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BOARD OF ELECTIONS

IN
THE CITY OF NEW YORK
EXECUTIVE OFFICE, 32 BROADWAY
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MICHAEL J. RYAN
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DAWN SANDOW
DEPUTY EXECUTIVE DIRECTOR

PAMELA GREEN PERKINS
ADMINISTRATIVE MANAGER

GEORGEA KONTZAMANIS
OPERATIONS MANAGER

January 2, 2018

Hon. Anthony A. Caponera
Chairman, Busing and Safety
Citywide Education Council – District 75
45-18 Court Square, Suite 229
Long Island City, NY 11101

**Re: Your October 6, 2017 letter -
Closing of Schools for
Election Events**

Dear Chairman Caponera:

Re the above matter and thank you for your letter dated October 6, 2017 (received by the Board on October 22, 2017). Please excuse the delay in responding.

Please be advised that the Board of Elections in the City of New York (the Board) shares the security concerns set forth in your letter. Please be further advised that the New York State Election Law (EL) § 4-104 is structured such that accessible public school facilities are the predominant locations utilized for election events. In fact, sixty percent (60%) of the 1200 locations utilized in citywide elections are public schools.

Attached please find a copy of my July 21, 2014 letter to the Hon. Carmen Fariña, Chancellor of the New York City Department of Education (DOE), seeking to work cooperatively with DOE regarding this issue. The Board did not receive a response to this letter.

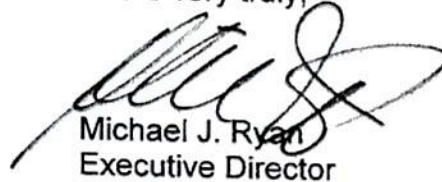
In addition, attached please find a copy of the Board's letter to the Governor and the Members of the Legislature of the State of New York regarding the Board's 2017 Legislative Proposals and a copy of Proposal # 17-03 regarding an amendment to EL § 8-100. The Board's proposal states that "the public schools within such jurisdiction conducting a primary election shall not conduct any classes or other activities within its buildings which require the presence of the students enrolled therein."

In 2014, CEC 31(Staten Island) passed a resolution regarding this matter and reiterated such resolution in 2017. To date, these collective efforts have not yielded the desired result.

I expect that the attached legislative proposal, subject to authorization of the Commissioners of Elections, will be included in the proposals forwarded to the Governor and the Members of the Legislature of the State of New York in 2018. The Board is mindful that such a directive may be made by the Chancellor of the DOE without the necessity of legislative action; however, no such directive has been imparted to date.

I trust that the foregoing adequately expresses the Board's position in this regard. Again, thank you for your detailed and thoughtful expression of concern regarding the safety and security of public schools utilized as poll sites.

Yours very truly,



Michael J. Ryan
Executive Director

MJR:ks
Encl.

C: Board of Commissioners
Executive Operations
Hon. Carmen Fariña (w/ CEC 75 letter and advisory opinion)

Fwd: resolution

acaponececd75

Fri 6/22/2018 2:13 PM

To: Garcia Ramona <RGarcia24@schools.nyc.gov>; Amy Ming Tsai <executive1opp@msn.com>;

Anthony A. Caponera, Treasurer.
Citywide Education Council, District 75

----- Original message -----

From: Lazarus Randi <RLazarus@schools.nyc.gov>

Date: 6/11/18 10:40 AM (GMT-05:00)

To: acaponececd75@gmail.com

Subject: resolution

Passed 11/03/14: RESOLUTION #87 – CEC 31 REQUESTS THAT THE NYC DEPARTMENT OF EDUCATION DESIGNATES BOTH PRIMARY AND GENERAL ELECTION DAYS AS STUDENT NON-ATTENDANCE DAYS

WHEREAS, the majority of New York City public schools serve as community polling sites during primary and general election events; and

