



2016

THE ECA REPORTER Election Commissioners' Association of the State of New York

Published By: Phoenix Graphics, Inc. Rochester, New York 14606
For The New York State Election Commissioners' Association

Vol. Number 20 • Issue Number 1

The NYS-ECA-Reporter

December 2016

A Message from the President

By Veronica (Vicky) Olin, ECA President, (R) Commissioner, Steuben County

A Year to Remember

This has indeed been an election year to remember.

To everyone who worked very hard to make all of this year's elections happen, **well done!!!!** Depending on your county, you had anywhere from 3 elections to 6 elections, one of them being a **historical** Presidential Election. In years to come, we will all look back on this election and be able to say that we were part of history, no matter which candidate you were voting for.

Even, as we continue working to finish up our reports and surveys for 2016, 2017 is already underway.

In closing, I would like to say goodbye to those of you leaving us, you will be greatly missed! To all of you who are new to elections, welcome. We look forward to meeting you at the conference in January.

Sincerely,

Vicky Olin
ECA President

**ECA
Winter Conference
January 9-12, 2017
Albany, NY**

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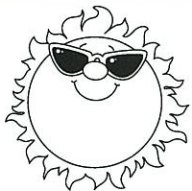
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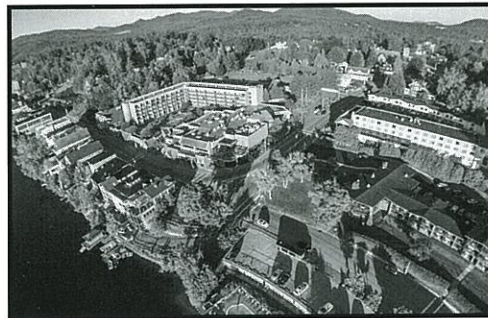


2017 ECA Summer Conference

June 20th - 23rd, 2017

High Peaks Resort - Lake Placid, NY

Something to look forward to as we adjust to the fact winter is here. The Summer Conference is scheduled for June 20th - 23rd at the High Peaks Resort in Lake Placid. If you have any ideas or suggestions for the conference agenda, please contact Brian Abram at abramb@co.chautauqua.ny.us or Vicky Olin at veronica@co.steuben.ny.us. We look forward to hearing from you!



My State Owes You a Big Thank You

**By Thomas R. Wilkey, Executive Director, the US Election Assistance Commission and
Former Executive Director, the NYS Board of Elections**

It seems like only a few short months ago since we gathered at the Otesaga to celebrate the 100th Anniversary of ECA. We owe a great deal to the committee and officers who did an incredible job of planning a very successful event.

I was deeply honored and privileged to attend and offer remarks and to see so many old friends (old and new).

Doing my research on the history of ECA and assembling a list of former Presidents and Secretary-Treasurers brought back so many wonderful memories of numerous good friends and colleagues that I had been blessed to know and serve with during my 40 plus years in this world of elections.

Some years ago I was asked to do a presentation at a state conference which turned out to be a long Q&A session of questions relating to my long tenure in elections. One question posed to me was, "What was the best job I had and which one gave me the most satisfaction?" Without any hesitation I answered, that it was the Elections Operations Director (which I later turned over to Anna Svizzero). It was the most fulfilling because I got

to visit every single county in the state, some several times where I gained so much respect for what you do, the hard work and diligence it takes to do your jobs no matter how big or small your county is, that is to fully understand where Elections really happen. This opportunity prepared me so well for the duties that came later and yielded my lifelong respect and admiration for the work that you do.

Over the past three years I have had the good fortune to work on a project with the Election Center with the New York City Board of Elections. Not only did this opportunity allowed me to keep my "toe in the water" of what has been my life's work but reminded me on a daily basis of what you go through every day.

You have been through so much over these past few years. Installing a new voting system and all that it entails and learning a new voter registration process added to your already numerous responsibilities you have.

Needless to say 2016 was what we call a "humdinger". Three Primaries and a Presidential Election made for huge amounts of work, stretching everyone to the max.

