

Nicholas Wilt
2695 East Avenue
Rochester, NY 14610

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MONROE COUNTY LEGISLATURE
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To Whom It May Concern:

I am a software engineer with a 30-year career spanning technology companies including Microsoft, NVIDIA, and Amazon. I also have worked on numerous political campaigns in western New York, from the local to the federal level, with a focus on data management and ballot access.

I am writing on 3 topics relating to New York State Election Law:

- Conflicts of interest that should be prohibited;
- Signature requirements for ballot access;
- Ranked choice voting.

Conflicts of Interest. The Chairman of the Erie County Democratic Committee, Jeremy Zellner, is also the Democratic Elections Commissioner for Erie County. A singular person should not occupy both of these roles. Since Committee Chairs oversee the designation process, and Elections Commissioners serve as gatekeepers to ballot access, there is an obvious conflict of interest between the two roles. For similar reasons, members of the Assembly or State Senate also should be precluded from serving as County Committee Chairs.

State law should be revised to prohibit these conflicting roles.

Signature Requirements. For 3 years in a row, New York State has enjoyed reduced signature requirements – first as a result of having moved the primary election from September to June, then two years in a row due to the COVID pandemic. The number of candidates who qualified for the ballot increased, but not to an unmanageable degree. In 2021, no fewer than 19 (nineteen) candidates petitioned themselves on to contest the Democratic primary election for Rochester City Council; only 3 were disqualified, leaving a field of 16 (sixteen) candidates vying for five (5) seats. The larger field did not detract in any way from the outcome of the primary election. I would argue that New York’s creaky old democracy was not harmed by the 70% reduction in signature requirements. Especially as the delta

variant of the SARS-CoV-2 virus exacerbates the pandemic, the reduced signature requirement should be made permanent.

Ranked Choice Voting. The Legislature should give serious consideration to providing for ranked choice voting at every jurisdictional level. The benefits of ranked choice in traditional elected positions (such as the recently-contested race for Mayor of New York City) have been well-documented, so I will focus my comments on the benefits

Here in Monroe County, the Elections Commissioner race featured nine (9) candidates, with many exiting the race before any ballots were cast. The Rules of the Democratic Committee in Monroe County require that the winning candidate for such a party position earn more than 50% of the weighted vote; if no candidate wins more than 50% of the weighted vote on the first ballot, the entire Committee must cast another round of ballots, a process that continues indefinitely until the criterion is achieved by the eventual winner. The Committee members voting in such an election are not learning anything new about the candidates between ballots; inducements are offered, threats are made, deals are struck, to winnow the field until an exhausted Committee only has a handful of candidates to choose from. A ranked choice system would enable the Committee to cast a single ballot, with an overwhelming likelihood of a candidate eventually being selected through the process of transferring votes from nonviable candidates to candidates still in the running. The idea extends to all elections, whether selecting a single winner or multiple winners from a crowded field.

When I proposed revisions to the Rules of the County Committee to provide for ranked choice voting for designations and party positions (such as Elections Commissioner), I was told that such Rules revisions would violate New York State Election Law. I personally believe do not believe this question is a matter of settled law – it could be litigated, and I'm not sure either side could predict the outcome. In any case, it would be helpful if the law were revised to at least provide for the possibility.

I'm sensitive to the idea that ranked choice voting is more complicated than the type of voting we currently use in New York State, but nevertheless I believe the benefits would outweigh the costs. Elections are supposed to be large-scale job interviews, and given that electorates from Monroe County to New York City both have shown an ability to sift through complex options and make known their collective will, our democracy would be better-served by larger candidate pools.

Sincerely Yours,

Nicholas Wilt