WHEREAS, the NYC Department of Education has designated *General Election Days* as student non-attendance days; however, it does not have a similar policy for *Primary Election Days* causing students to be in attendance while primary voting is taking place; and

WHEREAS, Federal and New York State laws, including the *Americans with Disabilities Act* (ADA) mandate that polling sites conform to specific standards allowing disabled voters barrier-free access, which requires the use of school cafeterias, auditoriums and gymnasiums to properly locate voting machines to comply with these laws; and

WHEREAS, the placement of voting machines in school cafeterias, auditoriums and gymnasiums creates significant disruptions in student and school activities on *Primary Election Days*, causing students to be denied access to hot lunch, physical education or enrichment activities in the building; and

WHEREAS, ordinarily school administrators and staff ensure a safe environment by securing doors and preventing unauthorized public access to school buildings, however *Primary Election Days* negate these measures causing school doors to remain open, allowing members of the public unfettered access to the buildings; and

WHEREAS, in addition, open school doors present a heightened risk of students exiting a school building unnoticed during a disruptive public voting event; and

WHEREAS; the NYC Commissioner of Elections has acknowledged these concerns in Proposal #14-10, requesting the following amendment to New York State Election Law, Section 8-100 (5):

Notwithstanding any other provision of law to the contrary, on any day on which a general election or primary election is conducted pursuant to subdivisions 1(a), 1(b) or 1(c) of this section, the public schools within such jurisdiction conducting a primary election shall not conduct any classes or other activities within its buildings which require the presence of the students enrolled therein; and

WHEREAS, Community Education Council 31 believes student presence during designated *Primary Election Days* while school buildings are open to the public raises significant safety concerns; **therefore be it**

RESOLVED; Community Education Council 31 requests that the NYC Department of Education designate both Primary and General Election Days as student non-attendance days and that DOE adjusts future school year calendars to indicate student non-attendance based on the scheduled election events listed as follows:

2015 - Primary Election September 15; General Election November 3

2016 – Primary Election September 13; General Election November 8

2017 – Primary Election September 12; General Election November 7

Randi Lazarus

Administrative Assistant

CEC District 31

715 Ocean Terrace

Staten Island, NY 10301

 (718) 420-5746

 (718) 420-5745

 Rlazarus@schools.nyc.gov

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COPY



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ADMINISTRATIVE MANAGER

July 21, 2014

Hon. Carmen Fariña
The City of New York
Department of Education
Tweed Courthouse
52 Chambers Street
New York, NY 10007

Re: **Election Day School Availability**

Dear Chancellor Fariña:

Re the above matter, please be advised that I am the Executive Director of the Board of Elections in the City of New York (the Board) and have served in this capacity since August 2013. During my tenure I have presided over the election-day operations for four (4) election events.

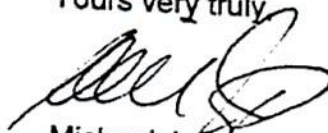
The Board works very closely with your department to ensure that the needs of both agencies are adequately met and that the public is well served throughout each election event. I must particularly commend the hard work and dedication of members of your school facilities unit, Salvatore Calderone and Natalie Green, as well as your staff members who work on cluster networks, Kevin Moran and Khan Rana. In my experience and in reports from my staff, I have found the level of cooperation and professionalism to be exceptional.

Attached please find a copy of a proposed amendment to New York State Election Law § 8-100 that would add a new subdivision 5 requiring schools to be closed to students on days when primary elections are conducted.

After each election, the Board conducts an internal review of the event with a view toward improving the process. In addition, I have attended meetings with elected officials and otherwise received feedback from the public. Based upon these experiences and feedback, I am respectfully requesting that you review the proposed legislative amendment and statement in support detailing the full extent of the Board's concerns regarding the coexistence of the election process and student activities on election days.

I look forward to working with you to formulate a plan that meets the needs of all concerned. If you have any questions or require additional information, please do not hesitate to contact me. I may be reached by you or a member of your staff at (212) 487-5403.

