



# ELECTION COMMISSIONERS ASSOCIATION OF THE STATE OF NEW YORK 2015-2016

## 2016 NYSECA Legislative Committee Agenda

### Jennie Bacon

*President*  
48 Court St.  
Canton, NY 13618  
Phone: 315-379-2202

### Vicky Olin

*First Vice-President*

### David DiPasquale

*Second Vice President*

### Nancy Leven

*Third Vice President*

### Thomas F Ferrarese

*Secretary-Treasurer*  
39 Main Street W  
Rochester, NY 14614  
Phone: 585-753-1560  
Fax: 585-753-1531

### Louis C. Babcock

*Chairman*  
*Executive Committee*

### Dustin M Czarny

*Chairman*  
*Legislative Committee*

**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:** Enact legislation to designate Election Day a non-student-attendance day. **A6040a/S4787**

**Proposal 3:** 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. **A4189/S4560**

**Proposal 4:** 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 5:** Amend 11-302 to eliminate "not earlier than two weeks" provision and allow Inspectors to vote special ballots the same manner as absentee voters. **A2086**

**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. **A3389**

**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. **A5236**

**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. **A366/A2692**

**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) **A.302A/S4420**

**Proposal 10:** Amend section 4-108(b) of the Election Law as well as all relevant state law to require counties, cities, towns, villages and special districts to transmit proposals, propositions or referenda to the CBOE no later than ninety (90) days prior to an election in the year in which they are intended to be on the General Election ballot.

**Proposal 11:** 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 in addition to all properly postmarked absentee ballots

**Proposal 12:** Enact legislation to allow for individual Boards of Elections to be able to utilize Electronic Poll Books on election day as certified by the state board. **A8608A**

**Proposal 13:** Enact legislation giving commissioners flexibility on determining hours of operation of Board of Elections independent from individual counties.



# ELECTION COMMISSIONERS ASSOCIATION OF THE STATE OF NEW YORK 2015-2016

January 20, 2016

S4787 by Senator Funke  
A6040A by Assembly Member Stirpe

An act to amend the education law, in relation to school session days

The New York State Elections Commissioner Association has reviewed this legislation and recommends it be approved by the State Legislature.

This bill would provide that no school shall be in session on general election day; however a school district can require staff attendance or a professional development day

While Elections Commissioners in recent years have tried to avoid having polling places in schools, in many settings the only HAVA acceptable polling sites are located within the local school district. In a recent survey by the NYS Board of Elections it is estimated that over five million voters are designated to vote in schools across New York State. By designating Election Day a non-attendance day for students, the need for safety for students and the needs of the voters will be met. Many schools throughout New York State already voluntarily do this by scheduling Superintendent Days, staff development days, or parent teacher conferences on general election day for this purpose. This would permit a more orderly process of administering the elections while reducing concerns for children's safety on days when both elections and school is conducted.

For the foregoing reasons, NYSECA supports this bill and recommends that it be approved.

**Jennie Bacon**

*President*  
48 Court St.  
Canton, NY 13618  
Phone: 315-379-2202

**Vicky Olin**

*First Vice-President*

**David DiPasquale**

*Second Vice President*

**Nancy Leven**

*Third Vice President*

**Thomas F Ferrarese**

*Secretary-Treasurer*  
39 Main Street W  
Rochester, NY 14614  
Phone: 585-753-1560  
Fax: 585-753-1531

**Louis C. Babcock**

*Chairman*  
*Executive Committee*

**Dustin M Czarny**

*Chairman*  
*Legislative Committee*



# ELECTION COMMISSIONERS ASSOCIATION OF THE STATE OF NEW YORK 2015-2016

A04189 by Assembly Member Cusick  
S04560 by Senator Funke

**Jennie Bacon**

*President*  
48 Court St.  
Canton, NY 13618  
Phone: 315-379-2202

An act to amend the election law, in relation to increasing the number of registrants an election district may contain with the approval of the county board of elections

**Vicky Olin**

*First Vice-President*

The New York State Elections Commissioner Association has reviewed this legislation and recommends it be approved by the State Legislature.

