

RE: Solicitation of Testimony on Voting Experiences and Issues from Voters in New York City

Dear Senator Zellnor Y. Myrie,

After reviewing hundreds of rejected absentee ballots last year, and over many years of helping Brooklynites register to vote and run for county committee, members of New Kings Democrats have encountered shocking levels of deficiencies in the New York City Board of Elections (BOE). Voter roll purges and absentee ballot disqualifications are a few ways the BOE has disenfranchised voters and undermined faith in our election process. Consistently low voter turnout in NYC elections proceeds from the BOE's longstanding history of errors and its lack of clear communication to citizens.

During the 2021 primary election, there has been more attention on, and criticism of, the BOE with the implementation of ranked choice voting (RCV). The BOE's errors this year were actually less severe than in previous years, such as mailing thousands of misprinted absentee ballots. RCV was overwhelmingly adopted by NYC voters and has been implemented successfully in many cities — this voting system is not to blame for the BOE's failures.

The BOE is insulated from City Council and mayoral oversight, with litigation the only mechanism the public can use to hold the Board accountable. The lack of direct accountability is concerning to New Kings Democrats, as our work is centered on bringing transparency, accountability, and inclusionary democracy to the Kings County Democratic Party.

Unlike all other city agencies, the BOE is the only agency where county political parties appoint administrators. The partisan BOE leadership in NYC - 10 commissioners picked by party leaders in each borough - have failed workers and voters alike. It is a standing vestige of the city's 19th century patronage system and has resulted in a series of egregious failures. An analysis by New Kings Democrats during the 2020 primary found that more than 30 percent of all ballots were rejected in three Brooklyn Assembly Districts. These districts (55th, 58th, and 60th) also have the borough's lowest median income and the highest percentage of Black residents. The City's rejection rate, 22% during the last election, was immoderate compared to other states. Pennsylvania had less time to prepare for a mostly absentee primary but rejected only 1.4 percent of received ballots (3.9% in Philadelphia).

If the BOE is to carry out fair and inclusive elections, then it must operate as a fair and inclusive body. In the pursuit of electoral justice, New York should encourage and promote career civil servants for BOE leadership. The long term solution is to amend the New York State Constitution to ensure the State and County Boards of Elections are nonpartisan, rather than bipartisan, and include safeguards against partisan favoritism at all levels. Until we can achieve these changes to the constitution, County Parties should arrive at their recommendations for BOE Commissioner positions through a competitive, transparent process including the entirety of the County Committee. Right now Senate Bill 6226A, which prescribes qualifications for the commissioners of the Board of Elections, provides a good starting point.

Thank you for hearing our concerns,
Genevieve Vaida
Vice President of Policy
New Kings Democrats