



## Testimony of Reinvent Albany to Voter Assistance Advisory Committee

December 9, 2020

Thank you for the opportunity to submit written testimony to the Voter Assistance Advisory Committee. Reinvent Albany is a watchdog organization that advocates for open and accountable government in New York.

2020 was one of the worst years in recent memory for New York City election administration. The absentee ballot process was badly botched by the NYC BOE: Many [voters never received their ballot](#), others [received the wrong ballot](#), and others did not even have [their ballot counted](#). All of these developments undermined public confidence in elections at a time when that confidence was – and is – desperately needed. It was weeks before we knew the results of several city races, and, appallingly, even the President of the United States [frequently cited New York City as an example of why election results cannot be trusted](#).

It is clearer than ever that the City Board of Elections is in dire need of reform. If there are no reforms, New Yorkers will again suffer various election administration fiascos that disenfranchise countless voters and further erode public confidence in government.

Reinvent Albany urges the Voter Assistance Advisory Committee to make the following recommendations for improving NYC election administration:

- **Mandate in law that election data be published in a downloadable, machine-readable format**
- **Pass a state constitutional amendment removing the bipartisan requirement for boards of elections**
- **Professionalize the City board of elections staff**
- **Home rule for New York City elections administration**

## **Mandate in law that election data be published in a downloadable, machine-readable format**

The state should pass legislation requiring the State and City Boards to proactively publish election data in an open format. Neither Board is meaningfully publishing data on the portals created under the State's open data [Executive Order 95 of 2013](#) or the [City's Open Data Law](#). The City Board has made strides in making election results more transparent – voters [can now access election results by districts in CSV](#) – but data on absentee ballots, electronic poll books, and early voting leaves much to be desired. Additionally, the election results, while in CSV, are still cumbersome and not provided in a more aggregated, user-friendly open data format on the state or city open data portals.

The Board currently has [a page on its website linking to PDFs about ballots distributed and returned by county](#). But this data is not provided in an open format, and there is no information currently provided about how many ballots were invalidated and why, making it difficult for the public to assess what is causing the most problems with ballot invalidation in New York City.

Absentee ballots counting is just one aspect that we hope to see the Board improve on. Ultimately the Board must break with its tradition of secrecy and provide more data on many aspects of election administration, including (but not limited to) early voting, electronic poll book check-ins, and absentee ballot applications. Having this information provided in an open format will build trust in our institutions and help the public identify the best solutions.

## **Pass a state constitutional amendment removing the bipartisan requirement for boards of elections**

New York will never have true election reform without removing the state constitution's requirement that boards of elections be governed equally by the two largest statewide political parties. This outdated model, supposedly established to prevent partisan interference, has instead become [“a bipartisan agreement to do nothing.”](#) The state legislature can pass and the governor can sign as many bills as they'd like mandating elections improvements. But if the state does not act to abolish the board and replace it with a nonpartisan entity, voters will likely continue to be disenfranchised.

It has been clear for years that the board of elections does not serve voters — it serves parties. Election commissioners are selected by the local county parties, who also choose officials and recommend staff (New York is only [one of two states](#) that has this model – Illinois is the other). It's unsurprising when New Yorkers view party-run election agencies with suspicion after seeing [200,000 voters purged from the rolls](#) or absentee

ballots invalidated en masse. New York must move toward a nonpartisan model and remove the parties' direct role in election administration.

### **Professionalize the City Board of Elections staff**

It has been well documented that the City Board of Elections is laden with partisanship and patronage, and that board hiring practices contribute a great deal to election failures. While the board doubtless has many competent and well-meaning public servants, it's no secret that many staffers only attained their positions through relationships with county parties (the board did not even begin [listing job openings](#) until relatively recently). A 2013 Department of Investigation report found that [10% of NYC BOE employees are related to someone else in the agency](#), and a recent New York Times article said that many staffers [“watch Netflix on the job.”](#)

The City Board should be required to make its hiring process consistent with best human resources practices. Staffers should be hired on the basis of their competence and experience, not their relationships with county parties.

One of the best reforms that can be implemented is to require that all staffers pass a civil service exam. This is a basic hiring practice that applies to public servants at all state and city agencies, but does not apply to board of elections staffers. Passing this requirement will ensure that board of elections revenue is wisely spent.

### **Home rule for New York City elections administration**

Over the years and through multiple administrations, the City Board has repeatedly ignored legislation passed by the City Council. The City Board's argument, which the courts have sided with, is that while the City provides the lion's share of board funds, the NYC BOE is generally subject to state law, not the City Charter. The City should send the state a home rule message that asks the state for more City control over the board.

The City's lack of control over its own board of elections has led to a large number of democratic initiatives with wide public support being ignored. [The Board elected not to comply with Local Law 238](#), which would have established an online voter registration portal and helped scores of New Yorkers register to vote during the pandemic. [The Board also declined to implement a 2016 law](#) that would require posting signs notifying voters when their poll site has been moved. Without changes from the state legislature, the City Board will continue to flout local laws with impunity.

Thank you for the opportunity to testify. If there are any questions, please reach out to Tom Speaker: tom [at] reinventalbany.org.