**David DiPasquale**

*Second Vice President*

This bill would raise the election district registrant enrollment from a maximum of 1,150 registrants to 3,000.

**Nancy Leven**

*Third Vice President*

The reason for the current number of voters in an ED was because the old lever machines were not capable of handling more than 1,000 voters per election. The new optical scanners can handle well over 3,000 voters per machine. This change would allow boards of elections to consolidate some districts, become more efficient, and reduce costs. It is important to note this would only increase the options for a local Board of Elections and not make it mandatory. However in areas of large voter density, this will give much needed flexibility to efficiently satisfy the needs of the voters.

**Thomas F Ferrarese**

*Secretary-Treasurer*  
39 Main Street W  
Rochester, NY 14614  
Phone: 585-753-1560  
Fax: 585-753-1531

Example of cost savings:

Currently, a team of four election inspectors must serve every election district. Most counties pay anywhere from \$1,200.00 and up per year per team of Inspectors. If the number of voters per district is increased to 3,000, then a county could conceivably reduce the number of election districts in the county and reduce the number of required election inspectors. If a middle sized county reduced the number of election districts by 10 districts this would save approximately \$12,000 per year in inspector costs alone. With many Counties charging back election costs to the local municipalities, this cost savings would be reflected in their costs as well.

**Louis C. Babcock**

*Chairman*  
*Executive Committee*

**Dustin M Czarny**

*Chairman*  
*Legislative Committee*

This proposal also allows the counties to save money in other areas also. With New York State and its local governments anticipating significant budgetary shortfalls, enactment of this legislation would save taxpayer dollars without impairing a voter's ability to vote.

For the foregoing reasons, NYSECA supports this bill and recommends that it be approved.



# ELECTION COMMISSIONERS ASSOCIATION OF THE STATE OF NEW YORK 2015-2016

January 20, 2016

A02086 by Assembly Member Cahill

An act to amend the election law, in relation to special ballots for board of elections employees

The New York State Elections Commissioner Association has reviewed this legislation and recommends it be approved by the State Legislature.

To Board of Elections Employees to submit special ballots at any time after such ballots are printed instead of the current law which requires that they be submitted no earlier than two weeks before the election.

Election Inspectors are the backbone of any Elections Board operation. Often they are not assigned to their home districts and are unable to leave their polling place to cast ballots. Many of our inspectors cast special ballots as provided for under NYS Election Law 11-302. We have found the "not earlier than two weeks" provision to be an undue burden on inspectors and would recommend to allow Inspectors to vote special ballots in the same manner as any voter may cast an absentee ballot. In November of 2012 the special ballots of fifty-three Ulster County Board of Elections employees were nearly disenfranchised when it was discovered that they were submitted prior to the two week window the law requires. It took judicial intervention to allow these votes to be cast. Adopting this law would eliminate the future need for judicial ruling on such issues and prevent possible disenfranchisement.

For the foregoing reasons, NYSECA supports this bill and recommends that it be approved.

**Jennie Bacon**

*President*  
48 Court St.  
Canton, NY 13618  
Phone: 315-379-2202

**Vicky Olin**

*First Vice-President*

**David DiPasquale**

*Second Vice President*

**Nancy Leven**

*Third Vice President*

**Thomas F Ferrarese**

*Secretary-Treasurer*  
39 Main Street W  
Rochester, NY 14614  
Phone: 585-753-1560  
Fax: 585-753-1531

**Louis C. Babcock**

*Chairman*  
*Executive Committee*

**Dustin M Czarny**

*Chairman*  
*Legislative Committee*



# ELECTION COMMISSIONERS ASSOCIATION OF THE STATE OF NEW YORK 2015-2016

January 20, 2016

A3389 by Assembly Member Kavanagh

An act to amend the election law, in relation to enacting the voter friendly ballot act; and to repeal section 7-126 of such law relating to the form of ballots

The New York State Elections Commissioner Association has reviewed this legislation and recommends it be approved by the State Legislature.

