

## **TESTIMONY OF SUSAN LERNER, EXECUTIVE DIRECTOR, COMMON CAUSE/NY TO THE 2022 JOINT BUDGET HEARING ON LOCAL GOVERNMENT, FEBRUARY 9, 2022**

### **Appropriations to the County Boards of Elections**

The Legislature is justly proud of the myriad improvements it has made to New York's elections in the past few years. Common Cause/NY and the Let NY Vote coalition, which it helps to lead, have been passionate advocates for those reforms and appreciate the Legislature's pro-voter actions. In advocating for early voting to be adopted in New York, we recognized that the reform added to county Board of Elections' responsibilities with attendant increased expenses. Accordingly, we advocated successfully for the inclusion of funding in the state budget for the county boards to be able to implement early voting.

With new reforms come new expenses, which should not be permitted to remain an unfunded mandate burdening the counties and further constraining budgets that are already barely adequate in many counties. For only one example, the recently signed revision to the procedures to be followed to canvass absentee ballots will exacerbate the need for additional personnel in county boards that have very limited staff currently. In the trial regarding the election results in CD 22, we saw all too clearly the impact of constricted county-funded Board of Elections operations, leading to short staffing and the disenfranchisement of a shocking number of voters. While election administration in this state badly needs overhaul, it also needs funding. The state should include support for county election operations in its budget as an on-going appropriation, as many other states do, to avoid similar unacceptable results.

This year's budget should not only include the reappropriation contained in the Governor's proposed budget of earlier appropriated funding available to counties to purchase equipment, necessary because of supply chain issues and delays, but also contain an appropriation for county boards' ongoing operations and personnel. We urge the Senate and Assembly to both include a new Local Government appropriation for county Board of Elections' operating costs in an amount no less than \$10 million in their one-house budgets.

### **Local Impact of Appropriation of Billions Without Controls**

Our earlier testimony to the Public Protection budget hearing stated our concern regarding the continued appropriation of large sums in the budget that can be spent without Comptroller review. We believe that the ongoing attempt by Empire State Development to ignore New York City land use procedures in relation to development around Penn Station is relevant to this Local Government hearing.

[In his 2020 State of the State](#), Governor Cuomo called for a massive redevelopment of the area around Penn Station, known then as the "Empire Station Complex Plan." The State pushed forward with the project under a "General Project Plan" (GPP), which allows the State — through Empire State Development — to authorize an up-zoning, without a City-led Uniform Land Use Review Process (ULURP) approval, which would be required of any other project in the city. And instead of the eventual property taxes funding City

services like education, hospitals and public safety, all of which will be stressed by the scale of the planned development, the State will capture the property taxes from whatever the new development is created for its own use.

In this process, or lack thereof, the State usurped City authority – a move Governor Cuomo used often – to decide land use and tax policy, which is a terrifying and dangerous precedent if this plan is not stopped. This plan is also hurtling forward without any guarantee of tax revenue from the plan’s largest beneficiary, Vornado Realty—which is led by a major donor to the former governor. Nor was any agreement been made with Vornado for payments the company would make toward transit improvements, or the size or design of their buildings.

We have seen first-hand the results of an earlier similar state usurpation of New York City’s land use processes in the Atlantic Yards (now Pacific Yards) project in Brooklyn. That project was to include a large number of residential buildings with promised affordable housing and other community benefits. The construction is long delayed and the community can only imagine when the affordable housing – now scheduled for build out as the last work – will be available.

We urge that restrictions be placed on Empire State Development funding requiring it to meet local land use requirements and prohibiting the use of any funding in furtherance of the Empire State Complex plan until ESD completes and releases a full economic analysis of the project and provides the community with an effective process to access the proposed plan and present alternatives.