Regardless of the usual pundits, I can't say enough about the incredible job you did in pulling all this off. All of you throughout the entire state worked tirelessly to achieve great success and the voters of this state, MY state, owe you a big Thank You for a job well done.

As we approach 2017 you are again faced with many challenges. Sometimes local elections can be more frustrating than all the others and who knows what our state legislators in their "infinite wisdom" will come up with to add to your frustrations.

I have no doubt you will meet whatever comes your way with continued professionalism as you have always done; by you and by those who have served before you over these past 101 years.

I am proud and honored to have served with you, to call so many of you dear friends and send your way my best wishes for good health, abundant happiness and success during the coming year.

*Have a safe and
happy holiday season!*

Reflections

By Susan Bahren, (D) Commissioner, Orange County

Over the 28 years of working for the Board of Elections and then being appointed to serve as Commissioner, only one other Presidential Election has left an impression upon me as being one of the busiest for our office staff and that would have been the first year the National Voter Registration Act (NVRA) was instituted. That year brought us more Affidavit Ballots (per capita) than any other election based on the new, as it was known, "Motor Voter Law". People came out of the woodwork indicating that they had registered at DMV. Our office was inundated with phone calls and in-person attempts stating that they had made a transaction at DMV.

Fortunately as the world of technology progresses so does our ability to receive more viable transactions from DMV

than ever before. With the institution of Mydmv.gov voters have had even a great opportunity to register to vote. This technology does not come without its own pitfalls. Users still need to make sure that their transaction processed correctly and that they received a confirmation number. As is often required, the voter themselves must take on some responsibility.

The Orange County Commissioners of Elections are exceptionally proud of their staff for the long hours they put in to make sure that every viable, timely transaction for a voter, either through DMV or through the Mail, or the dreaded Agency-Based registration forms were processed so that all voters had the opportunity to vote.

Probably like all of you we received

phone calls and in-person visits from very angry intended voters blaming us for all the alleged defects of the system.

We all can only hope that as the technology world progresses, so will the Election Boards be able to keep up with those trends. It is absolutely vital that we receive as much attention every year from our local and state Legislators in order to continue to survive in our ever-changing world of voter registration, absentee balloting and election night reporting.

As we move on to our "local" year, many voters will even forget that we exist here, but here's hoping that a few of the newly registered voters will remember that every year is an election year.



Legislative Committee Update

By Roger J. Schiera, (R) Commissioner, Saratoga County

I am pleased to present to the members the 2016 Legislative agenda, which has not changed since the summer meeting, and a list of proposals suggested by members for discussion at the Legislative Committee meeting in January.

The items on the agenda are not in strict order of importance, but I think that numbers one and two are at the top of everyone's list. The editorial narrative is strictly my own take on these things and not necessarily the accepted view of NYSECA or the Legislative Committee.

The number one legislative issue for NYSECA is, of course, remarrying the federal primary with the state/local primary. It is wasteful of money and effort and gives rise to confusion in the minds of voters. It breaks my heart to imagine what it must be like for young soldiers in combat areas trying to make sense of this structure while they are trying to discharge their awesome life-and-death responsibilities. The position of NYSECA is to avoid the political rift by urging a return to a single primary without regard to the date. The members of the committee will continue to press for this reform, but the legislators, though they recognize the problem, seem to be entrenched in their differing positions.

The second item is to designate Election Day a non-student-attendance day. The obvious intention here is to address the concerns of educators and parents of students about having their schools used as polling places. For me, there is a great deal of irony in this. There have been a number of tragic incidents where children have been victimized in schools. However, to my knowledge, none of these incidents has ever been associated with voting in schools. Plus, it seems that these concerns do not spill over to school board elections and budget votes also conducted in the schools, often with the loan of BOE equipment.

Ironically, the school principals and superintendents apparently will not support the bill unless they are granted a right of appeal from the designation of a school as a polling place. In my humble and very conservative opinion, schools could accomplish this administratively without the need for a statute. However, maybe 2017 is the year we can break through on this.

