

**Memorandum in Support of Legislative Package
to Improve Election Administration in New York State¹**

May 16, 2023

The Brennan Center for Justice writes in strong support of the pending legislative package to improve election administration in New York State.² Its component bills – informed by an extensive legislative investigation and research on national best practices³ – will strengthen professionalism and accountability at New York’s state and local boards of elections (BOEs) and help realize the promise of the significant pro-voter reforms this Legislature has delivered in recent years. We applaud the Senate for passing this package earlier this year⁴ and urge the Assembly to ensure its passage this session.

The Brennan Center is a nonpartisan law and policy institute that researches and advocates for policies to defend and strengthen our democracy. In 2021, we published two reports recommending improvements to election administration in New York State and New York City based on the practices of better-performing jurisdictions across the country.⁵ The bills before the Legislature reflect many of the reforms that our research shows will improve election administration and voter service in our state. That is why this package is a priority that we and

¹ This package includes S136/A2565, S585, S587/A268, S609/A6973, S611/A919, S613, S617, S619/A662, S644/A1258, and S645. We note that the Senate also passed S612 (which has since been amended) and S614. We support reducing conflicts of interest that impede voter service, but do not address these bills in this memorandum, which is limited to reforms that we have advocated for in our research reports on election administration reform.

² This memorandum addresses 10 bills concerning election administration at New York’s state and local boards of elections that passed the Senate on January 10, 2023, and January 17, 2023.

³ New York State Senate Elections Committee, *Report and Findings of the New York State Senate Elections Committee*, November 15, 2021, https://www.nysenate.gov/sites/default/files/press-release/attachment/elex1115_vfinal.pdf.

⁴ New York State Senate, “Board of Election Professionalization Package Passes Senate,” press release, January 17, 2023, <https://www.nysenate.gov/newsroom/press-releases/board-election-professionalization-package-passes-senate>.

⁵ Joanna Zdanys et al., *How to Fix the New York City Board of Elections*, Brennan Center for Justice, September 9, 2021, <https://www.brennancenter.org/our-work/policy-solutions/how-fix-new-york-city-board-elections>; and Derek Tisler et al., *How to Fix Election Administration in New York State*, Brennan Center for Justice, December 15, 2021, <https://www.brennancenter.org/our-work/policy-solutions/how-fix-election-administration-new-york-state>.

more than one hundred voting, racial justice, labor, and good government groups urged you to deliver this year.⁶

Sound election administration is crucial to the health of our state’s democracy. The 2022 midterms showed that election denialism persists across the country, materializing in threats to election workers and intimidation of voters. By improving BOEs’ professionalism and readiness to serve all voters, this package will strengthen public faith in this important aspect of the democratic process. Below, we explain the package’s core features.

Modernize commissioner appointments: The current lack of transparent, merit-based selection standards at New York’s BOEs limits consideration of the most qualified possible pool of candidates and harms public trust.⁷ **S645** would change this status quo by requiring the State Board of Elections (SBOE) to prescribe qualifications for all local commissioners, including demonstrated election administration experience or other relevant management experience. These standards will help assure the public that commissioners have the skills to run elections.

Strengthen training requirements: Inadequate training for BOE commissioners and staff undermines voter service.⁸ Two bills in this package would make a meaningful difference in preparing BOEs and poll workers to serve voters.

- In the 2021 legislative hearings on election reform and voting rights, poll workers repeatedly called for more comprehensive training.⁹ **S587/A268** would strengthen the minimal existing requirements for poll worker training by providing a baseline of subjects that training must cover, from emergency voting processes to language access. The bill also sensibly requires the State Board of Elections (SBOE) to establish a training institute that equips local BOE staff to better train poll workers in their county.
- Mandatory training for commissioners is standard practice in other states that use bipartisan election boards, but not in New York.¹⁰ **S617** would require local commissioners to complete a uniform training curriculum within six months of their appointment.

⁶ Brennan Center for Justice, “Coalition Letter Urges New York State Leaders to Protect and Strengthen Democracy in 2023,” last updated January 12, 2023, <https://www.brennancenter.org/our-work/research-reports/coalition-letter-urges-new-york-state-leaders-protect-and-strengthen>.

⁷ Zdanys et al., *How to Fix the New York City Board of Elections*, 9–10; and Tisler et al., *How to Fix Election Administration in New York State*, 12.

⁸ Zdanys et al., *How to Fix the New York City Board of Elections*, 12–13; and Tisler et al., *How to Fix Election Administration in New York State*, 8–9.

⁹ New York State Senate, *Report and Findings of the New York State Senate Elections Committee*, 21–23.

¹⁰ Tisler et al., *How to Fix Election Administration in New York State*, 11.

Improve accountability: Even when election administration failures cost New Yorkers opportunities to vote, local BOE commissioners rarely face consequences.¹¹ The governor has the sole authority to remove local commissioners, but no governor has ever exercised that power, even after egregious failures by local BOEs have disenfranchised large numbers of voters.¹² **S585** would provide additional protection for voters’ interests by also empowering the SBOE to remove local commissioners for just cause, with due process protections.