Yours very truly



Michael J. Ryan
Executive Director

C: Board of Commissioners
Dawn Sandow, Deputy Executive Director
Pamela Perkins, Administrative Manager

BOARD OF ELECTIONS IN THE CITY OF NEW YORK

RECOMMENDED REVISIONS IN THE NEW YORK STATE ELECTION LAW 2014

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Michael Michel, Secretary

Jose Miguel Arcaño

Ronald Castorina, Jr.

Julie Dent

Marie R. Guastella

Michael A. Romano

Simon Shamoun

Frederic M. Umare

COMMISSIONERS OF ELECTIONS IN THE CITY OF NEW YORK

Prepared by the Office of the General Counsel

PROPOSAL #14-10

PROPOSED REVISION

To amend Section 8-100 of the Election Law to provide that the public schools within the State of New York are not open for regular classes with their students on any general election or primary election day.

The Commissioners of Elections recommend that Section 8-100 of the Election Law be amended by adding a new subdivision 5:

Section 8-100 is amended to read:

5. **Notwithstanding any other provision of law to the contrary, on any day on which a general election or primary election is conducted pursuant to subdivisions 1(a), 1(b) or 1(c) of this section, the public schools within such jurisdiction conducting a primary election shall not conduct any classes or other activities within its buildings which require the presence of the students enrolled therein.**

STATEMENT IN SUPPORT

The 2012 Presidential, Federal and September Primary Elections clearly indicated a growing problem for election administrators within the City of New York (and likely in other parts of the State as well). Each of those elections was conducted on a day which was a regular school day for the students in the New York City Public School System (as well as in the public schools throughout the Empire State). In some jurisdictions, even on the General Election Day some public schools have that day as a regular day of instruction.

The Board of Elections in the City of New York has seen this problem re-occur at every Primary Election in the City of New York since 2008. Almost every Public School in the City of New York (and many outside the City) serves as a poll site for their neighborhood. The poll site is usually in the school's cafeteria, auditorium or gymnasium. The attempt to co-exist and serve the needs of our respective constituencies (the voters and the students), did not go well. In many instances, the poll site and all of its staff and equipment were placed in spaces too small to accommodate them during an election with average turnout. A person with disabilities has great

PROPOSAL #14-10
(continued)

problems moving around such a site. In other cases, students were forced to eat a cold lunch in their classrooms, physical education classes were cancelled and other regular school routines interrupted.

In addition, several school administrators expressed concern about having voters in the school building while the students were present. In the aftermath of the tragic incident at Sandy Hook Elementary School in Connecticut this concern appears to be growing.

The Commissioners believe that the most appropriate solution is to require that this State's Public Schools not have classes in session on the day of any General or Primary Election. With the full implementation of a new voting system for the potential for even greater problems is growing. For example, initially the State Department of Education scheduled mandated examinations for students on the date of the 2012 Presidential Primary. With a great deal of cooperative efforts, that examination was rescheduled. Therefore, the Commissioners believe that the prompt enactment of PROPOSAL #14-10 is necessary and proper to ensure that the rights of all voters are protected and that the children in the New York State's Public Schools are protected.

BOARD OF ELECTIONS IN THE CITY OF NEW YORK

RECOMMENDED REVISIONS IN THE NEW YORK STATE ELECTION LAW 2017



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Lisa Gray

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COMMISSIONERS OF ELECTIONS IN THE CITY OF NEW YORK

Prepared by the Office of the General Counsel



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March 21, 2017

To the Governor and Members of the Legislature of the State of New York

Re: Legislative Proposals - 2017

The Board of Elections in the City of New York respectfully submits its 2017 legislative proposals for your consideration and action. These amendments to the New York State Election Law will enable the Board to conduct elections in a more efficient and effective manner, while continuing to maintain the integrity of the election process.

