



THE CITY OF NEW YORK
OFFICE OF THE COMPTROLLER
SCOTT M. STRINGER

October 17, 2018

Ayirini Fonseca-Sabune
Chief Democracy Officer
City Hall
New York, NY 10007

Re: October 11 DemocracyNYC Mailing

Dear Ms. Fonseca-Sabune,

I am writing to express my serious concern about reports that thousands of New York City residents received confusing and potentially inaccurate information about their voting status from “The City of New York” only weeks before the November 6th election. With voter participation in New York City hovering near historically low rates, and a local Board of Elections marked by a long record of poor performance, the City must ensure that its efforts to boost voter participation are both accurate and meaningful. For that reason, indications that the City sent mailers to thousands of voters informing them that their voting status was inactive — sometimes inaccurately — are troubling to say the least.

Reports indicate that the City purchased the list of allegedly inactive voters used in the mailing from Civis Analytics, an outside vendor, despite the fact that similar data is routinely available for free from the Board of Elections. Regardless, my office has no record of any contract between the City’s new DemocracyNYC office, nor any other relevant branch of government dedicated to elections or voter outreach, with Civis Analytics. Similarly, the City’s Financial Management System shows no record of such a purchase.

Beyond this lack of transparency, I am concerned that the Mayor’s Office may be sidestepping the Charter-mandated role of the Voter Assistance Advisory Commission (VAAC) to provide advice and assistance in coordinating the activities of all City agencies to increase voter registration and voting. As you know, the VAAC has long been empowered to perform this work through a nine-member board that includes two Mayoral appointees. Coordination between the Mayor’s Office and VAAC in promoting voter participation is vital to prevent duplication and the types of confusion that we see today.

Given this situation, and to help voters understand what happened and what can be done to ensure that they receive accurate information going forward, please respond to the following questions:

1. Reports indicate that the list of inactive voters was obtained by the City from a private firm, Civis Analytics.
 - a. Why did the City obtain a list of voter status from an entity other than the Board of Elections?

- b. What steps were taken to confirm the accuracy of the list obtained from this private company prior to contacting voters?
 - c. Was the list procured from this company through a contract and, if so, through what entity. If not, what legal mechanism did the City use to procure the services?
 - d. Are there additional mailings planned based on the firm's work? Please provide my office with a description of the scope of work that Civis Analytics has been hired to perform.
2. Is your office taking any steps to reassure voters who received this mailing that they are allowed to vote in-person on Election Day and that their vote will be counted, and if so, what are those steps?
3. Does your office have plans to conduct any further voter outreach prior to the November 6th election, and if so, what safeguards do you have in place to make sure that accurate information is provided to voters?
4. Did your office coordinate with the VAAC in preparing and sending this outreach to voters? Going forward, do you plan to work with members of the VAAC, who are tasked by the City Charter with undertaking efforts to encourage voter participation and if so, what specific actions do you plan to take?
5. The mailer sent to voters was postmarked on October 11, which is only one day before the deadline to register and six days before the deadline to submit a change of address? Was any consideration given to sending this letter earlier in order to give voters adequate time to respond to the information included in the letter?
6. The first paragraph of the letter informed voters that they "may" be eligible to vote in the election, while a later paragraph stated that voters could still vote in-person on Election Day by using an affidavit ballot. It seems reasonable that people could be confused by these inconsistent statements. Please explain how the language in the mailing was drafted, and who reviewed and approved the text prior to it being sent. Were any election law experts were consulted in drafting the letter?

Voting is the hallmark of the free and open democratic society that we all cherish, and I know you share my concerns about our city's long-term decline in voter participation. Given the urgency of this issue, I request that you respond to these questions by October 26, 2018.

Thank you for your prompt attention to this issue and I look forward to hearing from you soon.

Sincerely,



Scott M. Stringer
New York City Comptroller