

FUNDING ELECTIONS

Testimony before the Joint Legislative Budget Hearing on Local Government February 11, 2021

Thank you for allowing me to testify at this Joint Legislative Budget Hearing on Local Government. I am Susan Lerner, Executive Director of Common Cause/NY. Common Cause is a nonpartisan, nonprofit organization founded to serve as a vehicle for citizens to make their voices heard in the political process. We fight to strengthen public participation and faith in our institutions of self-government and lead the grassroots component of the nationwide Election Protection effort. Common Cause/NY is among the largest and most active state chapters, with over 80,000 activists throughout the state, and is a founder and leader of the statewide Let NY Vote coalition. Accordingly, the orderly administration of elections and insuring that our elections are accessible and fair is part of our core mission to promote civic engagement and accountability in government.

The Legislature should be justly proud of the significant election reform which it has passed and the Governor has signed into law in the past 2 years. These reforms – large and small – have transformed elections in New York, providing a commendable level of accessibility and modernization to our elections. Transforming our elections in the short span of 2 years has placed significant demands on county boards of elections.

However, in all but 2 instances, these reforms have taken the form of unfunded mandates. We are grateful that the 2019 State Budget included funding to purchase electronic poll books and to help defray the counties' cost of setting up early voting. However, such support should not be a one-time only occurrence. As a detailed 2018 report by the National Conference of State Legislatures, *The Price of Democracy: Splitting the Bill for Election¹s*, reveals, New York is one of only 18 states that do not provide some form of on-going state funding to help counties pay for elections. NCSL provides details² on the several different ways the 32 states provide state funding for elections:

- “State pays all expenses for federal or state elections.
- State pays all expenses if only state candidates or issues are on the ballot. If other local issues are also on the ballot, state pays a portion of election expenses.
- “State bears a portion of the cost of all elections.

¹ <https://www.ncsl.org/research/elections-and-campaigns/the-price-of-democracy-splitting-the-bill-for-elections.aspx>

² Election Costs: What States Pay, <https://www.ncsl.org/research/elections-and-campaigns/election-costs.aspx>

- State pays for statewide special elections or statewide elections that don't coincide with regularly scheduled elections when there is only a state candidate or question on the ballot. If other local issues are also on the ballot, state may pay a portion of election expenses.
- State pays for statewide primary and presidential primary elections.
State pays for presidential primary elections” [*Direct quote of categories listed online*]

Additionally, various states provide funding for election equipment and technology on an on-going basis to insure that the election equipment used is up to date.³ County boards also require funding to ensure that appropriate cybersecurity measures are instituted to protect our elections, not just at the state level but at the local level as well.

It is currently unclear whether additional federal funding will be provided to states to help close the election budget gaps produced by pandemic required measures in 2020. Last year, in recognition of the extraordinary election expenses expected for the 2020 election cycle, \$3.6B was placed into the House-passed Heroes Act for election costs. We advocate at the federal level for additional funding to be provided from the federal government to the states to help with election costs. While we hope to see such funding in the currently negotiated COVID-19 relief package, we cannot count on that package including federal money for elections. Nevertheless, we believe that the state must provide some funding on an on-going basis to guarantee the appropriate level of safe, accessible and secure modern elections for all New York voters.

In many instances, the county BOEs and their staff have risen to the occasion of instituting myriad election reforms simultaneously, even under the adverse circumstances of the COVID-19 pandemic. But, as the sad saga revealed by the litigation over the certification of election results in Congressional District 22 startlingly showed, not all county BOEs were up to the task. The Oneida BOE attempted to justify their shocking lapses in performance by pointing to significant budget restrictions. While the Oneida BOE budget provided by Oneida County is not an excuse for a complete management failure disenfranchising some 2400 plus voters, there is, nevertheless, some truth to their complaint of underfunding. As to look to substantially improve election administration, in addition to reforming election law, it will be necessary to grapple with the costs which running secure, accurate and accessible 21st century elections incur. Counties cannot, and should not be required to bear the costs of our elections alone. Democracy is too precious and fragile. It is time for New York State to step up and protect our democracy by helping to fund election administration on an ongoing basis.

³ NCSL, *Funding Election Technology*, <https://www.ncsl.org/research/elections-and-campaigns/funding-election-technology.aspx>