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Executive Summary

There is a growing recognition that American democratic institutions are undergoing a deep crisis of confidence. One of the most visible symptoms of this crisis has been the decline in voter turnout. New York City turnout has been among the worst in the country – declining from 73 % in 1972 to 62 % in 2016 in the presidential elections and from 93% in 1953 to the abysmal 21.7% in 2017 in the mayoral elections.¹ There is also a wide consensus around the repeated and multiple failures of the NYC Board of Elections (BOE) to improve voter experience that accounts for at least some of the reduced turnout. This was expressed, among others, by Mayor Bill de Blasio, who stated that BOE’s time “has come and gone” and that state legislation must be passed to “professionalize the agency.”² On his part, NYC Comptroller Scott Stringer has also subjected BOE operations to a stinging critique in his freshly issued Audit Report which calls upon the BOE “to establish a working group to identify and implement needed changes”.³ The scandalous purge of over 117,000 voters by the BOE Brooklyn office that was reversed only after the federal Department of Justice (DOJ) and the NY State Attorney General investigations only added fuel to the fire of urgency in this matter.

¹ Data from the NYC BOE Annual Report of 2016, <http://vote.nyc.ny.us/downloads/pdf/documents/boe/AnnualReports/BOEAnnualReport16.pdf>, p. 15-16, except for the figure for the 2017 Mayoral elections, which is calculated based on the Unofficial Election Night Results, <https://enrweb.boenyc.us/OF11CY0PY3.html>.

² ‘Transcript: Mayor de Blasio Announces NYC Will Be First City to Mandate that Existing Buildings Dramatically Cut Greenhouse Gas Emissions,’ September 14, 2017, <http://www1.nyc.gov/office-of-the-mayor/news/589-17/transcript-mayor-de-blasio-nyc-will-be-first-city-mandate-existing-buildings>.

³ ‘Audit Report on the Board of Elections’ Controls over the Maintenance of Voters’ Records and Poll Access,’ https://comptroller.nyc.gov/wp-content/uploads/documents/MG16_107A.pdf, p. 21.

Among the key aspects of voting experience that have not yet received sufficient attention has been the lack of poll site stability and the insufficient number of poll sites in some areas. In this report, TBI provides a detailed analysis of poll site relocations and closings between November 2015 and November 2017, based on poll site lists for this period available on BOE website.

Our principal findings in this study include the following:

- Over the past two years, the total number of registered voters in NYC increased by 11 percent, that is, by over half a million voters, to more than 5 million total; the number of voters categorized by the BOE as active grew at an even faster pace.
- Meanwhile, the number of poll sites used by NYC BOE has increased by only 1.4 percent;
- As a result, the density of active voters per polling place has increased by more than 10 percent, to an average of 3,790 voters per polling site;
- Yet in the same period a total of **91, or 7.6%, of poll sites in NYC have been discontinued**, with **922, or 17% of Election Districts (EDs) shifted between sites** (in a number of cases more than once) – most of them over the past year. These EDs comprise **over 530,000 active and close to 600,000 total registered voters – i.e around 13 percent of both.**
- A number of the most heavily affected areas (such as LeFrak City in Queens, Harlem in Manhattan and Coney Island in Brooklyn) happen to have a particularly high percentage of racial minorities and elderly.
- These arbitrary changes have become especially visible since the U.S. Supreme Court ruling of 2013 that essentially removed the pre-clearance requirements for

such changes (these requirements applied to several jurisdictions across the country with a history of voter suppression, including three of five NYC boroughs).

- Despite these massive relocations, there is a significant disparity in the availability of poll sites in different neighborhoods. In some areas, one poll site serves an excessive number of voters (in extreme cases, such as in Co-Op City, Bronx, **more than 10,000 active voters from 22 election districts**). These poll sites are effectively unable to comply with the legal requirement of no more than 30-minute waiting time per voter, except under very low turnout. Such areas with insufficient number of poll sites can be described as 'democracy deserts,' where voters, especially those elderly or disabled, face truly prohibitive distances in getting to their poll site.

We conclude that ***any comprehensive reform of NYC elections operation must include legal provisions to ensure the stability of polling locations, except in emergencies, as well as a more equitable distribution of poll sites across city neighborhoods***. We also support the widespread demand for allowing a No-Excuse Absentee Voting which would essentially spare voters from having to vote at their poll site on an election day and which is already allowed in 27 U.S. states. We urge and demand that the State Legislature pass a comprehensive voting reform legislation incorporating these provisions.

In the meantime, in the absence of urgently needed reform, voter rights advocates have to take the initiative in their own hands - including through litigation, as shown by the recent successful example of LeFrak City residents winning their lawsuit against BOE and compelling it to restore their poll site under court order.

Introduction: LeFrak Voters' Court Win and Its Significance

On October 27, 2017, New York State Supreme Court Judge Erika M. Edwards issued a landmark decision in the lawsuit filed by six community activists and The Black Leadership Action Coalition (BLAC) against the New York City Board of Elections (NYC BOE). The plaintiffs – including President of the LeFrak City Tenants Association Malikah Shabazz; Coordinator of the LeFrak City Tenants League James Galloway; Rubi Muhammad; Durriyah Hakam; Reaver Cherry; and Rosalind Antoine - sued BOE for the diminution of their voting rights caused by the closing of their poll site in LeFrak City. The site, located in a community room at 96-10 57th Avenue in Corona, known as the Continental Room, had served four Election Districts (EDs) in the area (15th, 16th, 18th and 25th ED of the 35th Assembly District) for close to half a century; and another ED, 17th, was added to it in 2012. In May 2017, BOE decided to move all five EDs outside of the neighborhood, splitting them between two school buildings – one of them three quarters of a mile away, and another a quarter of a mile away. In total, this change affected over 6,000 voters.⁴ The basis for this BOE decision was that the LeFrak site was allegedly not in compliance with the provisions of the Americans with Disabilities Act (ADA) and the federal court ruling of 2012 to make all voting sites accessible.⁵ In fact, however, pursuant to that decision, the determination of accessibility was to be made not by BOE itself, but by a consultant firm – Evan Terry Associates, LLC - designated by the same federal court ruling in 2012 to conduct poll site accessibility

⁴ According to voter enrollment data on the New York State Board of Elections (NYS BOE) website, the total number of registered voters in these five EDs, as of April 2017, was 6,758, of whom 6,068 were active voters.

⁵ The decision referenced here was issued in the case of *United Spinal Ass'n v. Bd. Of Elections in the City of New York*, 882 F. Supp 2d 615 (SDNY 2012).

surveys in New York City. And while initially (in September 2016) the consultant found that the site in LeFrak was not compliant with ADA without temporary accommodations, on October 13, 2017, upon a more thorough examination of the site, it reversed its opinion and declared orally, both to BOE officials and to resident groups, that the site was, in fact, ADA compliant. The verdict of the judge was that the site “was ADA compliant at the time of Terry’s initial report and it continues to be compliant to this day.” Judge Edwards ruled that the BOE decision to move voters from the LeFrak polling place to locations outside of the neighborhood “was irrational, arbitrary and capricious.” She ordered the BOE to relocate the voting site for the voters of the four districts that had been voting in LeFrak before 2012 back to the Continental Room, in time for the general election of November 7, 2017. The BOE, represented by the NYC Law Department, appealed for an interim stay of the order, but the appeal was denied.

Notably, at the general election the turnout in LeFrak at the restored poll site was not only significantly higher than the turnout from the area at the primary (which is usually the case), but also higher than the general election turnout from that larger section of the Councilmanic district to which LeFrak belongs (Assembly District 35 section of City Council District 21). While the number of votes cast throughout this area increased from the primary to the general election by 17%, ***the number of votes cast in EDs 15, 16, 18 and 25 of AD 35 increased by nearly a half (from 730 to 1,079)*** - in spite of the fact that in the general election there was only one City Council candidate on the ballot.⁶

⁶ Comparison of the unofficial election night results (<https://enrweb.boenyc.us/CD21364AD354.html>) with primary results (http://vote.nyc.ny.us/downloads/pdf/election_results/2017/20170912Primary%20Election/01402)

This ruling should be considered a major voting rights victory not only on general principle or because organized grassroots voting rights groups set an example for others by prevailing in court over the Board of Elections, but also because of the demographics of the area. Statistical Atlas, based on the 2010-2013 Census data, shows that LeFrak residents are predominantly people of color: 49.8% are Black and 31.2% are Hispanic (by comparison, in the borough of Queens as a whole, Blacks comprise 18.6% and Hispanics 26.4% of the population). About 15% of adult population in the area are 65 or older. Median household income in LeFrak is around \$50,000 – seven thousand less than in Queens as a whole. Thus, the court ruling on LeFrak was a victory for minority and low-income voters in particular and has a wider significance, with potential ripple effect for other parts of the country with similar demographic profiles.

Poll Site Closings and Relocations: Is There a Pattern?