This bill would for the creation of a ballot layout that is easy for voters to read and use.

This bill gives the Boards of Election with the flexibility to ensure good ballot design, regardless of the particular limits of their voting technology, or the number of contests and candidates that must be placed on the ballot in any particular election. This will facilitate a ballot that is clear and simple to read and makes voting easier for the general public.

For the foregoing reasons, NYSECA supports this bill and recommends that it be approved.

**Jennie Bacon**

*President*  
48 Court St.  
Canton, NY 13618  
Phone: 315-379-2202

**Vicky Olin**

*First Vice-President*

**David DiPasquale**

*Second Vice President*

**Nancy Leven**

*Third Vice President*

**Thomas F Ferrarese**

*Secretary-Treasurer*  
39 Main Street W  
Rochester, NY 14614  
Phone: 585-753-1560  
Fax: 585-753-1531

**Louis C. Babcock**

*Chairman*  
*Executive Committee*

**Dustin M Czarny**

*Chairman*  
*Legislative Committee*



# ELECTION COMMISSIONERS ASSOCIATION OF THE STATE OF NEW YORK 2015-2016

January 20, 2016

A05236 by Assembly Member Cusick

An act to amend the election law, in relation to publication of candidates to be voted upon at an election.

The New York State Elections Commissioner Association has reviewed this legislation and recommends it be approved by the State Legislature.

This bill removes the need for public office candidates to provide their residence in county newspapers before an election.

Currently, state law mandates that county boards of election publish the names and residency addresses of all candidates for office and the mandate does not dispense local boards from paying the steep publication fees.

A voter's need to know the residency of a candidate should not be frivolous. The information should be important to be able to ascertain, but should not be handed out wholesale. As such, a candidate's address becomes a matter of public record at the Board of Elections when they submit their designation or nomination documents. In many cases, county boards will post residence addresses of candidates on their websites. Any voter will have access to a candidate's residency if the need arises; as such, there is no compelling reason to publicize in newspapers the home addresses of candidates for office. Given this, eliminating the mandate will only result in large cost savings for counties who will be unburdened by the relief.

For the foregoing reasons, NYSECA supports this bill and recommends that it be approved.

**Jennie Bacon**

*President*  
48 Court St.  
Canton, NY 13618  
Phone: 315-379-2202

**Vicky Olin**

*First Vice-President*

**David DiPasquale**

*Second Vice President*

**Nancy Leven**

*Third Vice President*

**Thomas F Ferrarese**

*Secretary-Treasurer*  
39 Main Street W  
Rochester, NY 14614  
Phone: 585-753-1560  
Fax: 585-753-1531

**Louis C. Babcock**

*Chairman*  
*Executive Committee*

**Dustin M Czarny**

*Chairman*  
*Legislative Committee*



# ELECTION COMMISSIONERS ASSOCIATION OF THE STATE OF NEW YORK 2015-2016

January 20, 2016

A366 by Assembly Member Pretlow

An act to amend the election law, in relation to the terms of office of election commissioners

The New York State Elections Commissioner Association has reviewed this legislation and recommends it be approved by the State Legislature.

This bill would standardize election commissioner appointments state wide.

Currently different counties have different terms for Elections Commissioners. We believe there is a 4 year life cycle to an Election Commissioner encompassing two local years, a Gubernatorial, and A Presidential election. Each year will have different deadlines, staffing, and budgetary requirements. A four year term will allow for Board of Elections to plan long term and reduce the confusion caused by an interruption and change in commissioners during this cycle. This would best serve not only the individual Boards of Elections but the taxpayers they serve.

