



The League of Women Voters of New York State
62 Grand Street, Albany, New York 12207
Phone: 518-465-4162 Fax: 518-465-0812
www.lwvny.org E-Mail: lwvny@lwvny.org

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

**TESTIMONY FOR 2010-2011 JOINT BUDGET HEARING
LOCAL GOVERNMENT/GENERAL GOVERNMENT
HEARING ROOM B-LOB
FEBRUARY 8, 2010**

Good afternoon Assemblymember Farrell, Senator Kruger and members of the Fiscal Committees. We are pleased to be here today to testify before your committees in this challenging fiscal environment as we prepare for an admittedly difficult 2010-2011 state budget. My name is Barbara Bartoletti and I am Legislative Director of the League of Women Voters of New York State (League). Aimee Allaud, our Election Specialist, was instrumental in preparing this testimony.

The League 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 with 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. However, like any parent, we also know when our offspring are not living up to their capability.

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. Our mission to promote informed and active participation of voters in government is closely allied to the duties of this agency as set forth in Sec. 3-102, of the NYS Election Law, that is "take all appropriate steps to encourage the broadest possible voter participation in elections." Throughout the state, our local leagues work with local boards of elections to assist voters by providing accurate information on all aspects of the voting process. The League sits as a member of the Citizens' Election Modernization Advisory Committee and has been primarily responsible for the selection of optical scan technology, which will be used throughout the state beginning in the upcoming election in 2010.

Before the election of 2010, boards of elections are being tasked with a new challenge: to educate the electorate on the use of new voting machines mandated under the federal Help America Vote Act (HAVA). In addition the NYS Board of Elections must implement a new federally mandated statewide process (Military and Overseas Voter Empowerment Act) which will ensure absent uniform services members and overseas voters their right to vote. New York will receive \$6.4 million dollars to implement the act.

The NYS Board of Elections is the lead agency which advises and guides the local boards of elections in the administration of elections and in developing a statewide plan for voter education and curriculum for elections personnel.

The Executive Budget reappropriates all unspent HAVA funds relating to the implementation of HAVA for voting machine replacement, education and training. Although this agency has acquired new responsibilities under the HAVA and now the Military and Overseas Voter Act, the staffing level remains at the current 63 FTE.

The League recognizes that the fiscal situation of the state requires all agencies of state government to reduce excessive spending where possible. Especially in this year where statewide elections for the Legislature and the Executive will occur, and coincide with the introduction of new voting machines, it is imperative that the NYS Board of Elections budget be held at levels which will not impact the operations of this agency in protecting the basic right of citizens to vote.

The League would now like to address the issue of campaign finance enforcement. 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. Only six of those positions were filled in 2008 and when four of those six new employees resigned, we suspect, because they were not doing the job they were hired to do; it became apparent to us the problem was more than just budgetary. New budget restrictions were then 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. The 2009-2010 Executive Budget cut funding for all 21 positions. Over the

many years we have monitored the NYSBOE, we know well how this bipartisan state board operates and what its shortcomings are. We have frequently criticized the agency when we felt it was not living up to its stated mission. Often the shortcomings involve the lack of appropriate funding and we have then testified and lobbied for additional state funds to support the work of this vital agency. Under recent new laws, the NYSBOE has been mandated 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. Although the NYSBOE 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 a backlog of two or more 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 has seriously impaired this agency's ability to perform its acknowledged feeble mandated functions of enforcement of the campaign finance laws.

The League is concerned that the shortcomings of the NYSBOE involving of the campaign finance laws involve a lack of political will, not on the part of staff of the board, but because of the bi-partisan political gridlock of the political parties which underpin it. The difficulty of fully staffing an enforcement unit with the necessary investigators serves to tell us that on the part of the political parties exists a propensity toward maintaining the status quo.

The League has fought hard for passage of the ethics legislation that the legislature passed two weeks ago and we commend you for the bi-partisan support for that legislation. Certainly not a perfect bill, we felt that particularly in the area of campaign finance enforcement,

this legislation provided the possibility for more independence and openness. The legislation, as passed by the legislature would appropriate 35% of the agencies total budget for use by this new enforcement unit. It would mean hiring new investigators as was envisioned in 2008 with the \$1.5 million dollars appropriated at that time. The League will watch closely to ensure that the political pitfalls of the past are not repeated. Our organization's credibility, as well as yours, demands that we accomplish, this time, the goal of bringing timely disclosure of all campaign finance filing and swift penalties for those who violate this new law.

In conclusion, we urge the legislature to first override the Governor's veto today, and with the hoped-for passage of this new legislation work with the Executive to appropriate the necessary funds to provide for effective implementation of the new enforcement unit. We recognize the enormous burden this may place on this small agency, however, it is the responsibility of this Executive and the Legislature to ensure that this agency has the tools to accomplish its mission to execute and enforce all laws relating to elective franchise and overseeing the timely disclosure of campaign financing and practices.

Thank you for this opportunity to testify before you today.