LeFrak City may look like an exceptional place because its residents actually organized in protest against the relocation of their site and were able to win their court case. But at the same time it is merely one of the many New York City neighborhoods where BOE moved voters between different polling locations in recent years. In quite a few instances, these relocations were harmful to voter participation, by increasing the distance that voters now have to travel on their way to the site, as well as by cramming more election districts into single polling locations. And while there are voters of all races in virtually any NYC area, resulting in every single group of voters being affected

[200021Queens%20Democratic%20Member%20of%20the%20City%20Council%2021st%20Council%20District%20EDLevel.pdf](#)).

by these changes at least to some degree, detailed analysis shows that in many instances poll site relocations were disproportionately concentrated in particular neighborhoods with distinctive racial and socio-economic makeup.

The changes in the location and the ED coverage of individual poll sites can be tracked on the basis of the publically available information on the NYC BOE website starting from 2012. In September of that year, after the primary election to the State offices, the BOE moved **149 poll sites across the city, i.e. more than 14 percent of the total** of 1,047 sites that the BOE was using at the time.⁷ No specific explanation for this massive relocation was given, other than that it was done “in an effort to improve the voter experience.”⁸ Notably, about 70 percent of these changes affected Brooklyn, resulting in the relocation of over a quarter of its poll sites. By contrast, in Staten Island, no poll sites were changed. *NY Daily News* provided some additional detail:

“I received a notice telling me to go to my regular polling place and then a week later another notice telling me to go to a school 10 blocks away,” said state Sen. Jose Peralta, whose office has been flooded with calls from voters. “I can walk but some seniors can’t travel that far. It’s an issue.” After complaints from voters and elected officials, some sites were moved back to closer locations... Assemblyman Michael Simanowitz (D-Flushing) and Councilwoman Karen Koslowitz (D-Forest Hills) pushed the board to change a plan that had some Briarwood residents travelling to PS 99 in Kew Gardens to vote, while sending some Kew Gardens voters to PS 101 in Forest Hills Gardens. Non-residents aren’t allowed to park on the private streets of Forest Hills Gardens. “It’s really outrageous,” said Andrea Crawford, chairwoman of Community Board 9 who lives in Kew Gardens. “PS 101 is a long walk and if you do have a car, you can’t park in the Gardens.”⁹

⁷ According to BOE Annual Report 2012, p. 43,

<http://vote.nyc.ny.us/downloads/pdf/documents/boe/AnnualReports/BOEAnnualReport12.pdf>.

⁸<http://vote.nyc.ny.us/downloads/pdf/documents/boe/2012GeneralElection/pollsitchangepostprimary2012.pdf>.

⁹ <http://www.nydailynews.com/new-york/queens/voters-confused-changing-polling-sites-queens-article-1.1138024>.

On the eve of the 2012 General Election, NYC was hit by Superstorm Sandy. As a result, BOE announced the temporary relocation and merging of 60 poll sites, including 27 in Queens and 24 in Brooklyn.

On June 25, 2013, the U.S. Supreme Court issued its notorious decision in the case of *Shelby County vs. Holder* that essentially emasculated Section 5 of the Voting Rights Act of 1965 (VRA). Section 5 requires any changes in “standard, practice, or procedure with respect to voting different from that in force or effect on November 1, 1964” (with ‘practice’ or ‘procedure’ interpreted broadly, including poll site changes¹⁰) to go through a preclearance procedure, either through the U.S. Attorney General or through the U.S. District Court in DC, to certify that such a change “does not have the purpose and will not have the effect of denying or abridging the right to vote on account of race or color.”¹¹ Section 5 applied to specific jurisdictions, as determined by the U.S. Attorney General or the Director of the Census, that had engaged in minority vote suppression (or, in the words of the law, where “a test or device has been used for the purpose or with the effect of denying or abridging the right of any citizen of the United States to vote on account of race or color”).

As of 2013, this “coverage formula” applied to nine states in their entirety, as well as smaller subdivisions within six other states, ***including three of the five NYC boroughs - Bronx, Kings, and New York Counties***. In fact, their inclusion in the coverage formula proved to be an important defense of voters’ rights at some of the key

¹⁰ As per the U.S. Supreme Court decision of 1969 in *Allen v. State Board of Elections*, 393 U.S. 544, 565.

¹¹ P.L. 89-110 http://library.clerk.house.gov/reference-files/PPL_VotingRightsAct_1965.pdf, p. 3.

moments of recent history. Thus, in 1981, in the context of lawsuits by minority voters against Mayor Koch, a special three-judge Federal Court, convened under the Section 5 of the VRA issued an injunction prohibiting the city from conducting any elections before receiving a federal approval of its recent re-drawing of councilmanic and election district boundaries.¹² Queens and Staten Island, not to mention the rest of NY State, were not covered, in spite of their extensive history of voter suppression (exemplified by the fact that New York State rescinded its ratification of the 15th Amendment on voting rights in 1870 and did not formally accept that amendment until a hundred years later!)

The 2013 U.S. Supreme Court decision in the *Shelby County v. Holder* lawsuit (known as the *Shelby* decision) ruled, by a 5-to-4 vote, that the VRA coverage formula was unconstitutional – essentially eliminating the requirement of pre-clearance for changes in voting “practice” or “procedure,” except for the jurisdictions required to go through this pre-clearance under a separate court order.¹³

The following year, on the eve of the State primaries in September 2014, NYC Board of Elections moved close to a dozen polling locations serving 31 EDs in Harlem, Washington Heights, Inwood, Sugar Hill and Marble Hill¹⁴. *NY Daily News* estimated that this change affected 3,000 voters. According to BOE Executive Director Michael Ryan, all but one of those changes were caused by the federal court ruling on ADA

¹² ‘Excerpts From Three-Judge Panel’s Decision on Primary in New York City,’ *New York Times*, September 10, 1981, <http://www.nytimes.com/1981/09/10/nyregion/excerpts-from-three-judge-panel-s-decision-on-primary-in-new-york-city.html?pagewanted=all>.

¹³ https://www.supremecourt.gov/opinions/12pdf/12-96_6k47.pdf.

¹⁴ Jan Ransom, ‘NYC Board of Elections changes nearly a dozen uptown poll sites days before primary,’ <http://www.nydailynews.com/new-york/manhattan/nyc-board-elections-uptown-poll-sites-article-1.1927090>.

compliance. Notably, these changes and the manner of their implementation were criticized by individuals across the spectrum of political divides in Northern Manhattan. Thus, State Senator Adriano Espaillat called it “voter suppression” that would “dramatically impact the turnout,” while his rival at the time Guillermo Linares said that it “would cause widespread chaos” and confusion.¹⁵

Subsequently, BOE online records show significant number of poll site changes in the period between November 2015 and November 2017:

Table 1. EDs moved and poll sites closed, by borough, 2015-2017

COUNTIES	EDs moved between sites		Polling locations closed		Total voters in affected EDs, as of 11/1/2017		Active voters in affected EDs, as of 11/1/2017	
	Number	% of total	Number	% of total	Number	% of total	Number	% of total
Bronx	122	12.9%	14	7.6%	61,713	8.5	54,931	8.6
Kings	212	12.3%	31	7.6%	162,192	11.5	147,412	11.4
New York	425	35.6%	33	12.4%	248,499	24	214,009	24.2
Queens	124	9.7%	10	3.8%	86,195	7.9	80,230	7.8
Richmond	39	13.7%	3	3.9%	37,022	13	34,537	13.1
NYC TOTAL	922	17%	91	7.6%	595,621	13	531,119	12.9

¹⁵ Ibid.

Table 2. Neighborhoods Most Affected By Relocations, 2015-2017

BRONX

<i>Neighborhood</i>	<i># of EDs moved / poll sites discontinued</i>				
	<i>2012¹⁶</i>	<i>2016</i>		<i>2017</i>	
	EDs moved	EDs moved	Sites closed	EDs moved	Sites closed
Melrose		4		12 (incl. 4 repeat moves)	3
Parkchester	1			15 (incl. 1 repeat move)	
Kingsbridge		2	1	9	1
Throgs Neck		4	2	3	1
Morris Heights	1			6	1
Pelham Gardens	1			5	
Allerton				4	2
Fieldston		4	1	1	
Highbridge		2	1		
Wakefield		2		3 (incl. 1 repeat move)	
Jerome Park					1

¹⁶ At the time of this writing, we do not have the full list of poll sites before 2013 and hence cannot determine whether any poll sites were discontinued in 2012.