Proposal number three is to increase the maximum size of an election district. The current limits were set based on the limitations of the lever machines, but the optical scanners can handle a much larger turnout. The idea is to avoid having to create new districts as population grows, not necessarily to consolidate election districts, which would also affect party committee representation. Making full use of the capacity of the optical machines just makes good sense.

Number four would give BOEs a little discretion in deploying election inspectors in very small districts, with the potential to save a little money.

Number five would remove the two-week restriction on special ballots for Election Day workers. There seems to be no good reason for the rule and it is an unnecessary complication.

Number six supports the Ballot Usability Act which sets standards for ballot design and fonts. This has been the subject of some controversy and litigation and enactment of a standard would remove ambiguity.

Number seven would allow candidate information to be published on county websites instead of publishing legal advertising which is costly and of questionable value to the electorate.

Number eight would standardize election commissioners' term of office to four years. It would also specify that a failure to appoint be for "good cause." While

this is an obvious interest to NYSECA and a benefit to commissioners who currently have two-year terms, it may be difficult to get legislators to engage on this proposal.

Number nine seeks to clear up uncertainty regarding witnesses to independent nominating petitions after the decision in *DiPietro v New York State Board of Elections* (30 Misc3d 449, 451-452 [NY Sup Erie Co 2010]), discussed at p.29 of the 2016 Election Law Update. NYSECA did not take a position on what the rule should be, but simply asked for clarification.

Number ten would require that any referendums or other ballot questions be received 90 days prior to the election instead of the current deadline of 36 days prior. This will ensure that questions will be received in time to be included in the military ballots.

Number eleven arose because the post office no longer applies a postmark to all mail on the day it is posted. Absentee ballots without a postmark that are received by CBOEs on and after Election Day are therefore not "saved" by the postmark. This change would acknowledge that a ballot received in the mail on Election Day must necessarily have been mailed in time.

Number twelve supports **permissive** use of electronic poll books. There was concern within the committee that any mandatory requirement to use electronic poll books would be a huge unfunded mandate, but there was agreement that counties that want it and can afford it should be permitted.

Number thirteen would allow CBOEs to establish their own hours of operation. Most boards are stuck with the hours and days set by the county even when they do not make sense for the board of elections. This would give CBOEs some flexibility.

Legislative Committee Proposals

Proposals for Additions to the 2017 Legislative Agenda

- 1. Election Day voting for voters who have been hospitalized.** Too often voters are denied the right to vote by absentee because they were transported to the hospital the evening before. These voters have family members willing to schlep the paperwork, but we are not able to help.
- 2. Pre-Registration for 16- and 17-year-olds when they get a license.** This is the ideal time to capture these new voters and they should be allowed to register to vote. We all have the ability to track this information.
- 3. Six-year terms for Election Commissioners.** We should match the term length given to the other commissioners who serve at the county level like social services and the like.
- 4. Voter ID.** NYSECA should call for legislation creating a NYS voter identification patterned after the Indiana statute upheld by the US Supreme Court decision in *Crawford v. Marion County Election Board*, 553 U.S. 181 (2008).
- 5. New Postmark Rules.** There is a well-known issue concerning the Post Office's change in their postmark procedures. NYSECA might consider whether a change in the Election Law provisions relating to timeliness of filings should be considered if discussions with the post office are not fruitful.
- 6. Ballot Access.** Support for reform of the petition process, allowing constituted county committees of any recognized party to give ballot access to their nominated candidates while allowing for petitioning for primary opponents.
- 7. DMV Voter Registration.** Support for Automatic Voter Registration that will switch NY's registration system from an opt-in program to opt-out as seen in other states.

My Life at Seneca County BOE with My Mom

By Carl J. Same, (D) Deputy Commissioner, Seneca County

Let's see: In 2008 I moved back to the Finger Lakes after living in San Francisco for 10 years! Imagine the culture shock. I was a restaurant professional coming from San Francisco, 42 years old, and my standards were ridiculously high. My partner and I landed in Geneva, NY, Ontario County. My new life began. Or so I thought.

