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A Message from the President

By Michael J. Northrup, ECA President, (R) Commissioner, Ontario County

Our 100th Year! My initial research for this article led me to an almost perfect title for any collection of laws; "The Consolidated Laws of the State of New York 1909, Election Law to Insanity". And, while there is certainly no justification for one to be glib or dismissive of the seriousness of mental health issues, one cannot overlook the "nail on the head" irony exercised by a very astute archivist.

It was the political parties who utilized a variety of means to collect ballots from voters from 1790 until 1894. The political parties and organizations such as Tammany Hall selected individuals to work as "Ballot Collectors" to go door to door collecting the votes. A Constitutional Convention in 1894 created the office of the statewide Superintendent of Elections. Under the Superintendent of Elections, the county clerk of each county acted as the "ballot collector" for statewide offices. Numerous Election Laws were adopted in 1911 to, once again, curb corruption within the Electoral Process. One such law, "Article 7, Section 190, of the Election Laws of 1911", created the current process of County Boards of Elections. A possible subtle inference within this law suggests the voters' skepticism in the Electoral Process was not completely assuaged with the implementation of a Statewide Superintendent of Elections, as the 1911 law provides, "there shall be a Board of Elections in all counties of the State in which the County Clerk is a salaried office, to consist of two or four members...as may be determined".

My own County Board of Elections was created at a special meeting of the Ontario County Board of Supervisors (the legislative body) on July 28, 1911. That same day, Robert Connolly, a Democrat from the Town of Phelps and Carson Ballard, a Republican from the Town of Manchester were appointed as the first Election Commissioners of Ontario County.

The New York State Election Commissioners' Association was created in 1915; four years, or one term of office, after the creation of the county boards of elections. Apparently,

even in 1911, one term as Commissioner of Elections was all that was needed to convince those commissioners to organize something, please, anything, that will help to educate, and quite possibly console, the newly appointed commissioners as they endeavored with their efforts to fulfill their Electoral obligations under the new laws.

The precepts of our association are: The preservation of the integrity of the ballot; the easiest possible access to the ballot by the voters; programs to promote greater voter participation; the promotion and enactment of laws for the more effective conduct and administration of elections within the State of New York and the enactment of laws that guarantee the voting public, fair, open and honest elections.

One hundred years ago, the founding Commissioners set forth the precepts of the Election Commissioners' Association. We owe a deep debt of gratitude to the founders of our association and to those Election Commissioners who served before us and held steadfast to those precepts, which continue to serve our members all to the benefit of every stakeholder in the Elective Franchise. Equally as important to these precepts is our interaction with each other within this association: An interaction that allows us to be open and, occasionally, even emotional as we work through or debate emotionless laws; and an interaction to engage in spirited exchanges of ideas with a passion that can only be appreciated by our fellow members. But, even more, the ECA enables each of us to openly fellowship with each other as we work to implement those precepts and allows us to reap the only reward we truly seek; an honorable and forthright service to our community and country in conducting and safeguarding our nation's most precious and defining right.

Michael J. Northrup,
President

**ECA
Winter Conference
January 12-15, 2015
Albany, NY**

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100th Anniversary Report

By Sue Bahren, Sue Fries and Bernadette Toombs

2015 marks the 100th Anniversary of the New York State Election Commissioners' Association. As most of you are aware, plans are underway for a gala, black tie optional celebration that will be held during the May conference. The event will be held at the Otesaga Hotel in Cooperstown, NY (May 26th through the 29th) with May 28th being the night of the gala event.

Tom Wilkey, former Executive Director of the NYS Board of Elections and former Executive Director of the United States Election Assistance Commission has agreed to be our Master of Ceremonies for the event. Tom knows a great deal about our Association's History so that should make it a very interesting evening.

The 100th Anniversary Committee consisting of Sue Bahren (Orange County), Sue Fries (Cattaraugus County) and Bernadette Toombs (Tioga County) have been working with Sheila Ross (Otsego County) on early preparations. Our Association Secretary, Tom Ferrarese has been busy collecting names and addresses of former Commissioners throughout the State of NY who may be interested in attending the event. If you have not already done so, please make every attempt to contact former Commissioners from your County to make sure that we have all their contact information, including e-mail. That information can be mailed to the 100th Anniversary Committee at eca100@nyseca.com and the information will be put directly into our mailing list.

So that appropriate arrangements can be made for proper display, please contact Sue Bahren (Orange County) at sbahren@orangecountygov.com to let her know what 'small' memorabilia that you would like to bring to the event. Please search your nooks and crannies for photos from prior Election Commissioners' Association conferences and be certain to label your item for its safe return to you.

Sue Bahren

Sue Fries

Bernadette Toombs



The Good, Bad and Ugly of Five Years of Optical Scan Voting in New York State

By Norman P. Green, (D) Commissioner, Chautauqua County

Experienced election professionals will tell you an election cycle is truly four years long. The circle of elections consists of a president, governor and two sandwiched local years of balloting for village, town, city and county government leadership.