BROOKLYN

Neighborhood	Number of EDs moved / poll sites discontinued				
	2012	2016		2017	
	EDs moved	EDs moved	Sites closed	EDs moved	Sites closed
Coney Island				14	4
Prospect Lefferts Gardens		2	1	7	2
East New York	20			5	
Bed Stuy	10			11	2
Brownsville	4	2		12	2
Flatbush-Ditmas	2	1		14	2
East Flatbush	7			7	2
Sunset Park	10	5	1	3	1
Cypress Hills	1	6	1	6	1
Williamsburg	9	2	1	5	1
Bath Beach	8			7	1
Bay Ridge	1	4	1	5	
Brooklyn Heights	3			6	1
Crown Hieghts	5			5	1
Gowanus				8	1
Ocean Heights				8	1

MANHATTAN

Neighborhood	# of EDs moved / poll sites discontinued				
	2012	2016		2017	
	EDs moved	EDs moved	Sites closed	EDs moved	Sites closed
Harlem		3		21 (incl. 1 repeat move)	3
Lower East Side	1	3	1	9 (incl. 1 repeat move)	1
Clinton/Hell's Kitchen		9	1	12 (incl. 2 repeat moves)	1
Lenox Hill		1	2	25 (incl. 1 repeat move)	
Upper West Side	2	19	1	8 (incl. 3 repeat moves)	1
Lincoln Square		8	1	9 (incl. 7 repeat moves)	1
Morningside Heights	1	1		8 (incl. 1 repeat move)	1
East Harlem		2	1	23	

QUEENS

Neighborhood	# of EDs moved/poll sites discontinued				
	2012	2015-16		2016-17	
	EDs moved	EDs moved	Sites closed	EDs moved	Sites closed
LeFrak City				16	2
Jamaica	4	1		13 (incl. 1 repeat move)	
Ridgewood	2			9	2
Jackson Heights				4	2
Pomonok				4 (incl. 2 repeat moves)	1
Corona	2			4	1
Hollis				4	1
Kew Gardens				3	1
Seaside				2	1
Long Island City	3			5	
South Richmond Hill				7	
Briarwood				6	
Utopia				6	
Sunnyside Gardens	3			5	
East Elmhurst	3			3	
Richmond Hill	2			3	

STATEN ISLAND

	# of EDs moved/poll sites discontinued					
Neighborhood	2013-15¹⁷		2016		2017	
	EDs moved	Sites closed	EDs moved	Sites closed	EDs moved	Sites closed
North Shore	5	3			9	1
West Shore			4	1	14 (incl. 3 repeat moves)	
East Shore	10	3	1		9	1
South Shore			1		8	1

Below are maps to better visualize the amount and the concentration of these changes in an area. The green map in the upper half of the page shows the top five neighborhoods most affected by these changes over the past two years. The second map at the bottom of the page zooms in to one of the most affected areas. On this map, former poll sites are indicated by orange pins and current sites by green pins. The line between the two shows the distance to which the corresponding EDs have been moved from their previous poll sites (readers should keep in mind that in some cases ED boundaries have also changed, as BOE creates a number of new EDs every year, supposedly to keep pace with the growing number of voters). The orange-colored sections of the map show the territory of the affected EDs, while the red color indicates that these EDs were relocated between poll sites more than once over the past two years.

¹⁷ There were no site moves or closings in Staten Island on the eve of the 2012 primary. The moves and closings data for 2013-15 is based on the poll site lists available online (at http://vote.nyc.ny.us/downloads/pdf/documents/boe/2013SeptemberPrimaryElection/Poll_Site_List_Richmond_2013_v1.pdf and http://www.vote.nyc.ny.us/downloads/pdf/documents/boe/pollsitelist/2015/2015General/Poll_Site_List_Richmond_2015%20GE.pdf.)

BRONX





In the South Bronx neighborhood of Melrose, poll site at 3131 Park Avenue was closed in 2016 before the presidential primary. As a result, six election districts (79/053-055, 064, 071, 079) were relocated to 777 Concourse Village East. Yet by the date of the general election in the fall they were moved again, each one to a different location.

In the same year, another nearby poll site, at 372 E. 152nd Street, was closed, which led to the relocation of EDs 79/062. And in 2017, yet another poll site in the area, on 441 E. 155th St., was also closed, with the resulting relocation of three EDs (79/056, 057 and 084). Further, EDs 79/070 and 080 were also moved between sites. The total number of voters in the 11 affected EDs is more than 9,500 (including over 8,500 active voters).

The area of South Bronx is among some of the most “majority-minority” areas in the city: its population is 58% Latino and 39% Black, with only 1% of white residents. Its median household income is less than \$26,000 per year – among the lowest in the Bronx. By contrast, such areas as Riverdale, which is close to 65% white, and where median household income is around \$71,000, experienced no poll site closings at all.

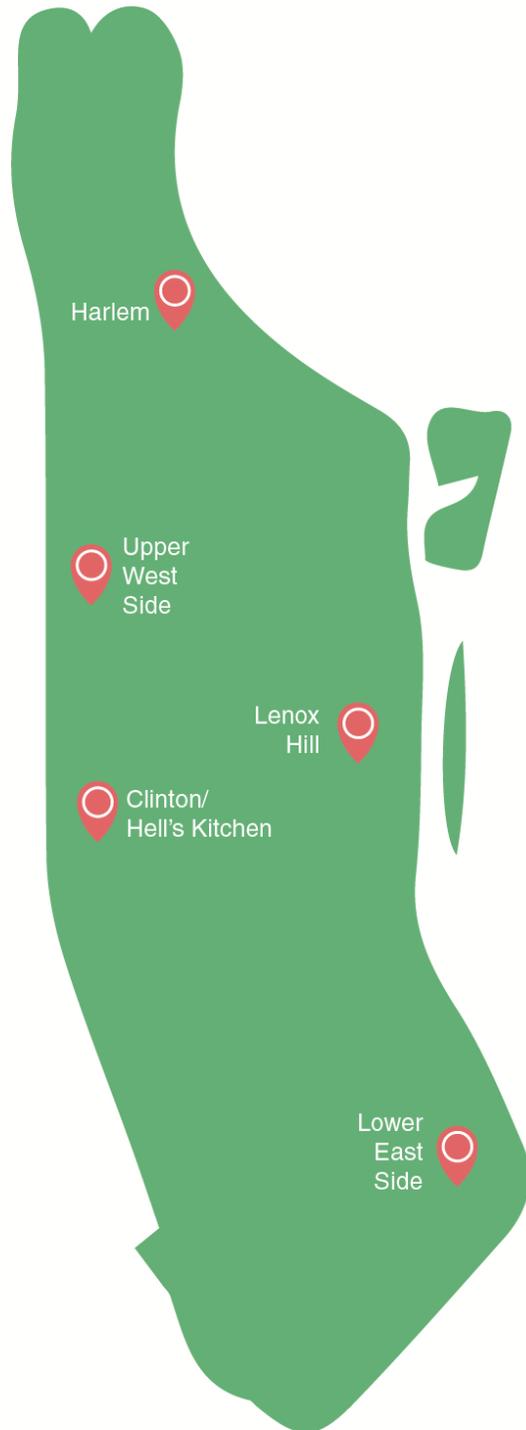
BROOKLYN



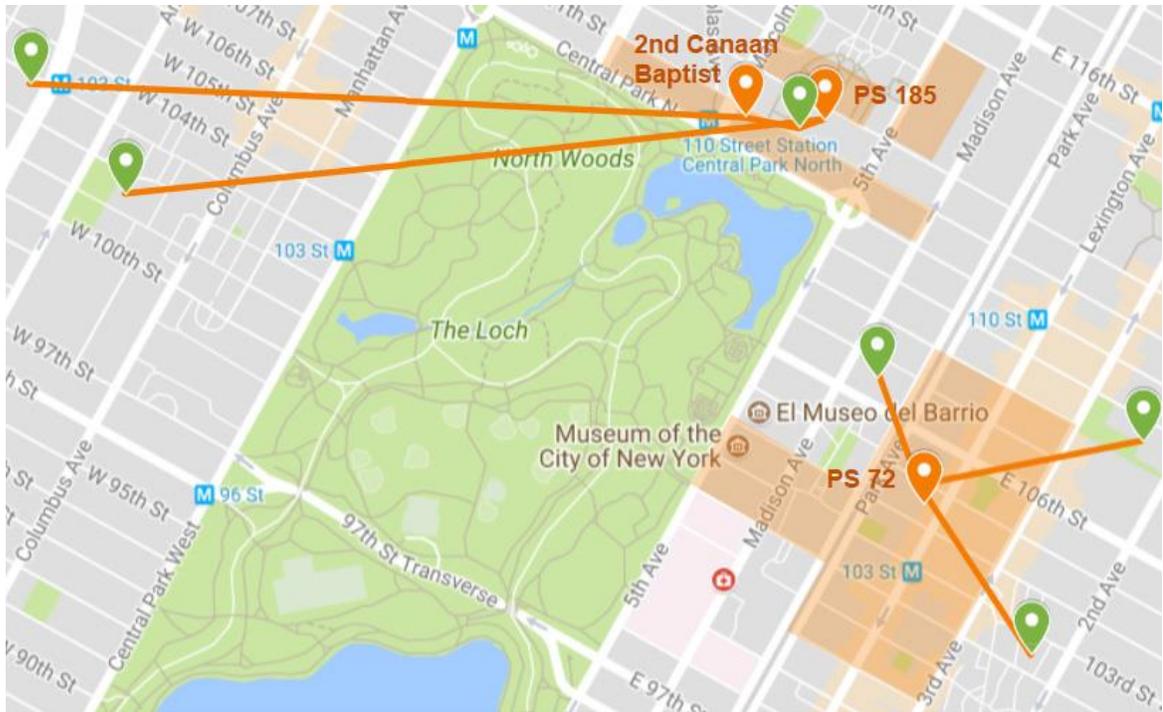
In Coney Island, a total of four sites were closed. The total number of voters in the EDs affected by closings and relocations was around 17,600. Two of the poll sites closed are depicted on the map below. The Surf Solomon Senior Center (located at 3001 W. 37th Street) served 4 EDs (46/001-003 and 007) until earlier this year. PS 288, at 2950 W. 25th Street, served another four EDs (46/012-013 and 014-015), and was also closed in 2017. Number of voters affected: over 7,600 total registered, including more than 7,000 active.