Attached for your reference are the Recommended Revisions to the New York State Election Law. For ease of review the revisions are organized in order of priority. The "top" five (5) recommended revisions are as follows:

1. Improving Ballot Design to Better Serve Voters
2. Increasing the Rate of Pollworker Compensation
3. Closing Schools to Students on General and Primary Election Days
4. Changing the National Change of Address System (NCOA) check from May to January
5. Authorization to Combine Election Districts with Low Voter Registration and/or Zero Voters with another Election District in the Same Poll Site.

We respectfully request that due consideration is given to all of the Board's recommended revisions. We thank you in advance for your consideration of the Board's proposals and look forward to working with you to effect these improvements to the election process.

If you have any questions or require additional information, please do not hesitate to contact either Michael J. Ryan, Executive Director at (212) 487-5403 or Dawn Sandow, Deputy Executive Director at (212) 487-5312.

Respectfully submitted,

THE BOARD OF ELECTIONS
IN THE CITY OF NEW YORK



Michael J. Ryan
Executive Director



Dawn Sandow
Deputy Executive Director

C: Board of Commissioners

PROPOSAL #17-03

PROPOSED REVISION

To amend Section 8-100 of the Election Law to provide that public schools within the State of New York are not open for regular classes with their students on any general election or primary election day.

The Commissioners of Elections recommend that Section 8-100 of the Election Law be amended by adding a new subdivision:

Section 8-100 is amended to read:

5. **Notwithstanding any other provision of law to the contrary, on any day on which a general election or primary election is conducted pursuant to subdivisions 1(a), 1(b) or 1(c) of this section, the public schools within such jurisdiction conducting a primary election shall not conduct any classes or other activities within its buildings which require the presence of the students enrolled therein.**

STATEMENT IN SUPPORT

Operating a poll site while school is in session creates a number of safety and logistical concerns for students and voters alike. Often school officials, attempting to act in the best interest of students, infringe upon the rights of voters by depriving complete access to voting space to increase room for students or inhibiting free access to the building to increase safety for students. In many aspects, the interests of the boards of elections and the interests of the public school are at irreconcilable odds with each other.

The Board of Elections in the City of New York has seen this problem re-occur at every Primary and General Election in the City of New York since 2008. Most public schools in the City of New York (and many outside the City) serve as a poll site for their neighborhood. The poll site is usually in the school's cafeteria, auditorium, or gymnasium; sometimes it is in two or more of those locations. The attempt to co-exist and serve the needs of our respective constituencies (the voters and the students), has not gone well. In many instances, the poll site and all of its staff and equipment were placed in spaces too small to accommodate them during an election with average turnout. A person with disabilities has great problems moving around such a site. In other cases, students were forced to eat cold lunches in their classrooms, physical education classes were cancelled, and other regular school routines interrupted. In one instance, initially the State Department of Education scheduled mandated examinations for students on the date of the 2012 Presidential Primary. With a great deal of cooperative efforts, that examination was rescheduled.

**PROPOSAL #17-03
(CONTINUED)**

In addition, several school administrators expressed concern about having voters in the school building while the students were present. In the aftermath of the tragic incident at Sandy Hook Elementary School in Connecticut and other incidents, this concern appears to be growing.

The Commissioners believe that the most appropriate solution is to require that this State's public schools not have classes in session on the day of any General or Primary Election. With the full implementation of a new voting system, and the mandate to operate fully accessible poll sites the potential for even greater problems is growing. Therefore, the Commissioners believe that the prompt enactment of PROPOSAL #17-03 is necessary and proper to ensure that the rights of all voters are protected and that the children in the New York State's public schools are protected.



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January 2, 2018

Hon. Anthony A. Caponera
Chairman, Busing and Safety
Citywide Education Council – District 75
45-18 Court Square, Suite 229
Long Island City, NY 11101

**Re: Your October 6, 2017 letter -
Closing of Schools for
Election Events**

Dear Chairman Caponera:

Re the above matter and thank you for your letter dated October 6, 2017 (received by the Board on October 22, 2017). Please excuse the delay in responding.