It was 2010 that saw every New York State county participate in a "new" optical scan paper ballot voting that replaced mechanical lever voting machines. The old lever voting was simple and truly loved by voters throughout the state. While a few counties took advantage of a head-start "pilot" program opportunity in 2009, the true four-year anniversary of the cycle of elections is now in its first year of the second cycle of elections. It's time to look back and evaluate!

The good news...

The new optical scan voting process with a paper ballot for all, is the one election process that truly allows for a reconstruction of any election and hand count of the paper ballots cast in any such election. *Contrast that with the old mechanical lever voting machine with a voting result that could never be proved.*

While voting has reportedly decreased in New York since 2008, the result of statewide voting propositions has dramatically increased. Less than 50% of all Chautauqua County voters were voting on statewide proposals before 2009 and now nearly 90% are weighing in with their elective opinion.

The bad news...

It's no secret that the turn-out for elections in New York has decreased. Flipping down a lever is much easier than struggling with filling out an oval. Voters struggling to find reading glasses is a painful exercise. *It's easy to presume that the change in voting has contributed to the downward participation of citizen voting.*

Many aspects of paper ballot voting is expensive and a burden to taxpayers. Not the smallest of the expenses is the printing of millions of paper ballots.

The ugly news...

School districts and villages across New York State continue the State Legislature's approved option of using mechanical lever voting machines. It is confusing to voters to switch voting processes throughout the year and for a final lever result that is unverifiable. While the majority of Chautauqua County school district voters are now using the optical scan voting method, it may be time to mandate all school districts move forward in my county and in the rest of New York.

In conclusion, we can't go back and can only look forward. We need to build on the good and improve on the bad and most certainly abandon the ugly.

**THE GOOD,
THE BAD
AND THE UGLY**

Open Door, Open Mind – Commissioner Comrade

By Jennie H. Bacon, (D) Commissioner, St. Lawrence County

As we finalize results from the General Election, I realize how rapidly our winter conference in approaching. I have glanced over the conference agenda and think, how can we possibly cover everything we need to from Monday morning to Thursday morning? The answer is we cannot. I personally find that I learn not only at the programs on the agenda but also while in sipping my coffee at breakfast, in line for lunch, at dinner, on breaks, or even on a short elevator ride, from each and every conversation I think about new ideas and new ways of doing things in our Board. The time spent with the Commissioners and Board of Elections staff from across the entire state of New York is priceless. We can learn from each other all year round, not only in the short time we have together in January and May, many of us are much more comfortable picking up the telephone or sending an email to ask a question after we have met at the ECA conference.

Agenda topics many times lead into conversations, I find myself asking Commissioners or Board staff from all over the state, “How do you do that in your county?” From Clinton to Chautauqua, Niagara to Suffolk, I have always been given a helpful response. Learning from other Commissioners and Boards of Elections from around the entire state has been extremely helpful. You don’t have to only get ideas from counties your same size, New York City may have a fantastic system of operation, perhaps that same system could be implemented in Hamilton just on a much smaller scale. As we continuously change procedures and the “old way” of doing things goes out the door, we need to have constant communication with other Boards. Bouncing ideas and sharing procedures is extremely helpful for any commissioner, why reinvent the wheel in every county?

I often find myself wondering about other counties, not only about procedures and how day-to-day workflow operates but also how is the office set-up as compared to mine. Could a short visit to another office show me a better way of operation? I am ashamed to admit I have only visited two other County Board of Elections offices and the State Board. I challenge myself to stopover in more counties to check things out while traveling in the upcoming year. So don’t be alarmed when I pop in for a visit! In St. Lawrence County we welcome visitors anytime; if you find yourself traveling through Canton, please stop in to check out how we do things or just to see our set-up.

Jennie H. Bacon,
St. Lawrence County

A Farewell to My Fellow Commissioners

By Keith H. Osborne, (D) Commissioner, Chemung County

As some of you may know, I was not reelected by the Democratic Party, so I will not be joining you for the 100th anniversary. My very best wishes to Jennie Bacon and her team as they work to move the NYSBOE into the next 100 years. I was elected to this office in 2000 after the death of my friend Jim McGann back when we were dealing with the “Big Green Machines” and Chemung County was working out of a classroom at the Old Southside High School. Those of you, who can remember their old homeroom in High School, try to imagine what we do, in such a small space. Shortly after 2000, we purchased the new voting system and moved into our present location the former library building.