Nearly a half of Coney Island's population are communities of color (Blacks comprise 24.5%, Latinos 13%, Asians 9%). Over a third are naturalized immigrants. Coney Island's median household income is close to that of South Bronx - \$27,500, compared to \$46,000 across the borough of Brooklyn. And 26 percent of the population of the neighborhood is over the age of 65. It is noteworthy that in some of the areas that represent the other side of Brooklyn (such as 70% white, 90% young-and-middle-age Park Slope, a neighborhood that boasts a median household income of over \$100K and very few immigrants living in the area) there have been – surprise, surprise – no poll site closings in recent years.





MANHATTAN



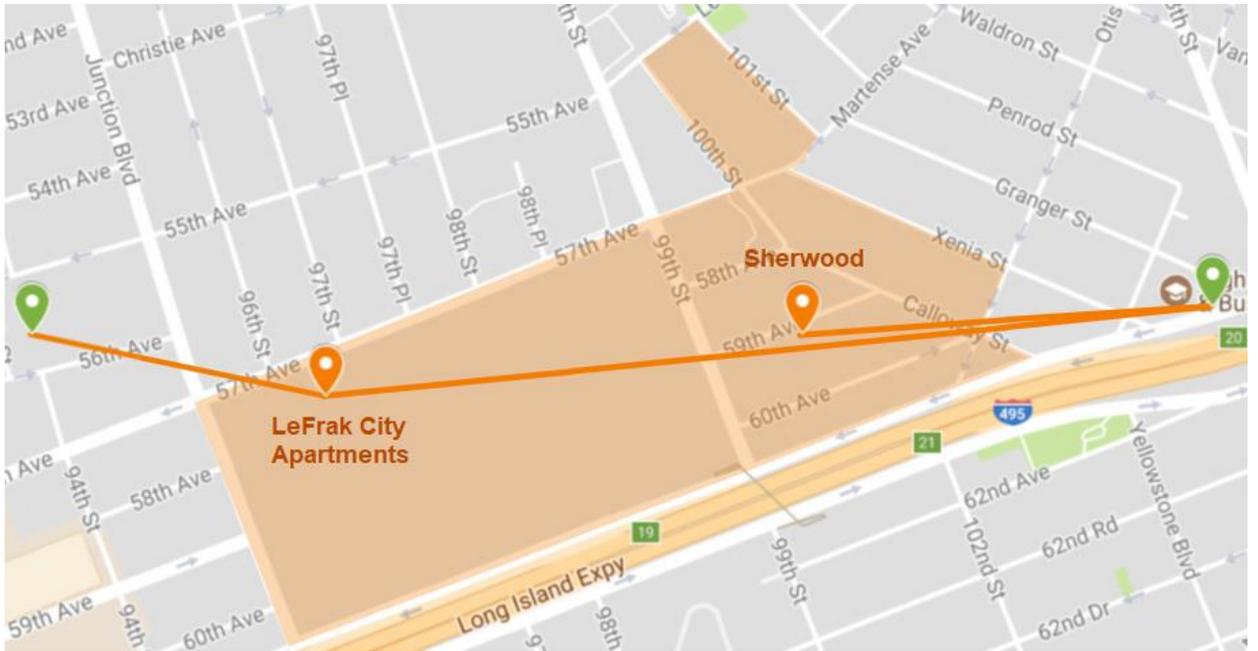
In Manhattan, it was Harlem that took the biggest hit in the wave of relocations and closings. In 2016, 6 EDs were relocated (to 3 different places) from 131 E. 104th St. (PS 72). Then, in 2017, the site at 10 Lenox Ave. (2nd Canaan Baptist) closed – affecting 5 EDs that were moved to 3 different locations. Also this year, the site at 20 W. 112th St. (PS185) was discontinued as well, as the school in which it was based left the building to merge with PS 208 located at 21 W. 111th St. Of the 3 EDs served by the previous poll site, one (68/061) moved to the new school building, while two others – 68/099 and 102 – were relocated to 140 W. 102nd St.

In addition to these closings, a number of EDs in the area were also shifted between poll sites (including 68/039 and 68/097).

The number of voters in the affected EDs as shown on this map: 10,873 (including 9,316 active voters).

QUEENS

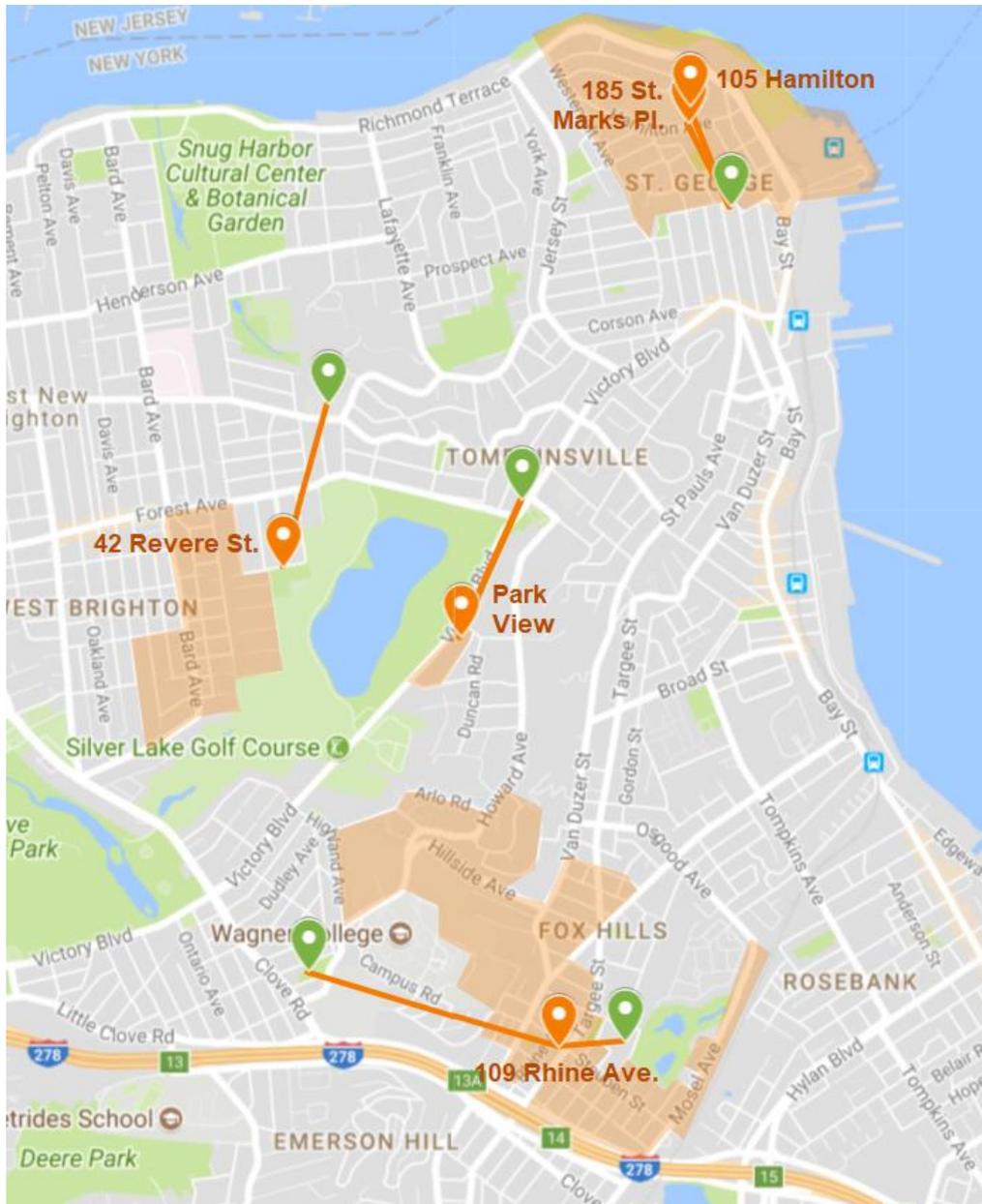




LeFrak City that we discussed earlier leads all other Queens neighborhoods by the number of poll sites closed and EDs moved. Beside LeFrak City Apartments, another poll site that was closed was Sherwood Village (55-15 99th Street), affecting EDs 35/21, 22 and 29. On top of that, a number of EDs were shifted from one poll site to another – including EDs 35/26-28, 33, 054-055, and 062. The total number of registered voters in all of the affected EDs is more than 11,700 (including over 10,700 active voters).

