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**THE LEAGUE  
OF WOMEN VOTERS**  
*of New York State*

**JOINT LEGISLATIVE PUBLIC HEARING  
ON 2022-2023 EXECUTIVE BUDGET PROPOSAL PUBLIC  
PROTECTION**

**TESTIMONY TO THE JOINT FISCAL COMMITTEES OF THE  
NEW YORK STATE SENATE AND NEW YORK STATE ASSEMBLY  
PRESENTED VIRTUALLY  
January 25, 2022**

***Introduction***

Thank you for the opportunity to testify today. I am Laura Ladd Bierman, Executive Director of the League of Women Voters of New York State. The League is a nonpartisan, grassroots organization with a mission to educate the public to become engaged members of their communities and informed voters. We also have long advocated for a more representative, ethical, and transparent state government. I will highlight two areas today in my testimony: election reforms and ethics reforms.

We believe voting should be made as easy as possible for all New Yorkers and we greatly appreciate the tremendous gains that have been made in the last couple of years in making voting more accessible and applaud the legislature for enacting these reforms. However, many of these reforms still have not been sufficiently funded, particularly with voter participation this year expected to significantly increase from last year.

The Governor has made it her priority to replace JCOPE and she has provided a serious proposal to do that. However, the League believes that her proposal could be improved to create a truly transparent and independent ethics commission.

***Additional Funding for Election Reforms***

***Early Voting***

In 2021, the legislature passed a law to lower the number of voters designated to early voting poll sites to one poll site per 40,000 voters in each county with at least 500,000 registered voters, and for every full increment of 30,000 voters in each county with less than 500,000 registered voters. This provision also extended voting polling site hours of operation during early voting. With the reforms, additional funding is needed for county Boards of Elections for costs related to

hiring staff, securing sites, and purchasing new equipment. These early voting reforms will strengthen the early voting process for many voters, but only if counties have the resources to be able to implement these reforms. Additional funding for county Boards of Elections is necessary for early voting options to be available for all voters in all counties.

### **Absentee Voting**

While many states boast a significant cost savings when switching from mostly in-person voting to vote by mail, that cost savings is not realized until many years after the policy has been passed and perfected. The current, outdated process used by New York State to collect, process, send, receive, and count absentee ballots is slow, cumbersome, and costly. The new reforms proposed to improve this process will yield major long-term savings, but still require an initial investment.

Implementing an absentee ballot tracking system can cost around \$50,000 to \$100,000<sup>1</sup>, secure absentee ballot drop boxes can cost up to \$6,000 per unit not including surveillance<sup>2</sup>, and the cost of including pre-paid postage for all absentee ballots ranges between \$1.15–\$2.00 per voter<sup>3</sup>. While each of these costs may not seem high, the cost of providing return postage for New York's more than 13 million voters alone could easily total \$26 million. Investing in 800 ballot drop boxes for each early voting site could cost \$4.8 million, and the ongoing annual cost of tracking systems is unclear.

Before the pandemic, only around 4% of New York State voters utilized absentee voting in a given election, but with increased advancements to the process and a desire for greater options when casting their ballot, many voters may prefer to vote absentee in the future. The state should be prepared for an increased funding request from counties to offset these costs and should consider making available grants for certain programs and equipment including tracking software and secure ballot drop boxes.

The League is pleased to see the Governor's proposal for poll sites to be located on college campuses but again, funding must be provided for these additional sites if they are to be implemented across the state.

The League also applauds the proposed elimination of the 25-day statutory voter registration deadline by the Governor. Voters would then be able to register to vote up to the constitutional deadline of 10 days prior to the election. Many voters become engaged in the election toward the end of the election season, but by then it is too late for them to register and vote. This reform would facilitate voting for more New Yorkers before same-day voter registration is passed as a constitutional amendment.

Elections are often the last item on the list when it comes to county budgets and many county Boards operate with limited resources. The League urges the Legislature to seriously consider the cost of new election improvements when introducing their proposed budgets and to consider setting up a yearly fund specifically for enhanced election reforms like early voting and absentee voting.

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<sup>1</sup> <https://www.brennancenter.org/our-work/research-reports/estimated-costs-covid-19-election-resiliency-measures>

<sup>2</sup> [https://www.eac.gov/sites/default/files/electionofficials/vbm/Ballot\\_Drop\\_Box.pdf](https://www.eac.gov/sites/default/files/electionofficials/vbm/Ballot_Drop_Box.pdf)

<sup>3</sup> <https://www.brennancenter.org/our-work/research-reports/estimated-costs-covid-19-election-resiliency-measures>

### ***Ethics Reform***

Since the creation of the Joint Commission on Public Ethics (JCOPE) in 2011 and the Legislative Ethics Commission (LEC) in 2007, countless state legislators, high ranking state employees, and even an incumbent Governor have been accused of corruption and sexual harassment. The most extreme cases of corruption have been prosecuted by the federal government, but offenders have managed to get away unscathed by either state ethics agency. Although the League and our good government partners have long called for replacing JCOPE and the LEC, rampant ethics lapses continue to persist in our state government.

The League believes that JCOPE and the LEC need to be replaced with one effective and independent ethics enforcement body. This single entity should aim to achieve the greatest level of transparency and accountability, and should have a meaningful mechanism to punish bad actors. A more effective watchdog agency would be completely independent of the elected officials and staff it was meant to oversee, and would give whistle blowers a clear process to report corruption and harassment to the agency.

A truly independent Commission would be citizen led with qualified New Yorkers volunteering to serve as Commission members. The Governor has proposed that the commissioner selection should be accomplished by a group of the 15 law school deans. Other proposals have suggested that retired judges make the selections. The League continues to believe that commissioners should not be solely appointed by those who are subject to the ethics commission's oversight process. Some outside manner for appointments or possibly a combination of legislative and outside appointments is critical to the independence of this commission.

The selection committee, as well as the commissioners, must be free from conflict of interest. We believe that this requirement could be strengthened in the Governor's proposal. The limits on both those who select the commissioners and those who can be commissioners must restrict local elected officials, state employees, lobbyists, and relatives of legislators or lobbyists from participating. The selection process should also be open with a public view of candidates and the interview processes.

The Governor's proposal restricts commissioners from donating to candidates, but this restriction should be expanded to include donations to party committees and independent expenditure committees.

Transparency is crucial to any ethics commission's operations and this new entity's operations must abide by the open meeting laws and the Freedom of Information Act. Violations of ethics charges should be discussed in public and be made available for public scrutiny.

### ***Conclusion***

The League is greatly appreciative of the advancements the Legislature and Governor have made to New York's election procedures. New York State is finally in the 21<sup>st</sup> century with regard to voting, but we are still funding our elections as if they were being conducted in the pre-technology era. In order to realize the voter enhancement goals of the Legislative Leaders and

Governor, the State Board of Elections and county Boards of Elections need a serious funding commitment to ensure that progressive elections reforms are not unfunded mandates.

There has unfortunately been no similar progress in ethics reform in New York other than the start of a public financing program for elections. We continue to have sky-high campaign contribution limits and no effective ethics enforcement agency. We hope this year will make a new beginning at least for establishing a real ethics body capable of holding public officials accountable.