

I would like to thank the Senate Election Committee for holding hearings about the election issues that are occurring throughout areas of New York State. The premise of Free and Fair Elections is one that is the bed rock of our Democracy. No person any where in New York State should be disenfranchised from our most basic right to vote.

My name is Tim Perfetti, and I am the Vice Chairman of Democratic Rural Conference of New York State. The DRC is a 47 County member body which represents counties of a population of 250,000 or less. Although I do believe that we are all ONE New York, the interests of all counties are not the same and one cookie cutter approach to find solutions to deficiencies in Boards of Elections be it real or perceived would best serve all voters in New York State.

I think that a commonsense approach to correcting some of the issues being experienced across the state would be a uniform structure within county Board of Elections. It has been my experience dealing with my counter parts in other counties that there is an inconsistency in Board of Elections where staffing to some extent is controlled by the county legislature at a local level. I have dealt with counties where they have Full Time Commissioners and some that have Part Time Commissioners. Counties such as my own have a Part Time Commissioner and Senior Clerks. In my interaction with legislatures from my own county as well as working with Chairs from other counties, some of these decisions about staffing are based on “budgetary” considerations. In essences trying to run elections on the “Cheap”.

I think that the state, through legislation mandating that all counties have a Full Time Commissioner and a Full Time Deputy at a minimum could help bring a more consistent and uniform approach that would be a step in the right direction to giving more stability to the local Board of Elections. The State continues to hand down laws that make access to the ballot easier for the voter and this is commended by all of us that believe in voting being the fundamental right of all citizens. However, some local Boards find it difficult to carry out that mission because as the job becomes more expansive, local legislatures are not always willing to provide the support through funding and staffing of those offices to

adequately carry out their mission. This could be done by setting requirements for staffing based on county population.

I think that there is a misconception by many that the Boards of Election are “partisan” in nature because Commissioners are chosen by County Chairs. I would like to address this on two fronts. One being that by law, each board of elections has a Commissioner from BOTH parties and staffing in the office at whatever level must be equal in number for both parties. This is the opposite of partisan; it creates a Bi-partisan office where both parties while carrying out the mission of conducting free and fair elections act as a check and balance for one another. Each party checks the work of the other party to ensure more accurate and fair outcomes. Secondly, Commissioners may have their name put forward by the Chair of the respective party, but these names must come with the approval of the county committee before being sent to the counties legislative body. Chairs as well as committee members are also elected officials having gone through the petition process to obtain their positions. There have been instances in New York State where in counties, where one party has overwhelming majorities on the legislative body, sometimes where the opposition party holds NO seats, that those appointments by political party have been rejected.

Since the appointment to Commissioner must pass the approval of the Chair and county committee, the approval to take the position should be a pro forma exercise by the county legislature or Board of Supervisors. The State Board of Elections could however set up a training where candidates to hold the position of Commissioner would subject to passing that training demonstrating that they have a sound knowledge and proficiency in Election Law and Procedure. It is my belief that this would help ensure a more professional standard within the Board of Elections.

I think that any discussion of making the Board of Elections a professional office by subjecting it to civil service is a misnomer and could lead to unintended consequences that would make the office more partisan rather than less partisan or bi partisan. How would a system of civil service, based on the outcome of a test score provide both political parties an opportunity to have an overseer in the office? It is also something where in counties that have one party rule on legislatures and boards of supervisors would potentially have undue influence

over who the civil service candidate for that position would ultimately be. Once someone has obtained employment through civil service, what would be the check and balance of removing that individual if they proved ineffective in the performance of their job duties or worse yet were a partisan agent of one of the political parties? I would not argue that the system as it stands is perfect, I wouldn't even suggest that it is not worthy of examination on how to make the offices better in the performance of their duties. I would argue that in a two party system, having both parties represented in the office in equal numbers is the most and best bi partisan check and balance available to us currently.