Increase staffing resources and compensation: Our research underscores that election officials nationwide need more resources.¹³ New York is no exception. Local BOE commissioners consistently cite inadequate funding and staffing as impediments to serving voters.¹⁴ This includes the challenge of recruiting and retaining poll workers, a role at the front lines of our democracy that demands long and often grueling workdays. Several bills in this package respond to the critical resource challenges that BOEs face.

- Two bills would help incentivize more New Yorkers to serve as poll workers by improving compensation. **S136/A2565** would raise the minimum pay for election day workers in New York City and increase their compensation for attending trainings. By enacting these changes, New York would follow New Jersey and many local jurisdictions across the country that have increased pay to attract more poll worker support.¹⁵ **S613**

¹¹ Zdanys et al., *How to Fix the New York City Board of Elections*, 14; and Tisler et al., *How to Fix Election Administration in New York State*, 17.

¹² Zdanys et al., *How to Fix the New York City Board of Elections*, 14; and Tisler et al., *How to Fix Election Administration in New York State*, 17. See, e.g., David Colon, “NYC Board of Elections Admits Wrongdoing in 2016 Election Purge, Agrees to Consent Decree,” *Gothamist*, October 25, 2017, <https://gothamist.com/news/nyc-board-of-elections-admits-wrongdoing-in-2016-election-purge-agrees-to-consent-decree>.

¹³ See, e.g., Derek Tisler and Lawrence Norden, *Securing the 2024 Election*, Brennan Center for Justice, April 27, 2023, 23–24, <https://www.brennancenter.org/our-work/policy-solutions/securing-2024-election>; and Ruby Edlin and Lawrence Norden, “Poll of Election Officials Shows High Turnover Amid Safety Threats and Political Interference,” Brennan Center for Justice, April 25, 2023, <https://www.brennancenter.org/our-work/analysis-opinion/poll-election-officials-shows-high-turnover-amid-safety-threats-and>.

¹⁴ Tisler et al., *How to Fix Election Administration in New York State*, 15.

¹⁵ See, e.g., New Jersey, “Governor Murphy Signs Legislation to Increase Pay for New Jersey’s Election Workers,” March 25, 2022, <https://www.nj.gov/governor/news/news/562022/20220325e.shtml>; Kay Stephens, “Blair Election Workers Get Pay Raise,” *Altoona Mirror*, April 26, 2022, <https://www.altoonamirror.com/news/localnews/2022/04/blair-election-workers-get-pay-raise/>; Claire Shoop, “Williamson County Approves \$2 Pay Increase for March 1 Primary Early Voting Election Workers,” *Community Impact*, February 1, 2022, <https://communityimpact.com/austin/northwestaustin/election/2022/02/01/williamson-county-approves-2-pay-increase-for-march-1-primary-early-votingelection-workers/>; Al Lawrence, “Richland County Commissioners OK Pay Raise for Poll Workers,” *Mansfield News Journal*, August 18, 2021, <https://www.mansfieldnewsjournal.com/story/news/2021/08/18/richland-countycommissioners-vote-increase-pay-poll-workers/8176733002/>.

would subtract any income earned from serving as a poll worker from an individual's federal adjusted gross income, which similarly works to encourage more people to serve in this vital role.

- Long workdays make it difficult for BOEs to attract enough poll workers, especially among working New Yorkers. **S609/A6973** would allow local BOEs to employ poll clerks to work split shifts with adjusted compensation, which current law already permits for election inspectors.¹⁶ This change would help broaden the pool of poll workers and address persistent staffing shortages.¹⁷
- Election administration is a year-round job that requires full-time dedication and expertise across an increasingly wide range of issues and topics.¹⁸ **S611/A919** would make local commissioners full-time employees, which will encourage a broader, more diverse group of New Yorkers to serve in these roles. **S644/A1258** would require every local BOE to employ at least four full-time employees in addition to the appointed commissioners (or more, in counties serving larger numbers of active registered voters). Such guaranteed staffing will help local boards keep up with the increased complexities of election administration.

Along with the above improvements, we urge the Legislature to ensure long-term, sustainable funding for local BOEs. You took an important step forward by including funding to upgrade voting equipment and technology in the FY 2024 budget, but more will be needed on a consistent basis to ensure that New York's BOEs have the resources they need to serve voters.

Restructure and professionalize the New York City Board of Elections: The New York City BOE's unwieldy structure and track record of persistent election administration failures contribute to its notorious reputation for dysfunction. **S619/A662** would bring national best practices in election administration to the agency. Key components of the bill include reducing the overly diffuse board from ten commissioners to two and clarifying the powers and responsibilities of commissioners and executive staff. The bill would also broaden the qualified pools for talent by requiring a nationwide search for the executive director and by reducing unnecessary, party-based duplication of staff roles. Together, these reforms provide a strong first step in improving the NYC BOE's ability to serve voters.

We thank this Legislature for its continued commitment to strengthening our state's democracy. With the 2024 elections just around the corner, we urge you to build on this progress by immediately enacting this package so New York can more equitably serve all its voters.

¹⁶ N.Y. Elec. Law § 3-400(7).

¹⁷ Zdanys et al., *How to Fix the New York City Board of Elections*, 14.