STATEN ISLAND





In Staten Island, for which we have continuous data available since 2013, North Shore and the adjacent part of the East Shore saw a total of five sites closed since 2013, affecting eight districts, with over 7,700 registered voters, including more than 7,000 of them active. In this part of the island, racial minorities comprise between 58 and 66 percent of the population.

* * *

Beside creating inconvenience for many voters by shifting them to an unfamiliar place at times quite distant from their own neighborhood, changing poll sites on such a massive scale as it is currently done by BOE, also frequently leads to confusion and information gaps. Even BOE's website includes mutually contradictory information about the current location of polling sites, as some of the locations indicated on its latest maps as currently active poll sites are not found in its latest Excel lists of poll sites on the same website. Unsurprisingly, voters frequently feel lost, and this includes even political leaders on the ground. Thus, according to NYS BOE Co-Chair Douglas Kellner, "*District Leaders [are] all the time complaining about the poll site change procedures and their difficulties in getting current poll site information.*"¹⁸

In 2015, as reported by *City and State*, the BOE misled the voters with premature information about poll site changes while the decisions about them had not in fact been made: "The New York City Board of Elections is still assessing poll sites for handicap accessibility and moving the ones beyond repair, but that did not stop it from sending out mailers prematurely notifying some residents they'd have to travel to cast ballots in the future... Later, the board found it was able to keep one election district in place, which happens to be a home for the elderly and disabled."¹⁹

¹⁸

<https://www.elections.ny.gov/NYSBOE/News/MeetingMinutes/CCTranscriptions09122013.pdf>.

¹⁹ <http://cityandstateny.com/articles/politics/campaigns-and-elections/board-of-elections-sends-out-premature-poll-site-notice.html#.WcQANrKGPIU>.

At about the same time, *Gotham, Gazette* wrote that “a number of district leader incumbents and new candidates say the relocations are politically motivated ... John Ruiz, a District Leader for Assembly District 68, said he was concerned the polling place reshuffling will make it hard for his older constituents and those with health issues like asthma from making it to the polling place. Maria Morillo, another uptown district leader, agreed with Ruiz. “People are telling me, ‘I’m not going to vote, it’s only district leader and it’s too far to travel.’ The polling site where I live, we have a lot of senior citizens, and a lot of them might not come out and vote. From 182 and Bennett, people have to travel seven blocks now to vote.”²⁰

In last year’s Congressional testimony, a representative of AALDEF, the leading Asian American civil rights organization stated: “there have been numerous instances of sudden poll site closures in Asian American neighborhoods in New York City, where the Board of Elections failed to take reasonable steps to ensure that Asian American voters are informed of their correct poll sites. Voters have been misinformed about their poll sites before the elections or have been misdirected by poll workers on Election Day.”²¹

²⁰ David Howard King, ‘Candidates Allege Wright Unfairly Influences Elections,’ *Gotham Gazette*, Sept. 4, 2015, <http://www.gothamgazette.com/government/5873-candidates-allege-wright-unfairly-influences-elections>.

²¹ Statement of the Asian American Legal Defense and Education Fund Jerry Vattamala, Esq. Director, Democracy Program Hearing, “Fragile at Fifty: The Urgent Need to Strengthen and Restore the Voting Rights Act” Before Hon. Nydia Velazquez, Hon. Grace Meng and Hon. Hakeem Jeffries, New York City, May 20, 2016, <https://www.congress.gov/congressional-record/2016/09/21/house-section/article/H5789-1>.

Americans with Disabilities Act: Between Non-Compliance and Misuse

The Americans with Disabilities Act (ADA), the federal civil rights law passed in 1990, requires state and local governments (“public entities”) to ensure that people with disabilities have a full and equal opportunity to vote. The ADA’s provisions apply to every aspect of voting, including the selection of poll sites and the casting of ballots. The ADA’s regulations and the ADA Standards for Accessible Design set out what makes a facility accessible. Provisions for complying with ADA are included in the NYS Election Law.²² Further, in 2010 NY State enacted a law that required for all polling sites to be surveyed with regard to their accessibility by the end of 2012. On top of that, in a lawsuit brought in 2012 by two nonprofit organizations (Disabled in Action and United Spinal Association), the federal district court for the Southern District of New York found NYC BOE to be in violation of the Title II of the ADA (as well as of Section 504 of the 1973 Rehabilitation Act). The court ordered the BOE “to comply with a comprehensive remedial plan” with the assistance of a court-appointed consultant, as mentioned earlier. This order was subsequently reaffirmed by the U.S. 2nd Circuit Court of Appeals.²³

In recent years, BOE justified poll site closings and relocations in broad terms by the need to comply with ADA requirements and relevant court orders on accessibility. Yet it has not provided full information to the public as to which sites in particular had to be moved because they could not be made ADA-compliant. In fact, for many of the recent changes there has been scant, if any, explanation provided. The relocation of more than 140 poll sites before the 2012

²² <https://www.elections.ny.gov/NYSBOE/download/law/2017NYElectionLaw.pdf>, p. 82.

²³ Disabled in Action and United Spinal Association v. NYC Bd. of Elections, 752 F.3d 189 (2d Cir. 2014), <https://www.justice.gov/sites/default/files/crt/legacy/2014/05/14/diaelectionsopinion.pdf>.

primaries that was mentioned earlier is one such example. In other cases, such as the closing of the poll site in Parkview Apartments on Staten Island (700 Victory Boulevard) earlier this year, the explanation given was that the building did not want to host a poll site any longer.²⁴

According to a 2014 report by the NYC Public Advocate office and Center for Independence of the Disabled, the BOE told them that “of the 700 public schools used as poll sites” it had moved “70 inaccessible poll sites to 96 accessible poll sites,” without further detail including the period of time when these moves occurred.²⁵ The impression from this quote would be that 96 poll sites have been opened in new locations. Meanwhile, on another occasion (also in 2014) BOE did admit that at least in upper Manhattan “there were changes in 2013 which reduced the number of poll sites,” claiming that their closings were “a result of being deemed inaccessible by the Americans with Disabilities Act.”²⁶

Meanwhile, there is an increasingly widespread view that the issue of accessibility has been abused or misused by the Board to cover for its own failings. This sentiment was echoed by State BOE Co-Chair Douglas Kellner. Among Kellner’s primary concerns has been the failure of the NYC BOE to comply with the legal requirement of no more than 30-minute waiting time per voter at the polling place. (This standard is codified in NYS Election Law which stipulates

²⁴ Rachel Shapiro, ‘Concord HS, Parkview Apartments won't be polling sites Sept. 12,’ http://www.silive.com/news/2017/09/concord_hs_parkview_apartments.html.

²⁵ New York City Public Advocate Letitia James and the Center for Independence of the Disabled in New York, ‘Policy Report: Improving Voting Access for New Yorkers With Disabilities,’ June 2014, https://pubadvocate.nyc.gov/sites/advocate.nyc.gov/files/publicadvocate-annualreport-votingdisabilities_0.pdf.

²⁶ Juan Gonzalez, ‘Gonzalez: Rep. Charles Rangel, state Sen. Adriano Espaillat’s Democratic primary needs more interpreters working the polls,’ *NY Daily News*, June 19, 2014, <http://www.nydailynews.com/news/politics/gonzalez-rangel-espaillat-democratic-primary-interpreters-working-polls-article-1.1837096>.

that “county boards shall deploy sufficient voting equipment, election workers and other resources so that voter waiting time at a poll site does not exceed 30 minutes.”²⁷⁾

At a recent NYS BOE meeting, Kellner noted that “because of litigation over poll site accessibility, the number of poll sites has been dramatically reduced. I think that litigation has been counter-productive even for people in the disability community because, for example, the court-appointed moderator found that a senior citizen residence was not compliant with the accessibility regulations and that they could no longer vote in the senior citizen residence where the overwhelming majority of disabled population resided in that election district making it significantly more difficult for people with disabilities to vote because they would now have the added difficulty of having to travel some distance to a fully compliant accessible site. And I think that that kind of approach is horrible. But that is the law and New York City is required to comply with it. But it is not acceptable to me that they point that as an excuse for not scaling up the space requirements needed to run the Presidential General Election in a manner that complies with our regulations.”²⁸

All this time, NY State BOE has been receiving continuous “polling place access improvement funds” from the State budget and from the Department of Health and Human Services “to establish, expand, and improve access to and participation by individuals with a full range of disabilities in the elections process.” The funds are intended, among other things, to “assist county boards in undertaking minor temporary improvement or renovation projects.”

