

WRITTEN TESTIMONY
FROM COMMON CAUSE/NY TO
JOINT LEGISLATIVE BUDGET HEARING ON PUBLIC PROTECTION

Thank you for the invitation to testify **today**. I am Sarah Goff, Deputy Director of Common Cause/NY, subbing in for Executive Director Susan Lerner. 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 and is a founder and leader of the statewide Let NY Vote coalition, made up of over 100 groups and thousands of grassroots activists across the state. Accordingly, the orderly administration of elections and ensuring that our elections are **accessible** and fair is part of our core mission to promote civic engagement and accountability in government. We worked for several years, along with our coalition partners, to bring Early Voting and numerous other reforms to New York State. It is to the credit of the Legislature and the Governor that long overdue election reforms, including Early Voting, were passed and signed into law last year, making a substantial start in helping New York begin to catch up with election administration advances in other states. We are dedicated to ensuring that the reforms passed are successfully implemented throughout New York State.

Maintaining Public Confidence In Our Elections

National polling indicates that **Americans report “a high level of concern about how secure the election will be”**¹ this year. Fortunately, here in New York, our governor and election officials have gone out of their way to collaborate with federal election security officials,² appointing a Cyber Security Advisory Board.³ Nevertheless, we face a continuing threat to our elections. As election law expert, Professor Richard Hasen, noted in a discussion of his new book, *Election Meltdown: Dirty Tricks, Distrust, and the Threat to American Democracy*, Yale University Press (February 4, 2020),

¹ Brett Neely, NPR Poll: Majority Of Americans Believe Trump Encourages Election Interference, NPR, **January 21, 2020** Accessed 2/10/2020, npr.org

² Robert Harding, Election Security In New York: State Doing 'Very Good' Job, John Katko Says, Auburn Citizen, Jan 23, 2020 Updated Feb 5, 2020

³ Annie McDonough, New York focuses on election security amid challenges nationwide, City & State New York, November 18, 2019, cityandstateny.com, accessed February 11, 2020.

”[W]hen elections are administered badly, when there are problems, it can have a profound effect on **people’s trust.**”⁴ It is a truism that elections are generally underfunded and under-resourced.⁵ And such underfunding can, and often does, lead to badly administered elections. Here in New York, the burden of paying for our elections falls on the counties.

Providing for Efficient and Well-Run Elections

Common Cause/NY and the Let NY Vote Coalition helped lead the fight to finally bring Early Voting to New York State in 2019. Last fiscal year, for the first time, New York State recognized that it shares responsibility with its counties for the efficient functioning of elections and provided funding to help counties cover the cost of Early Voting. Funding was provided to help defray operational costs as well as equipment purchases to assist in providing voters with the increased access to the polls afforded by Early Voting. All reports indicate that the first instance of Early Voting was successful and very popular. We strongly urge the Legislature to continue that funding for this fiscal year which will encompass the presidential election with its expected unusually high voter turn-out. The 2020 election cycle includes 3 elections – even after the praise-worthy consolidation of our congressional and legislative primaries – requiring the counties to undertake the expense of providing 21 days of early voting for the first time. We strongly recommend continuing to provide the counties with aid to help with the necessary costs of running well-administered early voting periods. We support providing \$10 million in operating costs and approximately \$15 million in equipment and other costs.

Efficient Implementation of Reforms

We applaud the Legislature for its willingness to pass reforms which remove barriers to voting and which make the ballot more accessible to more eligible New Yorkers, helping to bring our elections closer to a 21st century standard. Last year saw the adoption of such admirable reforms as registration portability, pre-registration of 16 and 17 year olds, consolidation of the legislative and congressional primaries, and internet voter registration, as well as early voting and authorization of e-pollbooks. This year we hope to celebrate the passage of Automatic Voter Registration, which has the potential to add over 1 million new, eligible voters to the voter rolls. Yet, these reforms are not self-executing; they require regulation and supervision not only on the county level but also by the State Board of Elections. The State Board is required to maintain a high level of expertise, particularly in its IT department, and must make changes to the statewide voter registration database to comply with the requirements of the long-awaited reforms. There is little logic to increasing the responsibilities of the

⁴ Richard L. Hasen And Dahlia Lithwick, Voting Issues Tend To Stem More From Low-Grade Incompetence Than Malfeasance, Slate, Feb 07, 2020.

⁵ See, i.e., Eric Geller, 5 Big Takeaways From Politico’s National Survey Of Election Offices: Money Is A Big Problem, Politico, 08/05/2019.



State Board of Elections to administer these much-needed reforms while simultaneously slashing its **budget. We believe that the State Board's budget should be expanding, not cut by more than \$1.5** million below the amount which it estimates is needed to meet its current programmatic obligations. If cost savings are to be had, it should first be achieved outside the budget process by eliminating the duplicative staffing resulting from requiring co-executive directors and other doubling of staff from each of the two major political parties, replacing each duplicated position with a single civil servant chosen based on merit-based qualifications.

Non-Fiscal Matters Should Not Be Part of the Budget Process

It has long been our position that the budget should only contain and address fiscal matters. Bills that are non-fiscal in nature simply do not belong in the budget. Common Cause/NY supports the proposed laws contained in **Parts JJ, RR and SS of this year's** Public Protection And General Government Article VII Legislation, A9505/S7505. Part JJ is a welcome and needed improvement to our **state's election laws making manual recounts mandatory in appropriate circumstances, while Part TT** contains a tax return disclosure requirement which we strongly support, while Part SS is a commonsense protective measure. These bills should, however, be considered individually and outside of the budget process. Part UU should not be considered at all. It perpetuates an unnecessary and unconstitutional provision in state law recently overturned by the state court.

We are particularly alarmed to see that revisions to the new bail reforms are proposed to be addressed in the budget. Separate apart from the debate as to whether there is enough data and experience, as opposed to sensationalism and fearmongering, regarding the new bail reforms, the budget is not the appropriate place to address such a nuanced and fraught public policy issue.