For the foregoing reasons, NYSECA supports this bill and recommends that it be approved.

**Jennie Bacon**

*President*  
48 Court St.  
Canton, NY 13618  
Phone: 315-379-2202

**Vicky Olin**

*First Vice-President*

**David DiPasquale**

*Second Vice President*

**Nancy Leven**

*Third Vice President*

**Thomas F Ferrarese**

*Secretary-Treasurer*  
39 Main Street W  
Rochester, NY 14614  
Phone: 585-753-1560  
Fax: 585-753-1531

**Louis C. Babcock**

*Chairman*  
*Executive Committee*

**Dustin M Czarny**

*Chairman*  
*Legislative Committee*



# ELECTION COMMISSIONERS ASSOCIATION OF THE STATE OF NEW YORK 2015-2016

January 20, 2016

A302A by Assembly Member Abinanti  
S4420 by Senator Marchione

An act to amend the election law, in relation to requirements of witnesses to a designating petition or independent nominating petition.

The New York State Elections Commissioner Association has reviewed this legislation and recommends it be approved by the State Legislature.

To delete the requirement that a witness to a party designating petition or an independent nominating petition must reside in the district of the office in the petition.

Currently different departments have ruled on whether a witness to a designating petition which doesn't receive authorization can then witness on an independent nominating petition. Clarifying the election law for uniformity across the state will eliminate confusion across the state.

For the foregoing reasons, NYSECA supports this bill and recommends that it be approved.

**Jennie Bacon**

*President*  
48 Court St.  
Canton, NY 13618  
Phone: 315-379-2202

**Vicky Olin**

*First Vice-President*

**David DiPasquale**

*Second Vice President*

**Nancy Leven**

*Third Vice President*

**Thomas F Ferrarese**

*Secretary-Treasurer*  
39 Main Street W  
Rochester, NY 14614  
Phone: 585-753-1560  
Fax: 585-753-1531

**Louis C. Babcock**

*Chairman*  
*Executive Committee*

**Dustin M Czarny**

*Chairman*  
*Legislative Committee*



# ELECTION COMMISSIONERS ASSOCIATION OF THE STATE OF NEW YORK 2015-2016

January 20, 2016

A8608A by Assembly Member Cusick

**Jennie Bacon**

*President*  
48 Court St.  
Canton, NY 13618  
Phone: 315-379-2202

An act to amend the election law, in relation to authorizing computer generated registration lists; in relation to the list of supplies to be delivered to poll sites

**Vicky Olin**

*First Vice-President*

The New York State Elections Commissioner Association has reviewed this legislation and recommends it be approved by the State Legislature.

**David DiPasquale**

*Second Vice President*

This bill would update the Election Law to recognize that many counties have the technology to employ computer generated registration lists at the poll sites, to make their use uniform, to update the list of supplies to be delivered to the poll sites and to make certain gender neutral corrections to the Election Law

**Nancy Leven**

*Third Vice President*

**Thomas F Ferrarese**

*Secretary-Treasurer*  
39 Main Street W  
Rochester, NY 14614  
Phone: 585-753-1560  
Fax: 585-753-1531

Allowing for the use of computer generated registration lists in New York State will give some counties an option to employ what is commonly known as electronic poll books on Election Day. Some counties throughout New York have already experimented with pilot programs of such devices. This new technology can be an advantage to the voters to allow for more accurate lists as well as re-direction of voters to correct polling places. They can also be an enhancement for local Board of Elections saving on paper costs and man hours for post-election certification as well as signature captures to keep voter lists as accurate as possible.

**Louis C. Babcock**

*Chairman*  
*Executive Committee*

**Dustin M Czarny**

*Chairman*  
*Legislative Committee*

It is important to note NYSECA urges this to be optional for individual counties. Also we urge all devices be certified for use by the New York State Board of Elections.

For the foregoing reasons, NYSECA supports this bill and recommends that it be approved.