I have had the pleasure to work with no less than 4 very capable Republican counterparts over my 14 years and have learned from each one of them how I could do a better job. Donna Peters, Martin Kain, Marilyn O’Mara and Bob Siglin have all contributed their efforts to make our work here more efficient and knowledgeable. Our Staff Election Specialists, Tina Kane and Rachel Cloke have worked to lessen the burden on the Commissioners and Deputies, not just at election time but throughout the year. Along the way, they have helped to bring laughter to our work. Marilyn Bixler and Rita Luke are long-time employees they are loyal to a fault and

go beyond what is required to help out. It goes without saying that without the Deputies, Mary Collins (O’Dell) and Linda Forrest; this office simply would come to a grinding halt. Their experience and ability to handle the day to day work, along with the issues that pop up year round, gives everyone in the office a sense of pride in the work that we do. We simply could not do it without them.

I started my interest in politics in 1975 shortly after becoming President of the Local Union where I worked I became a member of the Chemung County Democratic Committee. In 1990 I became Chair of that Committee and served 10 years before being appointed Democratic Election Commissioner. I can say without hesitation that being Commissioner has been the most fulfilling task I have undertaken in my 40 years of local politics. I wouldn’t have changed it for anything!!!

I would offer one bit of advice in closing, I would say that, while we all have a responsibility to our Parties and our Candidates, with all things considered, the only way a system like the NYS Board of Elections can function properly and be of service to every voter in our respective Counties, we MUST work together, Republicans and Democrats, to ensure a fair, honest and secure Election process for every voter in

New York. Working together, we can ensure to everyone in NYS that our system WORKS for everyone who wishes to vote or run for public office. Without cooperation between us, we fail our Parties, our Candidates and ourselves.

I would be remiss if I did not acknowledge a few of my fellow Commissioners for a special thanks for helping me become a better Commissioner and making my journey a special one. Many thanks to “Uncle Bob” Howe for his incredible sense of humor and making my very first Conference a comfortable one. Keep the burn barrels burning, Bob. Ruth Same and Sue Bahren for never failing to ask a question that I was just not sure how to ask, and getting an answer that we could all understand. Vicky, Amy, Nancy and especially my riding companion Bernadette; you will ALWAYS be my “Commissionettes!!!” Tom “My Manager” Turco for getting me up on stage to sing “Mustang Sally” at the Otesaga and renewing my love of performing again after all those years. Elizabeth, I really wanted to learn “At Last” so I could sing it at one of our conferences. Remember me when you hear it on the radio.

If I could steal a line from one of my favorite Election people, Tom Wilkey, I would just say in closing, “I love each and every one of you!!!” Thanks to all and I wish you success.

Legislative Committee

By **Dustin M. Czarny**, NYSECA Legislative Committee Chair

This winter I will be taking over as Chair of the Legislative committee. Former chair and Erie County Commissioner Dennis Ward has been elected to the State Supreme Court. Taking his place on the committee is his successor in Erie County Leonard Lenihan. The committee has already met by teleconference and outlined 13 proposals to discuss and perhaps adopt at the January Winter conference to make up our 2015 Legislative Agenda.

While the machinations of the NYS legislature are always slow when it comes

to Election Law, it is important to highlight when we do have movement on our issues. Last year, The New York Legislature passed an amendment to state election law that would prohibit candidates from serving as poll watchers in an election district where they appear on the ballot. This was part of our 2014 Legislative Agenda. We hope that this year we will see more movement on many of our issues, most importantly the consolidation of our Federal and local primaries before the 2016 election. As has been past practice the individual members

will be working on individual proposals, and I plan on attending as many of the Election Committee meetings for the Assembly and State Senate as possible to continue to push for our agenda items.

Thank you very much and I look forward to seeing you at the Winter Conference.

Sincerely,

Dustin M. Czarny

NYSECA Legislative Committee Chair

Proposal 1:

The Election Commissioners' Association supports a unified federal and state primary election that is MOVE Act compliant and urges the Legislature to reach agreement on such a date as soon as possible to create certainty for the Boards of Election and the electorate throughout the State of New York.

Proposal 2:

Amend Section 4-100-3(a) to amend the voter limits in each election district. Move from the current 1,150 voters per ED to not to exceed 3,000. (Amend this to add increased size of committee representation)

Proposal 3:

Change Section 3-400-1 & 2 to allow Election Commissioners flexibility to designate how many Inspectors are needed at poll sites by adding language that a poll site must be staffed with a "sufficient number of inspectors". New language would also state that a poll site must have a minimum of four inspectors, or at least two Inspectors in districts with less than 150 registered voters, to allow proper coverage.

Proposal 4:

Amend 11-302 to eliminate "not earlier than two weeks" provision and allow Inspectors to vote special ballots the same manner as any voter.

Proposal 5:

Enact legislation to designate Election Day a non-student-attendance day.

Proposal 6:

The Association supports passage of the Ballot Usability Act (or Voter Friendly Ballot Act). (This legislation would simplify ballot design and make it clearer and easier to use for New York voters.) The section regarding font size for candidates' names should state that the font be of a reasonably large enough size to be recognizable by the voter; but that no font size of one candidate's name shall be larger or smaller than any other candidate's name.