²⁷ <https://www.elections.ny.gov/NYSBOE/download/law/2017NYElectionLaw.pdf>, p. 621.

²⁸ Commissioners Meeting September 15, 2017, <https://www.elections.ny.gov/NYSBOE/News/MeetingMinutes/CCTranscriptions09152017.pdf>.

For example, for the 2016-17 fiscal year, NY State BOE was granted re-appropriations for these purposes in the total amount of \$4,400,000.²⁹

Yet in spite of all these expenditures, various government agencies inspecting New York City poll sites keep finding evidence of non-compliance. Thus, in 2014, a report by the office of the NYC Public Advocate and The Center for Independence of the Disabled in NY (CIDNY) found that “significant polling site accessibility issues remain, including failure to display proper and/or adequate signage and improper placement of voting machines.” The report urged “leadership by the NYC BOE to ensure compliance” through better coordination with the NYC Department of Education (DoE), given that about 70 percent of polling sites are located in public schools. As noted in the report, “NYC BOE has the burden to ensure that NYC DOE complies with its instructions for Election Day protocol, and it does not appear that NYC BOE is fulfilling this obligation.”³⁰ And as recently as in November 2017, the NYC Comptroller’s Audit Report found access issues affecting disabled voters at 10 percent of the polling sites included in its sample.³¹

The pattern of increased poll site closings and references to ADA is broadly in line with the post-2013 record of Southern states relieved of the Section 5 preclearance requirements, as

²⁹ New York State Board of Elections, Annual Report 2016, <https://www.elections.ny.gov/NYSBOE/download/AnnualReport2016.pdf>.

³⁰ New York City Public Advocate Letitia James and the Center for Independence of the Disabled in New York, ‘Policy Report: Improving Voting Access for New Yorkers With Disabilities,’ June 2014, https://pubadvocate.nyc.gov/sites/advocate.nyc.gov/files/publicadvocate-annualreport-votingdisabilities_0.pdf.

³¹ ‘Audit Report on the Board of Elections’ Controls over the Maintenance of Voters’ Records and Poll Access,’ https://comptroller.nyc.gov/wp-content/uploads/documents/MG16_107A.pdf, p. 18.

documented in the 2016 report by The Leadership Conference Education Fund, 'The Great Poll Closure' (a study that does not include New York).³² Thus, some of the jurisdictions with a large number of poll sites closed since 2013 – such as Nueces and McLennan counties in Texas that closed 29 and 27 of their poll sites respectively – were involved at the time in lawsuits or investigations over their non-compliance with ADA and used it to justify shutting their poll sites down. In their interviews with the Leadership Conference Education Fund for its report, disability rights activists Michelle Bishop of the National Disability Rights Network and Stephanie Patrick of the Advocacy Center of Louisiana condemned this practice.

As shown in the report, the state of Mississippi -- that has some of the darkest histories of voter suppression in the country -- had at least 44 of its poll sites shut down between 2013 and 2016. One of the places whose voters were most affected in this process has been the city of Meridian (sadly known as the place associated with the 1964 murder of three civil rights activists - James Chaney, Michael Schwerner and Andrew Goodman). One of the biggest polling sites in Meridian was located in a Black Church, Mt.Olive Baptist, that was a symbolic place due to its involvement in the civil rights struggle. In June 2013, Meridian elected its first-ever Black Mayor, Percy Bland -- = after an election campaign in the course of which a noose was found hung outside of Bland's business. In 2015, the Board of Supervisors of the Lauderdale County to which the city belongs approved a "consolidation" of poll sites which amounted to shutting down six out of its 48 polling sites -- including those located in several Black churches, such as Mt.Olive. With pre-clearance requirements eliminated by the 2013 Supreme

³² <http://leadershipconferenceedfund.org/reports/great-poll-closure-november-2016/>.

Court decision, county officials relocated the sites against the opinion of Meridian Mayor and of the pastor of the Mt. Olive church. This change impacted about 4,500 voters in Meridian.³³ While Mississippi was covered by the VRA pre-clearance requirements and New York's Queens County was not, the pattern is similar. It is legitimate to ask: with NYC BOE's "arbitrary and capricious" relocations left unchecked, will New York City soon turn into a "Mississippi on the Hudson"?

Poll Site Density and New York's 'Voting Deserts'

Our detailed analysis of BOE publicly available data indicates that over the past few years ***the number of voters in NYC grew at a rapid pace: between November 2015 and November 2017, their total number increased by more than half a million, or 11 percent, while the number of active voters grew by 12 percent, with nearly 590,000 added to the roster (there are currently over 5 million registered voters in the city, 4.6 million of whom are counted as active voters).*** However, ***the number of poll sites barely increased – by a meager 1.4%, to a total of 1,213.*** This means that ***the density of active voters per polling place increased by more than 10 percent. On average, there are now 3,790 active and 4,166 total voters per single polling place in NYC.***

It is important to note that this increase in voter density has been far from evenly spread across the city. In fact, while the voting population has increased in every borough, the number of polling sites in two out of five – in Brooklyn and the Bronx – has

³³ Op.cit, p. 4, 9. See also Jeff Byrd, 'Reaction mixed to precinct changes,' *The Meridian Star*, May 10, 2015, http://www.meridianstar.com/news/reaction-mixed-to-precinct-changes/article_8233c35c-f6ca-11e4-aff9-83517e2166dc.html.

actually declined: there is currently one polling site less in the Bronx and 10 sites less in Brooklyn than two years ago.

Table 1. Number of voters vs. poll sites, by borough

	<i>Number of voters (Active/Total)</i>		<i>Number of poll sites</i>	
	<i>Nov. 2015</i>	<i>Nov. 2017</i>	<i>Nov. 2015</i>	<i>Nov. 2017</i>
<i>Bronx</i>	639,833/724,625	718,302/805,382	184	183
<i>Brooklyn</i>	1,289,250/1,410,468	1,434,091/1,560,839	408	398
<i>Manhattan</i>	884,523/1,034,443	1,001,014/1,150,371	266	268
<i>Queens</i>	1,030,897/1,096,535	1,154,262/1,229,022	261	283
<i>Staten Island</i>	263,197/285,725	289,144/308,228	77	78
NYC TOTAL	4,107,700/4,551,796	4,596,813/5,053,842	1,196	1,213

Likewise, the density of the voting population per poll site is also uneven: of the five boroughs, Queens has the smallest number of poll sites per active voter, with 4,080 voters on average jammed into a single site on an election day; meanwhile, Brooklyn, in spite of having 10 poll sites discontinued, still enjoys an average of 3,600 active voters per poll site. If counting by the total number of registered voters, the disparity is even higher: from 4,400 total voters per polling site in the Bronx to 3,800 in Staten Island where density is the lowest.

One way to better understand this disparity is to look at the distribution of Election Districts by poll sites. Election Districts are the smallest territorial voting units in New York State, typically covering several residential blocks. By State Election law, EDs are created and changed by the NYS BOE and can contain no more than 1,150 active voters (with no upper limit in the law on the total number of voters). Redrawing EDs without any other changes in political boundaries is only permitted by law within the seven-year period between December first of a year ending in zero and February 20th of a year ending in seven (i.e. it is allowed between 12/02/2010 and 2/19/2017 but not allowed from 2/20/2017 to 12/01/2020). Yet if EDs are being changed to fit the requirement of staying within the boundaries of another political unit, such as an Assembly or a Senate District that is being redrawn, they can also be redrawn for this reason, essentially at any time.³⁴ The law also specifies that EDs having fewer than 100 registered voters may be served by a poll site located in another ED – provided that 1) the distance voters have to travel to the poll site “is not unreasonable pursuant to rules and regulations provided by the state board of elections,” and, 2) that the total number of voters registered to vote at this poll site is not more than 500. Under certain conditions, such as a special or a general election in NYC, the same law, in § 4–104 (c), sets a higher ceiling on the number of voters served by a single poll site – up to 2,000. In practice, this restriction is routinely violated by BOE that regularly assigns several EDs with a total of several thousand voters to a single poll site.

Once again, the disparity among various parts of the city in terms of the number of EDs or voters per polling site does not appear to be randomly distributed. A glance at

³⁴ <https://www.elections.ny.gov/NYSBOE/download/law/2017NYElectionLaw.pdf>, p. 78-79.

the BOE map of poll sites is sufficient to see that at least in a significant number of cases, more affluent neighborhoods enjoy a larger number of poll sites, while those populated by minorities and the poor have fewer poll sites available. Some of these disadvantaged neighborhoods can be described as 'voting deserts' - similar to the notion of the food desert in areas deprived of affordable grocery stores. In fact, some of these voting deserts geographically overlap with food deserts – while, by a telling 'coincidence,' the better-off parts of the city typically have the same density of polling sites as the density of Starbucks coffee shops and food stores.

