

UNIFORM ADMINISTRATION OF THE ELECTION LAW

The omnibus 1973 LWNYS position on election procedures recognized the state responsibility for uniform and efficient administration of elections, the need for a single state elections office and improved election officials training. In 1974, a four-member bipartisan state Board of Elections was established to assume this responsibility. Mindful of its leadership role in the creation of the state Board of Elections, the League encourages and supports the board's attempts to provide strong administrative leadership to local boards of elections.

Recognizing the importance of adequately trained election officials to the uniform administration of election law around the state, the League developed a legislative program in 1977 for improved training for commissioners, inspectors, poll clerks and other election workers. League-supported legislation, effective after 1986, required all boards of elections to reproduce a booklet of instruction prepared by the state Board of Elections and required each election inspector be given a copy. Also, as of 1986, election inspectors must attend a course of instruction every three years; in many areas, more frequent instruction is offered and/or required.

To avoid problems at the polls, which often result from inadequately trained, minimally paid personnel, the League continues to work for legislation in these areas and supports the role of the state Board of Elections in improving election procedure.

The presidential election of 2000 revealed flaws in our national and state election laws and processes. In New York State and, specifically, New York City, there were many cases where violations of the election law and poor election practices led to the disenfranchisement of eligible voters. The New York State League documented these cases as did other organizations and called for bipartisan hearings by the Legislature and the Governor to identify the problems and recommend solutions. Both houses in the Legislature responded by creating their own task forces and holding separate hearings. Governor Pataki did likewise. Attorney General Spitzer also issued a report after conducting an investigation. League members around the state testified at all hearings by providing their experiences at the local level. Problem areas of the election process which were identified are: insufficient numbers of election inspectors, inadequately trained election inspectors, out-of-date and unreliable voting machines, inaccessible polling places and machines, unnecessarily complicated absentee ballot application and process, inaccurate voter registration lists. Agreement on some immediate solutions proposed by the Legislature and Governor was reached with an appropriation of \$25-30 million tentatively approved. However, this appropriation was eliminated in the baseline budget passed by the Legislature in August 2001.

Concerns over a projected budget shortfall in 2002 as well as the economic impact of the September World Trade Center disaster on the state budget impacted this appropriation and there became little hope for election reform at the state level. The final report of the Governor's Task Force on Election Modernization was released in June 2002 and contained many recommendations for improving elections in the state as identified above. It also recommended amending the election statute requiring the full-face ballot to allow other technologies, paving the way for electronic type voting machines (ATMs). To read the final report, please go to:
<http://www.state.ny.us/governor/electionmodernization>.

New voting machines for many states (including at least one machine per polling place accessible to the disabled) were mandated under the Help America Vote Act (HAVA), passed by Congress and signed by President Bush in October 2002. States are required to replace lever machines and establish a statewide voter registration database by 2006. Under HAVA each state was required to assemble a committee composed of election officials and stakeholders to develop a plan to implement HAVA. A representative of the LWNYS served on the New York State Task Force; however, the Task Force was handicapped by partisanship and limited in its ability to discuss and make recommendations for the implementation of HAVA. The League was at the forefront of advocacy organizations objecting to the Task Force procedures and conclusions. League members testified at hearings on the Draft Plan prepared by the NYS Board of Elections, and the League participated in a Minority Report issued by an Assembly member who also served on the Task Force. In June 2003, the Assembly introduced a comprehensive legislative package that would implement HAVA. The Senate also introduced several bills. The League supported most of the Assembly package but the Legislature adjourned before reconciling the differences. For the first time, the League supported one voting machine for use statewide. (See the Electronic Voting Machine section below.)