



THE COUNCIL
OF
THE CITY OF NEW YORK
CITY HALL
NEW YORK, NY 10007

CHRISTINE C. QUINN
SPEAKER

TELEPHONE
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September 26, 2010

Hon. Raymond W. Kelly
Commissioner
New York Police Department
One Police Plaza
New York, NY 10038

Hon. Joel I. Klein
Chancellor
New York City Department of Education
Tweed Courthouse
52 Chambers Street
New York, NY 10007

Mr. George Gonzalez
Executive Director
Board of Elections in the City of New York
32 Broadway, 7th Floor
New York, NY 10004

Dear Commissioner Kelly, Chancellor Klein and Executive Director Gonzalez:

New York experienced widespread problems on the day of the recent Primary Election, September 14, 2010. According to anecdotal and media reports, some polling sites were unable to open on time and may have experienced other problems due to failures not only on the part of the Board of Elections, but also on the part of Police Department and Department of Education personnel, who are essential to the opening of polling sites.

The City Council's Committee on Governmental Operations will be conducting an oversight hearing on October 4, 2010, to examine the problems that occurred on Primary day. To enable us to accomplish this, we are asking your two departments and the Board for the following information prior to that date:

Police Department and Department of Education:

- 1) Whether any Police Department or Department of Education personnel failed to appear at their appointed polling sites on time on the day of the Primary;
- 2) Your protocol for determining whether Police Department and Department of Education personnel appeared on time at their appointed polling sites;
- 3) If you do not have such a protocol, whether you are currently working to develop such a protocol and when such a protocol will be complete;
- 4) A list of personnel, by position and polling site, who failed to appear in a timely manner; and
- 5) Whether you have conducted a review to determine if disciplinary action is warranted as a result of such failures and, if so, a description of the disciplinary process and the number of disciplinary actions that have been taken.

Board of Elections:

- 1) Documentation of all communications to the Police Department and Department of Education for each instance in which a police officer or Department of Education employee failed to appear in a timely manner at his or her appointed polling site;
- 2) Your protocol for informing the Police Department and Department of Education when personnel have failed to appear at their appointed polling sites on time; and
- 3) Your protocol for addressing failures of the Police Department and Department of Education to appear in a timely manner at an assigned polling place.

In addition, we are requesting that the Board of Elections also provide all incident reports produced by poll workers or other Board of Elections personnel on Primary day, as well as any other reports produced by such individuals documenting poll site operations. The Committee further requests that incident reports be made publicly available online as quickly as possible for the September 14, 2010, Primary Election and each subsequent election event.

Finally, we are requesting that the Board of Elections create a document to be used to document the functioning of each poll site in future elections. For each poll site, this "poll site report card" should be completed at the close of election day, whether or not problems occurred at such site, and should require, at a minimum, the following information: 1) whether any personnel failed to appear in a timely manner and the agency affiliation of the individual(s); 2) the name(s) and badge number(s) of Police Department personnel assigned to the poll site; 4) in the case of a poll site failing to open on time, the reason for the delay; 5) poll site closing time; and 6) in the case of voting machinery becoming inoperable and paper ballots being used, length of time that such paper ballots were used at each poll site.

In order to increase transparency and accountability, completed report cards should be provided to the Committee and made publicly available online within two weeks of every election event, beginning with the November 2010 General Election.

We assume that you will provide this information to the Committee and comply with these requests in a timely manner.

Sincerely,



Christine C. Quinn
Speaker



Gale A. Brewer
Chair, Governmental Operations Committee

cc: Steve Richman, General Counsel, Board of Elections in the City of New York
Sue Petito, Assistant Commissioner for Intergovernmental Affairs, New York
Police Department
Lenny Speiller, Executive Director for Intergovernmental Affairs, New York City
Department of Education
Haeda Mihaltses, Director, Mayor's Office of Intergovernmental Affairs