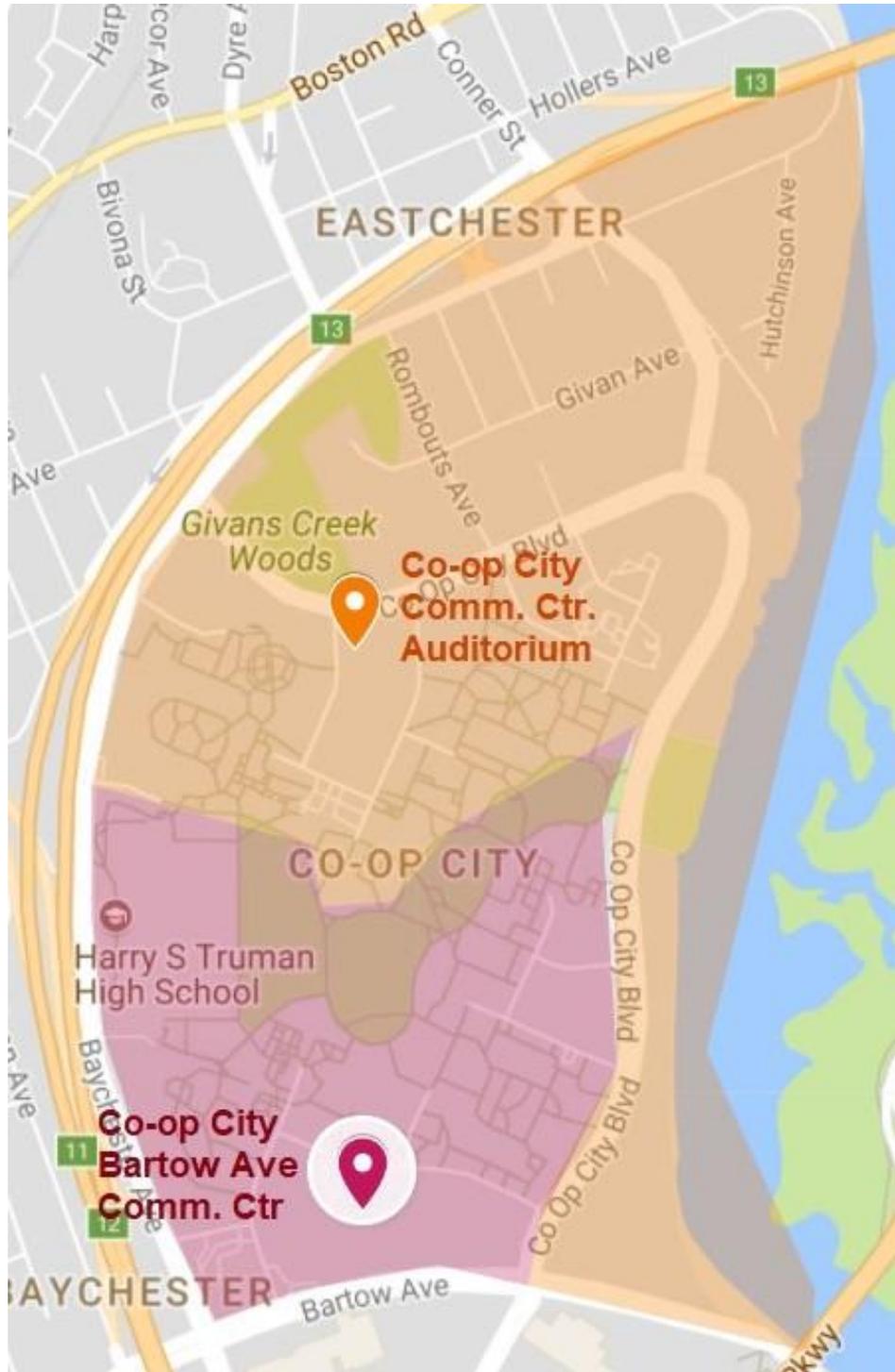
Overall, there are 86 poll sites in NYC serving one ED each. In many cases this is a very legitimate and reasonable arrangement, as, for example, when such a polling site is set in a naturally occurring retirement community. But it is also notable that the largest number of such polling sites – 30 out of 86 – are located in Manhattan, while, for example, the Bronx has only 10 sites covering one ED each, while, in contrast, a number of its poll sites are overcrowded, with 10 or more EDs served in one location.

The two extreme cases of this disparity are represented, on one hand, by the Lincoln Square area on Manhattan's Upper West Side, and, on the other, by Co-Op City in the northeastern part of Bronx. Five of the polling sites in the Lincoln Square area are currently serving just one ED each – which equals to about 800 active or 920 total voters on average. In contrast, the poll site located in the Co-Op City community room is currently serving 22 (!) EDs, with 10,097 active and 11,302 total registered voters. For a person living on the outer edges of this territory, such as, e.g. Tillotson Avenue or Conner Street (106th ED of the 82nd AD), getting to this site equals 18 minutes of a regular-speed walk or a 12-minute trip by bus – clearly a prohibitive distance for many

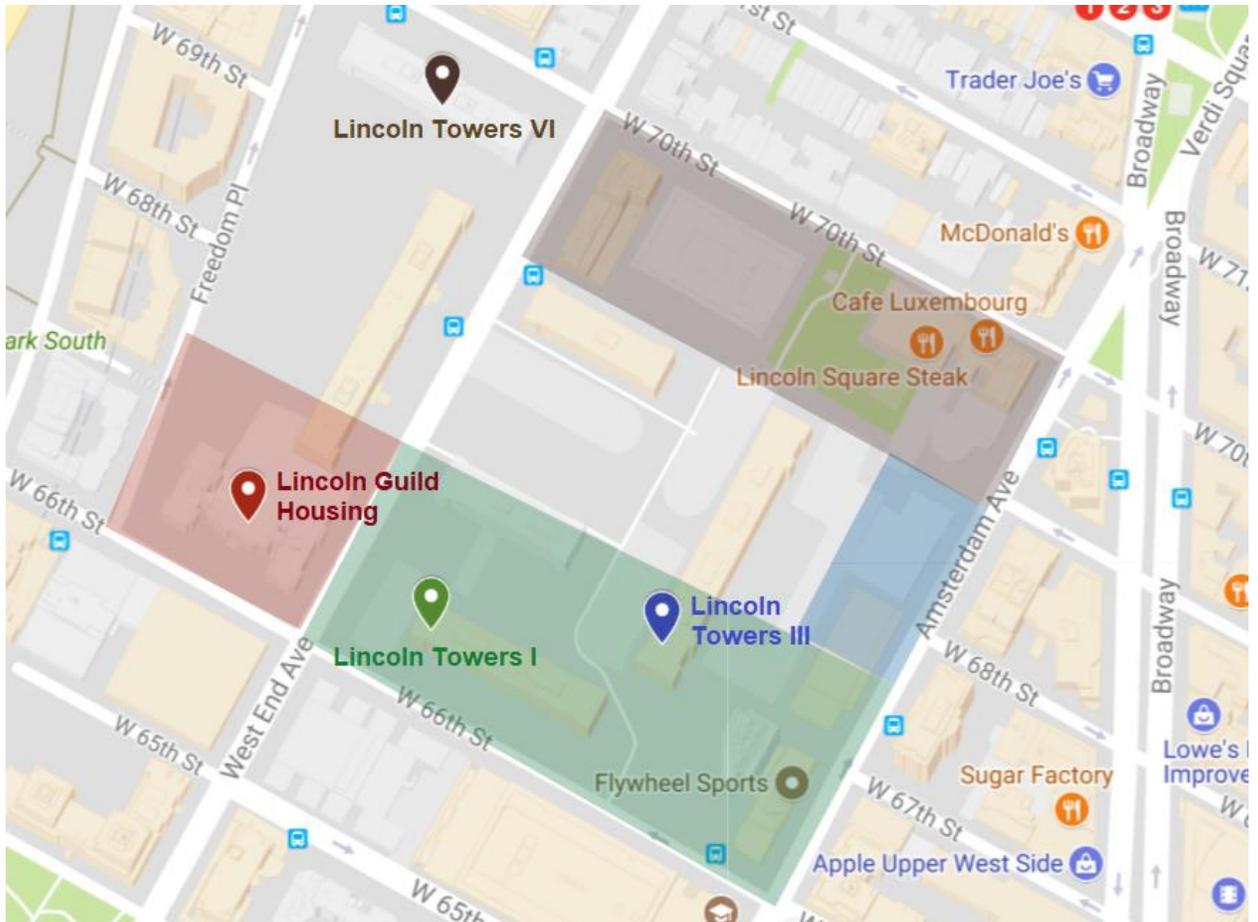
elderly and disabled voters. Meanwhile, 20 percent of the population in that zip code are in the 65+ age group.