Change sections in Article 6 regarding independent petitions such that candidates shall no longer select a party emblem.

Proposal 7:

As a cost savings measure for counties the legislature should eliminate the need to publish the residence address of candidates and repeal Section 4-118 and 4-120 regarding publication notices in newspapers. The information should be made available on county board websites.

Proposal 8:

Standardize Commissioners' appointments to a 4-year term statewide and provide that once a party selects its Commissioner, the local legislative body shall automatically appoint said designee. Language would be added to give the county legislative bodies the ability to not appoint a nominee based on good "cause". This would require the County to act within 30 days as to avoid delays in appointments.

Proposal 9:

Seeks clarification in Article 6 of the Election Law regarding witnessing an independent nominating petition, having already signed a prior designating petition. (See also DiPietro v NYS Board of Elections)

Proposal 10:

Amend section 4-108(b) of the Election Law to require counties, cities, towns, villages and special districts to transmit proposals, propositions or referenda to the CBOE no later than seventy (70) days prior to an election in the year in which they are intended to be on the General Election ballot.

Proposal 11:

The ECA opposes, in its present form, the pending Assembly Bill A 689-A which relates to early voting in New York.

Proposal 12:

Amend 8-412 of the Election Law relating to the deadline for receipt of absentee ballots through the mail. It shall provide that ballots must be accepted and canvassed by the Board of Elections when they are received prior to the close of polls on an election day.

Proposal 13:

Amend 1-104(3) relating to the minimum number of votes to be recognized as a political "party" to raise minimum vote from fifty thousand to one hundred thousand.

DMV's Electronic Voter Application Update

By Vicky Olin, (R) Commissioner, Steuben County

Currently DMV allows users of MyDMV to apply for voter registration as well as terminals located at DMV offices throughout the State. DMV takes the voter-supplied data along with the original signature from that person's DMV file and creates electronic registration forms that DMV currently prints and mails to the County Boards. This process has several disadvantages including the need for physically printing the documents and the time required to mail the forms. Once at the County Boards, the information on the forms must be data entered, verified and both the signature and full document image of the form scanned and saved.

Last year DMV contracted with the BOE vendors and homegrown counties to modify their systems to allow for electronic receipt of voter registration applications from DMV. Ann Scott, Director of Agency Program Services recently informed the Counties that registration applications from DMV are now being sent electronically to

the following counties: NYC, Schoharie, Erie, Westchester and Wyoming Counties.

John Jennings, Vice President of NTS stated that NTS has enhanced the functionality of their voter registration system (TEAM) to facilitate bipartisan processing of voter registration forms originating from the DMV. NTS piloted their new release in December and will be rolling the new release out to all of their NTS counties in the beginning months of 2015.

Rather than DMV printing and mailing forms, on a daily basis they will now be placed on a secure FTP site and the County Boards will download the file and import it. It is important to note that nothing will happen "automatically" to any files.

This process guarantees a Bipartisan review - there is no way for transactions to be processed without the agreement of both parties. A worker from one party must process each application and a reviewer from the other party must agree with the

work done before any changes can be made to the voter's file in TEAM.

John Jennings stated that the important thing to remember about this process is that in no way are any of your existing controls being reduced or circumvented, instead they are being strengthened and reinforced. As in the past, it is always at the Board's discretion how an application is processed and whether or not it is accepted.

As of April 1st DMV will no longer be sending voter registration forms in paper format - all registration forms will be submitted electronically.

One more change in the line of many for the Boards of Election.

Veronica (Vicky) Olin,
Steuben County

A New Year...

By Nancy Leven,

NYSRCA Executive Committee Chairman

It has been over five years since new voting machines were purchased and put into use. Along with the machines came a myriad of other essential components to complete the changeover. In addition, the Election Officials had to handle an overwhelming amount of new information, regulations and responsibilities in a very short amount of time, guiding the changes for all staff in their offices along with providing training to Inspectors and education to the voters regarding the new system.

While Boards have embraced the changes most voters have been able to make their selections successfully by filling in the oval properly and though not completely happy about it they too have accepted the change. We still have a few voters who

like to remind us that they would prefer to use the lever machine so even as the changeover hasn't been as completely smooth as we all would like at times, we have been able to meet the changes and challenges presented to us.

The January conference will give us another opportunity to listen to presentations and to discuss the past year's elections while networking with our colleagues old and new. Welcome to our new colleagues, there will be many to greet in January and it will be great to see those who have endured the changeover for the past few years. Can't wait to see you all at the Winter Conference!

Nancy Leven,
Livingston County



The Orange County Board of Elections had an inspector bring their inspector agreement in via unicycle before the Primary.

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