Please be advised that the Board of Elections in the City of New York (the Board) shares the security concerns set forth in your letter. Please be further advised that the New York State Election Law (EL) § 4-104 is structured such that accessible public school facilities are the predominant locations utilized for election events. In fact, sixty percent (60%) of the 1200 locations utilized in citywide elections are public schools.

Attached please find a copy of my July 21, 2014 letter to the Hon. Carmen Fariña, Chancellor of the New York City Department of Education (DOE), seeking to work cooperatively with DOE regarding this issue. The Board did not receive a response to this letter.

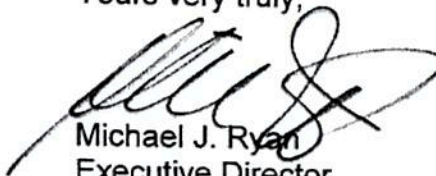
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In 2014, CEC 31(Staten Island) passed a resolution regarding this matter and reiterated such resolution in 2017. To date, these collective efforts have not yielded the desired result.

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I trust that the foregoing adequately expresses the Board's position in this regard. Again, thank you for your detailed and thoughtful expression of concern regarding the safety and security of public schools utilized as poll sites.

Yours very truly,



Michael J. Ryan
Executive Director

MJR:ks
Encl.

C: Board of Commissioners
Executive Operations
Hon. Carmen Fariña (w/ CEC 75 letter and advisory opinion)

COPY



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July 21, 2014

Hon. Carmen Fariña
The City of New York
Department of Education
Tweed Courthouse
52 Chambers Street
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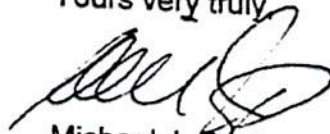
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Michael J. Ryan
Executive Director

C: Board of Commissioners
Dawn Sandow, Deputy Executive Director
Pamela Perkins, Administrative Manager

**BOARD OF ELECTIONS
IN THE
CITY OF NEW YORK**

**RECOMMENDED REVISIONS
IN THE
NEW YORK STATE
ELECTION LAW
2014**

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Ronald Casarone, Jr.
Julie Dent
Marie R. Guastella
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Simon Shamoun
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COMMISSIONERS OF ELECTIONS IN THE CITY OF NEW YORK

Prepared by the Office of the General Counsel

PROPOSAL #14-10

PROPOSED REVISION

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PROPOSAL #14-10
(continued)

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RECOMMENDED REVISIONS IN THE NEW YORK STATE ELECTION LAW 2017

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March 21, 2017

To the Governor and Members of the Legislature of the State of New York

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Attached for your reference are the Recommended Revisions to the New York State Election Law. For ease of review the revisions are organized in order of priority. The "top" five (5) recommended revisions are as follows:

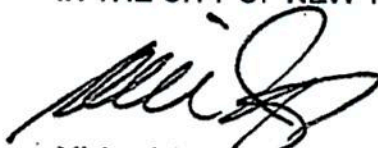
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4. Changing the National Change of Address System (NCOA) check from May to January
5. Authorization to Combine Election Districts with Low Voter Registration and/or Zero Voters with another Election District in the Same Poll Site.

We respectfully request that due consideration is given to all of the Board's recommended revisions. We thank you in advance for your consideration of the Board's proposals and look forward to working with you to effect these improvements to the election process.

If you have any questions or require additional information, please do not hesitate to contact either Michael J. Ryan, Executive Director at (212) 487-5403 or Dawn Sandow, Deputy Executive Director at (212) 487-5312.

Respectfully submitted,

THE BOARD OF ELECTIONS
IN THE CITY OF NEW YORK



Michael J. Ryan
Executive Director



Dawn Sandow
Deputy Executive Director

C: Board of Commissioners