

Capitol Beat
Volume 1, Issue 4

Written by:

Barbara Bartoletti, Legislative Director, LWVNYS

E-Mail: bbheck1@yahoo.com or 518-469-8905

Unless you have been living in a cave you are very aware of the turmoil those of us here in the Capitol have experienced over the past week. It is hard to believe it has only been a week since the stunning news on Monday, March 10, 2008, that Governor Eliot Spitzer was linked to a prostitution ring. The Capitol that day was stunned. It was as if there had been a death. Staff members on the second floor were seen crying and lobbyists milled around outside the Senate Chamber unsure of what would come next. By 3:00 p.m. that afternoon, news media outlets began streaming into the Capitol and by Tuesday, March 11th, there were more than 40 satellite trucks ringing the Capitol. As the speculation mounted that Mr. Spitzer would resign his office, the vigil outside of the Lieutenant Governor's office began in earnest. Amazingly enough, the Senate and the Assembly went about trying to carry on State business and actually went into session both Monday and Tuesday. However, the media was interested only in catching a glimpse of Lieutenant Governor David Paterson.



Majority Leader Joseph Bruno commented only on his sadness for the Spitzer family, as did Assembly Speaker Sheldon Silver. As good government lobbyists, the League and NYPIRG were sought after and by late on Tuesday, my cell phone lost all battery power simply from fielding press calls. By Wednesday afternoon, Eliot Spitzer had resigned his office as Governor, effective Monday, March 17, 2008, at noon.

Monday, March 17th, the Capitol was very similar to a first day of session. Again, there were news media from all over the Northeast, as 3 sitting Governors from adjoining states arrived for the swearing in of David Paterson as the 55th Governor of New York State. Mr. Paterson will also be the first African American governor in the states' history, as well as the first legally blind governor. David Paterson was sworn in by Chief Judge Judith Kaye before a packed joint session of the legislature. Also in attendance was former Governor Pataki, former Governor Kerry, both United States Senators and several current and former Mayors of New York City. It was a day of celebration and supposed new beginnings. Unfortunately, the new sense of hope that the state could begin to tackle the business of government quickly dissipated with the news that Governor Paterson had engaged in several extra marital affairs. The Capitol now, as you can imagine, is reeling from foreboding sense of "what next."

Meanwhile, the state is 10 days from the beginning of the new budget year. The first five way leaders meeting occurred at 3 p.m. on Tuesday, March 18th. The Governor cut 800 million dollars from the Executive Budget because of the economic downturn on Wall Street. At the moment, the three leaders cannot agree on what state revenues are available. These numbers need to be agreed to before they can begin to put their spending plan together. Available revenues had been decided upon in early March, but

with the chaotic gyrations on Wall Street, those numbers had to be adjusted downward. Because legislators have now gone back to their districts and will be celebrating the holiday weekend, they are not scheduled to return to Albany until Wednesday, March 26th. Clearly, the budget is unlikely to be done by the April 1st beginning of the fiscal year. Several legislators have been told that when they come back on the 26th they should be prepared to stay until the budget is passed. Politically the three leaders must now show their constituencies that they can govern together. The budget will be evidence that state government is moving forward. Next week the budget conference committees will begin and the League will be there to monitor the process as well as to push for our budget priorities.

NOW FOR SOME OLD BUSINESS, BUT GOOD NEWS

As you may remember, February 28th was the date for the final approval by the New York State Board of Elections (NYSBOE) Commissioners of the truncated certification process. With much anticipation, February 28th finally arrived. I had taken steps to again alert the press of this meeting. So, along with Aimee and Bo, we arrived to a full room of press, voting machine vendors, and their lawyers. Bo Lipari, our representative to the Citizens' Election Modernization Advisory Committee (CEMAC) had worked diligently in a very short time to provide the NYSBOE Commissioners with a usability study on the Liberty Vote LibertyMark and LibertyProof Ballot Reading Device.

For those of you unfamiliar with the role of CEMAC, it is to provide advice to the SBOE on the adoption of new voting equipment. The area where CEMAC provided essential advice was in the real world usability of ballot marking devices (BMD) for the disability community.

The testing authority, SysTest, gave its report and with conditions recommended approval of all but the Avante BMD. Bo then answered questions from the NYSBOE Commissioners regarding the CEMAC report. The NYSBOE Commissioners then voted three to one to approve all but the Avante BMD. We were extremely dismayed that three NYSBOE Commissioners (two Republicans and one Democrat), voted to approve the Liberty BMD, particularly because it had become known to us that "the fix was in" before the meeting. Apparently, the Democratic Commissioners were told that they were to vote Liberty onto the list of machines to forestall further litigation by Liberty. Doug Kellner, a Democratic Commissioner refused to vote for Liberty for the simple reason that he did not believe Liberty met the "legal" definition for a BMD under HAVA and New York State's strict state voting machine regulations. This vote is important because it is extremely unlikely that a machine that is approved through a truncated certification process is unlikely to be turned down during the longer certification process for the 2009 lever machine replacement. This could have serious advocacy implications for the League and it's optical scan technology because it opens the possibility for Liberty to reach into those counties that have chosen either the Premiere BMD or the ES&S AutoMark BMD. The counties in possible jeopardy open to the Liberty's failed technologies are: Albany, Schenectady, Schoharie, Rockland, and Erie. New York City's BMDs would not be affected since Liberty cannot meet the several language

requirements for city machines. League members in those counties must be proactive in continuing their advocacy with their County Commissioners and County Legislatures.

It has come to our attention, very recently, that Liberty is threatening more lawsuits as it attempts to secure more of a foothold in New York State. We will be keeping a close eye on this activity.

Stay tuned the next few weeks will be very interesting here in Albany.

And the beat goes on...