Barbara McCann started working with Ruth Same in 1990, the first year Mom was appointed. Mom needed a Deputy she could trust. Barb too had a restaurant background, and Barb jumped at the opportunity. In 2010 Barbara McCann died suddenly and unexpectedly. Mom called me that morning and as soon as I answered my phone I knew something terrible had happened. I dropped everything and ran to sit with Mom.

Imagine my surprise a few weeks later when Mom says, "What would you say if I offered you the Deputy position and you came to work with me?" HUH?! Work with my Mom?! I am not political, I replied. Although a lifelong voting Democratic Party member I knew nothing about working in an election office. She explained that

it was on-the-job training and I would be fine. Ruth went through the proper channels contacting County personnel, the State BOE etc. She asked about a nepotism policy and the reply was, "If Seneca County had a nepotism policy in place we'd lose 1/3 of our workforce."

On January 1, 2010 I walked into the County Office Building terrified. What would people say? We were even in the local newspaper: "Deputy Election Commissioner Ruth Same found a new Deputy and she did not have to look very far" was the headline, ugh. The local gossip forums went crazy.

The first few months were interesting. TEAM was easy. Sitting a lot was hard. My counterpart at the time was amazing and we had a lot of laughs. I pick up new things pretty quickly and each day was more and more interesting. Except that damn Annual Report.

We don't do petitions in the office 😊 but what a pro Ruth is. You should see her binders and notes and "her documents" she has stuff from when she first started. Our local candidates have looked to her for guidance for many years. We just ran a campaign

and every one of our candidates lost. Mom has seen it all. On GE16 night I was so upset at the end of the day. Mom just shrugged and said life will somehow go on. So here we are. What a year. I am still coping with the loss of my Candidate. So many absentee ballots in fact we are still at it.

Mom is retiring at the end of her appointment, December 31, 2017! 27 years at the BOE. To say I already am emotional is an understatement, but I am so happy for her. She loves to garden, read books, lounge in pajamas all day and travel with my father to faraway destinations. NOT!!

Working with Ruth has taught me many life lessons. I love hearing Mom say that I am the only child of the 5 she had she could work with. What a compliment. So let's all support Ruth in her well-deserved last year. Next year will be a year of lasts: one last Winter Conference, one last local Village Election, one last Summer Conference, unless she attends as my guest because I am GOING FOR IT. This was not easy to write. I am sitting at my desk trying to hold it together. Moms are special. And my Mom is my true hero.

What a Year 2016 Was for Livingston County!

By David M. DiPasquale, (D) Commissioner, Livingston County

Here in Livingston County it was the most Elections that we have had in one year.

It started out in March with the Village Elections. Livingston County handles all nine of our Villages and in March we had six villages that had elections. Then came April, where every County was busy for the Presidential Primary.

New for us this year were the School Elections. We had prepared for this the previous year by contacting the schools and advising them we could assist in their elections. We were surprised that all eight school districts wanted our help and in May we assisted all eight schools in Livingston County.

Also new for us this year we assisted in Library Elections. Livingston County has three libraries that hold their budget and member votes. We had an Election the first three weeks of May. Two libraries the first week; another library the next week; and the schools were the third week. Luckily we did not have a June Federal Primary.



During the summer we had nine towns that had caucuses for positions for the General Election. September came and we had a State/Local Primary. Then the BIG election came, November's General Election.

What a year for Livingston County. **It's nice to work where we all have one common goal to run fair and honest elections and where teamwork counts no matter what party you belong to.**

Six elections – the most Livingston County has had in a year!!!

Region 2 Report

Co-chairs Commissioners Cathleen E. Rogers (D – Hamilton) and Terrance J. Smith (R – Montgomery)

We did not meet in 2016 because of the many elections our boards were required to run (up to four not counting villages) and those school and non-BOE village elections they hoped we would “participate” in.

In the past four years we have met at least twice during the year, and at least once for a roundtable discussion.

Because of their central location to all of Region 2 and availability to a large conference room, most meetings were held at Saratoga County BOE. Some information/questions were disseminated by group email. We even have had conference calls with a vendor.

