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**THE LEAGUE
OF WOMEN VOTERS**
of New York State

**TESTIMONY FOR 2009-2010 JOINT BUDGET HEARING
LOCAL GOVERNMENT/GENERAL GOVERNMENT
HEARING ROOM C-LOB
JANUARY 22, 2009**

Good afternoon Assembly member Farrell and Senator Kruger. Thank you for inviting the League of Women Voters of New York State (League) to testify before your Fiscal Committees in this challenging fiscal environment as we prepare for an admittedly difficult 2009-2010 state budget. My name is Barbara Bartoletti and I am Legislative Director of the League. Aimee Allaud, our Election Specialist, was instrumental in preparing this testimony.

The League of Women Voters is a multi-issue, nonpartisan political organization working to promote political responsibility through informed and active participation of citizens in government. Our over fifty local Leagues statewide provide us eyes and ears to monitor the activities of local boards of elections.

The first election law reform advocated by the League of Women Voters of New York State was the one which gave birth to its founding as an organization—the women’s suffrage amendment. Since the 1920s, the League has been in the forefront as a grassroots advocate on behalf of all voters.

In 1973 the League position on election procedures recognized the state responsibility for uniform and efficient administration of elections, including the need for a single state elections office and improved election officials’ training. In 1974, a four-member bipartisan New York

State Board of Elections (NYSBOE) was established to assume this responsibility. Mindful of its leadership role in the creation of the NYSBOE, the League has encouraged and supported the board's attempts to execute and enforce all laws related to the elective franchise and oversight of the disclosure and enforcement of campaign finance and practices.

Since the creation of the NYSBOE in 1974, the League is the only organization that attends every NYSBOE meeting. We have monitored not only the NYSBOE's administration of elections, but importantly the recent state implementation of federal HAVA. The Executive Budget continues funding for the certification and purchase of Help America Vote Act (HAVA) compliant voting machines and continues \$7.5 million in funding for poll site accessibility projects. The Budget recommends reappropriations of over \$197 million in unspent funds for the HAVA. The NYSBOE has approved for use ballot marking devices which provide private and independent access to the voting process for voters with disabilities. We commend the Governor for continuing current state level support for implementation of HAVA and ask that the legislature continue to maintain that same support. In 2008, the NYSBOE tested and accepted, and counties deployed, over 7,000 ballot marking devices in the fall 2008 primary and general elections. The expectation is that there will be new voting machines in place for the 2009 local elections; clearly a vital need continues to exist for state support of increased funding for poll worker training and voter education.

On July 1, 1999, after intensive lobbying by the League and its good government colleagues, a new law was passed mandating NYSBOE to computerize and put on the Internet all legislative and statewide campaign finance records of candidates who spent more than \$1,000 on their campaigns. This new law enabled anyone with access to the Internet the ability to follow campaign contributions to candidates for statewide and legislative offices.

In the January 2006, local Filers that file with the local board of elections (does not include filers with village clerk) who raised or spent over \$1,000 in 2005, or have raised or spent

or expect to raise or spend over \$1,000 in 2006, must register and file electronically with the NYSBOE, in addition to filing with their local board of elections.

As a result of League advocacy, the 2007-2008 Executive Budget allocated \$1.5 million dollars for increased staffing for NYSBOE Campaign Finance Enforcement Unit. The legislature agreed to this appropriation and with passage of the budget on April 1, 2007, authorization for 21 new full-time employee staff positions was made. However, only six of those positions were filled in 2008 and when four of those six new employees resigned, new budget restrictions had been imposed by the Division of the Budget, thus leaving the agency with only two staff to handle hundreds of calls for assistance with the filing of required campaign finance reports to the NYSBOE. In the 2009-2010 Executive Budget, funding for all 21 positions have been eliminated. According to the NYSBOE, because the law mandates that all local filings be processed through the NYSBOE, the workload surrounding the candidate contribution filings has grown five-fold. The NYSBOE now receives upward of 9,000 candidate and committee finance reports. We are told by the NYSBOE that although they have secured approval for a scanning machine to input the filings electronically, the filings must still be reviewed by hand. Because of the work of the League and its good government colleagues, we are aware that investigations driven by written complaints are woefully behind; there is at least a backlog of two-years. Over contributions to candidates is done by a hand review of data, as no computer program exists to do this. The elimination of staff positions at the NYSBOE will seriously impair this agency's ability to perform its acknowledged feeble mandated functions of enforcement of the campaign finance laws. As you know, League has complained for several years that the current campaign finance laws need to be completely overhauled. One investigator at the NYSBOE investigating campaign finance violations is preposterously inadequate. The

2009-2010 Executive Budget as outlined would take us back to that level. This gives impetus to the League's call for comprehensive campaign finance reform, including real enforcement. The League proposes that:

- A new Office of Campaign Finance Enforcement be established. Chief Enforcement Officer nominated on short list by nine-person Advisory Committee comprised of one appointee from each of four legislative leaders and five of the governor (of whom two Democrats, two Republicans and one independent, and two must be members of statewide groups advocating proper conduct of elections). Board of Elections must appoint from short list within 10 days or Advisory Committee selects. Chief Enforcement Officer removable only for cause and controls staff.
- The Attorney General be given concurrent jurisdiction to investigate violations, with power to prosecute criminal violations if Office of Campaign Finance Enforcement fails to prosecute within 30 days of a determination of probable cause.
- Automatic enforcement and collection of civil penalties by administrative action, not be a burdensome and lengthy court action.
- There be increased mandatory civil penalties:
 - Late filings: \$250 (first offense), \$500-\$2,000 (thereafter)
 - Other filing violations: \$100 (first offense), \$250-\$1,000 (thereafter)
 - Excess contributions: double the excess (first offense), triple (thereafter)
 - Personal use of campaign funds: double the amount so used (first offense), triple the amount so used (thereafter)
 - Felony criminal penalties for persistent non-filing, knowingly giving or receiving excess or banned contribution, making a knowingly false filing, making a false statement to elections investigators, converting campaign funds to personal use or assisting or counseling a violation. Criminal fines up to \$10,000 per violation. *Felony conviction would automatically disqualify the defendant from public office and disbar an attorney.*
 - Immediate Internet disclosure of alleged violation and disposition.
 - Immediate e-mail violation notification to candidates and committees.

- Random compliance audits for all filers (like Commission on Public Integrity and former Lobbying Commission) to deter violations and help detect infractions.

The League's 1991 statement of position on campaign financing includes the following: "Enforcement of the election pertaining to campaign finance requires analysis of the data collected under the established procedures for reporting the receipt and expenditure of funds. In order for this information to have any meaningful effect, it must be monitored, analyzed, and disclosed. Oversight and enforcement must be vested in a government entity with the independence, power, and adequate resources to enforce the law." We urge the Legislature to seriously consider the ramifications of the severe reductions proposed for the 2009-10 NYSBOE agency budget.

Thank You.