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

**JOINT LEGISLATIVE PUBLIC HEARING  
ON 2011-2012 EXECUTIVE BUDGET PROPOSAL  
PUBLIC PROTECTION  
NEW YORK STATE BOARD OF ELECTIONS**

**TESTIMONY SUBMITTED TO THE JOINT FISCAL COMMITTEES OF THE  
NEW YORK STATE SENATE AND NEW YORK STATE ASSEMBLY**

***FEBRUARY 9, 2011***

***Hearing Room B, Legislative Office Building, Albany, New York***

The League of Women Voters of New York State respectfully submits testimony for your consideration on the proposed 2011-2012 budget of the New York State Board of Elections which is included in the Public Protection section of the Executive's Agency Budget document.

The League is a multi-issue, nonpartisan political organization working to promote political responsibility through the informed and active participation of citizens in government. Our 50 local Leagues throughout the state allow us to monitor the activities of the local boards of elections as we work collaboratively with them to provide accurate information on the voting process to citizens in New York.

In 1973 the New York State League recognized that state responsibility for uniform and efficient administration of elections called for a single state elections office to oversee and administer elections. In 1974, the four-member bipartisan New York State Board of Elections was established by statute to assume this responsibility. Since then, the League has encouraged and supported the board's efforts to execute and enforce all laws related to the elective franchise and oversight of the disclosure and enforcement provisions of campaign finance and practices. Our mission to promote informed and active participation of voters in government is closely allied to that of the Board of Elections as set

forth in Sec. 3-102, (14) of the NYS Election Law. We monitor the activities and attend the regular public meetings of the Agency's commissioners.

Since the passage of the Help America Vote Act (HAVA) in 2002 which required states to provide independent and accessible voting for all voters which would also produce an individual, auditable record of all votes cast, elections in New York have undergone a sea change. The federal law also required implementation of an interactive state voter database. After several court orders which compelled New York to implement HAVA statewide by 2010, all voters now use optical scan voting technology supplemented with accessible ballot marking devices. New York's appropriation under HAVA was @220 million to meet the requirements of replacing voting machines, creation of the database, upgrading of poll sites for accessibility, voter education and poll worker training. Those funds are now exhausted and county boards of elections must rely on local funding to provide enhanced levels of support for the new equipment and to meet the requirements of the state's Election Reform Modernization Act of 2007 ("ERMA"). The local boards rely on the New York State Board of Elections as the lead agency which advises and guides them on the administration of elections and compliance with HAVA, especially in these initial years of the introduction of the new voting equipment. The agency has legal counsel who provides advice to the local boards, many of whom do not employ counsel. Most recently, states are required under the Military and Overseas Voter Empowerment Act (MOVE) to expand their outreach to these classes of voters. New York has received a waiver on certain requirements of the Act until 2012 and has begun the process of making statutory changes to the Election Law and to assist counties to comply with the law.

Another vital function of this Agency, described under Article 3-102 is that of "issuing instructions and promulgating rules and regulations relating to the administration of the election process, election campaign practices and campaign financing practices consistent with the provision of law." General powers and duties relating to campaign finance are extensively described in 102(8-9f). These enumerated duties are the means to enforce campaign finance laws and provide assistance to candidates and campaigns in filing receipt and expenditure data. They must be monitored, analyzed and disclosed to the public in a timely fashion in order to be meaningful. And, when violations occur appropriate and swift legal action should occur.

In our 2009-2010 budget testimony, we referred to an increase in the number of candidate and committee filings which the Agency receives, due in large measure to the 2006 law that requires local filings be processed through the New York State Board of Elections. That number and corresponding work load has increased again. In a recent monthly Unit Report (January 2010) prepared by the Co-Executive Directors for the four commissioners, the Campaign Finance Unit reported that the number of registered campaign committees now numbers 11,450. Each of those committees involves corresponding paperwork and oversight. For example, in 2010 alone, 2,103 new committees were registered. Providing assistance to committees apart from the actual processing of filing documents is another function of the campaign finance unit. From the same January 2010 report, it was noted that Call Center staff handled 14,613 calls from filers in 2010. Projects to enable electronic filing through the website and to develop appropriate usable software for filers have been underway for several years in collaboration with the IT unit of the agency; however, these efforts are handicapped by a lack of staff to perform tasks relative to the increased workload.

Regarding the Agency's other mandated functions (Art. 3-102) to visit boards of elections, examine their procedures and records and direct that any such procedures be modified in any manner consistent with the provisions of this chapter, and to take all appropriate steps to encourage the broadest possible voter participation in elections, we are concerned that these functions will be seriously jeopardized by a proposed \$614,000 cut to the budget. While agency staffing remains at current levels (60) in the proposed budget, the appropriation for operations will mean a reduction in the ability of the agency to fulfill its mandate.

For example, the League of Women Voters of New York State conducted an online Voter Survey for the 2010 General Election to obtain information about voters' experiences using the new optical scanning voting equipment. Over 1,000 responses were received to 20 questions that covered all aspects of the voting process. The [report](#) is available on the League website, [www.lwvny.org](http://www.lwvny.org). Conclusions from that survey are that 1) increased voter education on the voting process is necessary, 2) revision of the paper ballot for maximum usability by voters must be undertaken before the next election cycle, 3) privacy issues in the polling place and with the paper ballot must be addressed, and 4) increased training for all elections personnel is necessary.

Finding solutions to each of the above problems involves both technical problem-solving by the State Board of Elections staff in conjunction with the local Boards of Elections and administrative oversight to achieve uniformity and standardization of elections statewide. It is especially critical that support to local boards of elections which vary widely in their capacities but still are mandated to perform the basic functions of conducting fair elections be continued and not decreased during the initial years of the introduction of the new voting machine technology.

The League appreciates the opportunity to comment on the proposed budget for the New York State Board of Elections.

*Respectfully Submitted:  
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