The roundtable discussions were intended for technical staff members to come together for networking and to share EMS programming ideas with

those counties utilizing Dominion's ImageCast Voting System. This has opened the doors for new staff and old to learn some “work-arounds” acquired by the more experienced heads and for all attending to discover some new tricks not yet shared by Dominion. *¿Puede alguien programar en español?*

Meetings have included topics such as forwarding timely registrations to another county before the cut-off date by fax or email before mailing original. Sharing registration day date/times and poll sites with contingent counties that share a newspaper across county lines. This was helpful for those counties that have more than one newspaper distributed to their voters, but only post notices in one paper.

As the use of the Automatic Voting Machine, i.e. lever machine was being prohibited for school and village elections,

there was discussion about permitting the use of Electronic Voting Systems owned by each board. Consideration for their counties' budget against the high cost of voting system upgrades and warranties was a concern of all the commissioners at most meetings. And there was the latest change that a board had to decide on, how it was going to deal with the new DMV registration forms. Thank goodness NTS stepped up or we would all be printing more.

All said, getting together for a meeting once in awhile and discussions while eating lunch together have definitely benefited even the most seasoned commissioner. Our getting together is like that item on the conference schedule for Thursday – best practices; without checking out of the hotel.

Region 3 - Report The Great White North

Co-chairs Commissioners Jennie H. Bacon (D – St. Lawrence) and Thomas A. Nichols (R – St. Lawrence)

Region three is comprised of Lewis, Jefferson, Oswego, Franklin, Essex, Clinton and St. Lawrence County, the true north of New York State. Our regional meetings are generally held at the two annual Election Commissioners' Association conferences.

We communicate via email and have many conversations over the phone to

reach out for help, support, or simply to see how things are going in some of our neighboring counties. Do we meet as often as we should? Absolutely not!

It would be fantastic if we all could hop in the car in early November to see how the other boards operate or to see how they process the day-to-day work at the Board. With all of the counties in Region

3 being somewhat similar in size we have comparable day-to-day operations. We share materials and many of us have shared media outlets. Throughout our region we share documents, training materials, and new ideas. Having the support of the Commissioners in Region 3 and knowing they are only a phone call away comforts me.

Region 4 Report Insights

Co-chairs Commissioners Laura P. Costello (D – Madison) and Lori L. Lehenbauer (R – Otsego)

Broome, Chenango, Delaware, Herkimer, Madison, Oneida, Onondaga, and Otsego make up Region 4 in the center of the state, co-chaired by Laura Costello (Madison County) and Lori Lehenbauer (Otsego County).

Most of our contact during the year is through a regional email. Regional members are a great outlet for questions or reviews on how other counties deal with election issues, inspectors, salaries,

anything we come across. We generally call a meeting at least once a year to discuss current issues and share ideas. This year we met at the Onondaga BOE to compare notes on updating voter files for petitioning after a "last day to register", maintaining ballot secrecy, petitioning packets and CBOE forms and notices.

We also arranged a meeting for our machine technicians. The technicians shared ideas and contact information

to support each other with machine maintenance and programming.

While all our counties do things a little differently, we are always looking for the best method for our county and regional sharing and support always provides us with new and better ideas and procedures.

Region 6 Report

Co-chairs Commissioners Brian C. Abram (R – Chautauqua) and Norman P. Green (D – Chautauqua)

Since the Summer 2016 Election Commissioners' Association Conference, we have served as the co-chairs of its Western NY Region 6. The commissioners and invited staff of our region meet via conference call at 11 a.m. immediately following the monthly NYS Board of Elections meeting with the entire ECA membership.

Our region's monthly calls expand on the topics brought up during the

statewide conference call. Discussed in our conference calls this autumn were ways to assure that the preferences of ballots cast by members of the newly formed Women's Equality and Reform parties were in fact kept secret. With State Senate, countywide and local contested party primaries with one or zero few registrants in election districts, the election professionals of our region worked through solutions to keeping each ballot a secret ballot.

Other items of discussion included voter registration software shortcomings relating to the party changes after each November election. It is imperative to make election inspectors aware of the ballot review option available to voters wishing to confirm their ballot selection prior to NYS's optical voting machine casting the voter's ballot.

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