That distance to the polling site is likely to reduce turnout, especially among elderly and disabled voters, and exacerbate the already pervasive apathy seems to be a common-sense observation. It is less self-evident that increasing distance has a disparate effect on voters of different races. Yet CalTech researcher Kenneth F. McCue has identified a stark pattern in this regard in his analysis of the 2002 general and recall elections in Los Angeles County, where polling sites were consolidated in-between the two elections, and many voters ended up more than a mile away from their polling place. His results showed a drop-off of about 10,800 minority voters but only about 700 “Anglo” voters, who are more likely to vote absentee or drive to the polling place.³⁵

³⁵ <http://statewidedatabase.org/pub/data/REPORTS/Misc/kfm.pdf>.



The orange-colored upper part of this map represents the territory of the 22 election districts served by the single site at 777 Dreiser Loop (Co-Op City Community Center Auditorium). In the lower part of the map, the burgundy color covers 13 election districts that also vote in a single location at 2049 Bartow Avenue.



This map represents three poll sites in the Lincoln Square area, each serving one election district:

- Lincoln Guild Housing (303 W.66th St.), serving ED 67/044 (625 registered voters, including 568 active);
- Lincoln Towers III (160 West End Ave.) – ED 67/042 (1,274 registered voters, including 1,144 active);
- Lincoln Towers VI (250 W. 65th St) – ED 67/106 (719 voters, 650 of them active).³⁶

³⁶ www.elections.ny.gov/nysboe/Enrollment/election%20district/2017/November/NewYorkED_nov17.pdf.

Conclusions

There is broad consensus among a wide range of advocacy groups and government officials that New York State legislation covering the operations of BOEs is largely outdated and inferior to the laws in place in many other parts of the country that are typically viewed as less progressive. This also applies to the regulations regarding poll site relocations and closings. Thus, for example, South Carolina – a state that was covered by VRA Section 5 provisions in its entirety – requires by law that any changes in polling locations be approved by the county’s “legislative delegation,” i.e. its elected representatives to South Carolina’s legislature. And voting precincts in South Carolina are required to be “designated, fixed, and established” by the state legislature. As a result, the list of SC voting precincts is part of the state’s Code of Laws and cannot be changed behind closed doors by a board of elections.³⁷ Further, in the wake of the 2013 U.S. Supreme Court decision, the state legislature passed a law requiring all voting changes at the local level to be reported to the State Election Commission and posted on its website.

The Presidential Commission on Election Administration, established under President Obama, noted in its report that “moving polling places often leads to voter confusion and other administrative problems” and recommended to “expand alternative ways of voting, such as mail balloting and in-person early voting.”³⁸

³⁷ <http://www.scstatehouse.gov/code/t07c007.php>. This section is based in part on ‘The Great Poll Closure’ report by The Leadership Conference Education Fund, referenced in Footnote 7.

³⁸ ‘The American Voting Experience: Report and Recommendations of the Presidential Commission on Election Administration,’ January 2014, <https://www.eac.gov/assets/1/6/Amer-Voting-Exper-final-draft-01-09-14-508.pdf>, p. 33.

A number of organizations and groups have been increasingly vocal in their advocacy ***to allow an unrestricted, no-excuse absentee voting in New York***. The case for it has been stated most clearly and succinctly in a 2013 report of the Special Committee on Voter Participation of the NYS Bar Association:

“As an alternative to traditional voting, No-Excuse Absentee Ballots—which allow voters to cast ballots by mail without going to their designated Election Day poll sites and without any excuse—are another way to make it easier to vote. In New York, however, absentee voting is significantly curtailed by explicit Constitutional language that permits absentee voting only when a voter is or expects to be absent from his or her county or city of residence on Election Day, or is physically unable to vote. Other states are considerably more lenient—and in fact a majority now permit some form of No-Excuse Absentee Voting... allowing No-Excuse Absentee Voting can potentially reduce administrative costs by reducing the need for poll workers and poll sites.”³⁹

The Constitutional language mentioned above refers to Article II of NYS Constitution. This article states that “the legislature may, by general law, provide a manner in which, and the time and place at which, qualified voters who, on the occurrence of any election, may be absent from the county of their residence ... and qualified voters who, on the occurrence of any election, may be unable to appear personally at the polling place because of illness or physical disability, may vote and for the return and canvass of their votes.”⁴⁰ The NY State Election Law is more restrictive in this regard, by listing specific reasons for an absentee ballot application as well as by including a strict language in the text of the application itself.⁴¹

³⁹ New York State Bar Association, NYSBA Special Committee on Voter Participation Final Report, <http://www.nysba.org/voterreport/>.

⁴⁰ New York State Constitution, <https://www.dos.ny.gov/info/constitution.htm>, Article II, §2.

⁴¹ <https://www.elections.ny.gov/NYSBOE/download/law/2017NYElectionLaw.pdf>, p. 304-305 and 254-255.

No-excuse absentee voting is currently permitted in most U.S. states (27) as well as in D.C. Nine of these states allow voters to be placed on **permanent** absentee voting lists (which NY State currently permits only to permanently disabled voters).

Bills to amend the NY Election Law allow no-excuse absentee voting have been repeatedly introduced in the State legislature in every session but expired while under review by the Election Law Committee. The latest such bills (introduced in February 2017 in the Assembly by Robert Carroll and in April 2017 in the Senate by Tony Avella) would remove the four restrictive conditions of absentee voting from the Election Law and permit instead any qualified voter to vote absentee “if he or she expects to be unable to vote in person due to any reason.”⁴²

Our conclusion is that **any comprehensive reform of NYC elections operation must include legal provisions to ensure the long-term stability of polling locations, except in emergencies, as well as a more equitable distribution of poll sites across city neighborhoods.** The legislation must also provide for a **real, substantive community involvement in decision-making about changing polling locations** when such a change is necessary. We also support the widespread demand for **allowing a No-Excuse Absentee Voting in NY State** which would essentially spare voters from having to show up at their poll site on an election day and which is already allowed in many other jurisdictions. We urge and demand that the State Legislature pass such a comprehensive reform legislation incorporating these provisions.

⁴² A05987, http://nyassembly.gov/leg/?default_fld=&leg_video=&bn=A05987&term=2017&Summary=Y&Text=Y;
S05529, [http://nyassembly.gov/leg/?default_fld=&leg_video=&bn=S05529&term=2017&Summary=Y&Text=Y.](http://nyassembly.gov/leg/?default_fld=&leg_video=&bn=S05529&term=2017&Summary=Y&Text=Y;)

TBI Voting Rights Demands

For New York City Government:

- The NYC BOE must accept the binding agreement proposed to it by Mayor de Blasio in 2016 that involves \$20 million toward reforming its operations, including the way it communicates with voters;
- The NYC BOE must immediately comply with the recommendations of the City Comptroller's Audit Report, including the creation of a working group to identify and implement needed changes; such a working group must include representatives of good government organizations and be open to the public;
- The BOE must also significantly increase the transparency of its decision making, by posting online its detailed historical records of voter enrollment and election results by EDs and poll sites, as well as supporting documentation for its decisions on poll site locations and changes.

For New York State Government:

- The State Legislature must act to reform the NYC BOE by passing a bill that would provide the BOE with a professional executive management, truly independent of political party committees, and with an advisory board of representatives of good government groups;
- The State Legislature must amend the Election Law to ensure the long-term stability of polling locations, except in emergencies, as well as a more equitable distribution of poll sites across city neighborhoods. Any changes to polling sites

must involve the participation of local neighborhood groups and community boards in the decision-making process;

- The State Legislature must pass the bill requiring the NY Attorney General's pre-clearance for any voting changes in specific counties;
- The Election Law must also provide no-excuse absentee voting as well as early voting and voting by mail.

For U.S. Federal Government:

- U.S. Congress must act to reverse the 2013 U.S. Supreme Court *Shelby County vs. Holder* decision and restore the "coverage formula" for federal pre-clearance of any changes in voting "practice" or "procedure" broadly understood, as it used to be under the VRA;
- U.S. Congress must also expand the VRA so as to cover every minority group within its scope (including and especially so the groups of non-English language speaking voters that have substantially increased in size since VRA was enacted); make no-excuse/no-fault absentee voting as well as early voting universally available; and provide for mandatory poll site availability in government and government-sponsored buildings for national election;
- The Election Day must either be made a federal holiday or moved to a Sunday.

As the Black Leadership Action Coalition and our allies in this movement continue their campaign for voting rights justice, TBI will keep producing relevant research on this subject and providing timely updates on the state of our struggle to preserve and expand democracy in America.