste. It is imperative that this process begin at a time sufficiently ahead of the election that such measures may be properly implemented, if warranted.

2. Given that the BOE has requested that the City “provide significant additional resources” in order for it to fulfill its statutory and Constitutional mission,<sup>30</sup> the Board should consider the most cost efficient way to train its staff. The BOE should not overstaff an election where low voter turnout is expected in order to “train” poll workers without considering the comparative cost and efficacy of that action.

3. While consolidation should be considered for every election district in which the number of eligible voters is below the relevant threshold, DOI identified 188 election districts in which there were 100 or fewer active voters. In the case of election districts that have this few voters, the BOE should not only consider a consolidation plan, but should also evaluate whether they could propose where election lines could be redrawn under the current legal parameters as to process and timing, in order to more permanently take advantage of the efficiencies presented by incorporating these small districts into larger ones as a means of effecting permanent cost savings.<sup>31</sup>

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<sup>30</sup> Mar. 16, 2011 Prepared Testimony of the BOE before the City Council Committee on Governmental Operations, at 7.

<sup>31</sup> There are no resources provided to DOI for investigations that pertain to the BOE, although DOI’s jurisdictional purview includes the BOE’s activities because, *inter alia*, the BOE is funded by the City of New York. I would, therefore, like to acknowledge the labor-intensive work undertaken by the DOI investigators and attorneys who worked on this matter in addition to their existing, significant duties.