

Written Testimony before the New York State Senate Committee on Elections  
Hearing to Review Elections Administration and Voting Rights in Central New York  
Wednesday, August 4, 2021 at 10am in Syracuse, New York  
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I would like to thank the NYS Senate for holding these important hearings throughout New York. I would especially like to thank Senator Zellnor Myrie for his leadership in affording affected voters, concerned citizens and election administrators the opportunity to testify on this critical topic. My name is Ashley Dittus, Democratic Commissioner of Elections for Ulster County, a role I have served in since 2017. Previous to becoming Commissioner, I have worked at the Ulster County Board of Elections since 2010, starting in an entry level clerical role, working my way to a leadership position and, at the time of my appointment, becoming one of the youngest serving Elections Commissioner in New York State. This hearing reviewing the administration of our institution and how that is best serving our electorate could not come at a more appropriate time. I have witnessed firsthand how the voters I serve have lost faith in the work that we do. While many outside factors contribute to this feeling, (the spread of misinformation, political polarization, narratives in the media, etc.), we as administrators bear a unique responsibility in restoring trust by being held accountable. I believe there are pivotal steps that can and should be taken to rebuild the contract we have with the public. Broadly, a three-prong approach that includes transparency initiatives, modernization of the BOE structure and installing the New York State Voting Rights Act would lay the foundations for true reform.

### Transparency

At the Ulster County Board of Elections, we have made great strides to be as open with the public as possible. We have had a local recount law on the books since 2015 and that law has been tested in nearly every election cycle we have administered since its implementation. We have found that the recount does help affirm to the public the results of our election but I believe we can do more. This past legislative session the New York State Senate passed S286A which if adopted would allow for the release of ballot image files to the public. By allowing ballot images to be made available, voters, political scientists, data analysts etc. could verify for themselves the result of a particular election or contest in the same way we do when we perform a hand recount. Ballot image files have no personal information from a voter on them so we do not risk a breach in the voter's privacy. In allowing for them to be accessed we can still maintain physical custody and control of the paper ballots that were marked while allowing for an independent audit of the voting systems without risk of manipulation. We are seeing the aftermath of a badly handled "independent" audit unfolding in Arizona, where outside vendors have been granted total access to voting systems and ballots because voters and their representatives do not believe the work of administrators who have performed multiple hand count audits. By releasing the digital files, we will disprove any claims of "stolen elections" that a recount doesn't totally satisfy in today's conspiracy laden culture.

I believe that there needs to be a clear ethical distinction for the role Commissioners and more broadly, Board of Elections staff plays in their political parties. Commissioners should be barred from providing paid assistance to candidates. I recognize that many of my counterparts come from a political background, myself included, but we are public servants who work for the people and if we are providing paid consultation we will never be viewed as performing our jobs fairly. Additionally, BOE staff should not be permitted to run for elected office, much like how Commissioners are barred from running for higher office, so too should that extend to the

members of their staff. Eliminating these issues would re-center the focus of BOE personnel to the very important tasks they perform in their positions.

### Modernizing the Boards of Election

I want to be clear from the onset that I am in favor of maintaining our bi-partisan structure. There have been many instances in the past where I have wished I was the sole authority in my Board of Elections, especially when I have faced obstructionist behavior from my counterparts. However, I do not believe the alternative would favor the voters, nor the institution. In looking at the current climate, particularly in the last few years since assuming my role, I have observed that we need to maintain an equal balance of the two major parties otherwise we will lose the trust of half of the electorate just by the nature of political polarization. I also believe that this dynamic would critically skew the administration of elections from county to county and the disparity of services voters are granted across these geographic lines would be obvious and stark. Both parties need a seat at the table so that all voters, not just the majority, are being seen and heard.

However, I do believe there are some specific remedies that can be implemented through legislation that would help modernize the Boards. Chief among these issues is that many of the host counties, Ulster included, have not recognized the changes that have been installed since the HAVA reforms of the early 00s and more recently, since the reforms passed post-2018. Ulster County has expanded their electorate by 25,000 voters since 2007 and yet we are still operating at the same staffing level as we did back then. Mandatory minimum staffing legislation is critical to ensuring that the voters are being served by an office that is functioning properly, not treading water. With the imminent installation of automatic voter registration workloads will most assuredly increase. Our Board has operated with full time Commissioners for decades, I cannot fathom how an office can operate without the department heads having a daily presence. Full time Commissioners would also relieve the Boards of the problem of having a political no show appointee. A minimum staffing of a Board should be four full time Commissioners and Deputies with an additional two full time staff members for every complete unit of twenty thousand voters. If that were installed Ulster County's Board of Elections would increase from twelve to sixteen full time employees.

The State legislature should consider requiring non-management BOE staff members who serve in roles below the Commissioner and Deputy positions to become public employee unionized positions. Additionally, uniform job descriptions should be implemented by the State Board of Elections for the County Boards and there should be a nepotism ban in place for all BOE employees. These initiatives role into the desire for the Boards to be staffed by professionals and not populated by individuals protected by their political connections. Finally, reoccurring standardized training that is mandatory and facilitated by the State Board of Elections for all Board of Elections employees would foster uniformity and put everyone on the same page.

### New York Voting Rights Act

I am very much in favor of the adoption of a New York Voting Rights Act. Pre-clearance would ensure at-risk populations have protections and oversight, providing the Attorney General's office the power to prevent decisions made at the Board level that could adversely affect voters. It is likely the prospect of plans being rejected would mitigate a lot of bad actors from attempting to install these types of positions at the County level. Additionally, the NYVRA could provide a

framework for resolving disputes between Commissioners that are now only resolved by costly lawsuits.

Since becoming Commissioner I have on numerous occasions been party to a lawsuit to move my counterpart to follow the law. In the fall of 2020 a lawsuit was filed in Ulster County to expand access to early voting when wait times to vote exceeded one and a half hours. My counterpart, being away from the County for the first four days of early voting on vacation, was unwilling to redirect resources or increase hours. Judicial intervention was required and we thankfully won that lawsuit to expand hours but we also lost valuable time as the suit took a few days to complete during the active voting period. I have found that Commissioners have far too much power to obstruct than to follow the laws that have been passed and there needs to be a solution that gives teeth to Commissioners who are doing their best to see these reforms come to fruition. There should be stricter penalties in place against Commissioners who outwardly flout the law. NYVRA could implement a fast track intervention process and back up Commissioners who are doing everything they can to follow the law.

In conclusion, we have a great opportunity to revive and reshape the democratic institution of voting in New York and I for one welcome the work of reformation. Funding the work of the Boards as well as financing the State Board of Elections will ensure that the changes legislated will become successful and set a new standard for democratic engagement.