

**VOTING & ELECTIONS IN NEW YORK: TWO STEPS FORWARD, ONE STEP BACK**  
**Written Testimony on behalf of Common Cause New York before**  
**the Senate Elections Committee**  
**July 28th, 2021**

**There is no question New York has made clear, demonstrable progress in expanding voting rights and improving our elections. But with every step forward in New York, there is inevitably a corollary step back.** Boards of Elections across the state were confronted with unprecedented challenges in 2020 due to the pandemic. It is our position that while there were undoubtedly unforced errors along the way, that overall, the Boards of Elections did a credible job of navigating difficult circumstances and did their best to rapidly scale up a previously sleepy absentee voting program and accommodate a surge of voters during the 2020 election cycle.

**However, the last two election cycles have continued to highlight that no matter how many pro-voter reforms are passed by the New York State Legislature and enacted in counties, voters are at the mercy of a befuddled bureaucracy that serves the interests of political parties.** Common Cause New York has long advocated for the wholesale reform of the Boards of Elections as they remain the last vestige of the Tammany Hall era patronage mill for party bosses and their acolytes.

New York has clearly reached a tipping point: hardfought reforms will be rendered meaningless when they are constantly undercut when a government agency is run by political parties. The following testimony will focus on the need for real reform at the Boards of Elections, highlighting a more recent example of how subpar election administration can impact otherwise successful election reform.

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**THE BOARDS OF ELECTIONS MUST BE DISMANTLED AND REPLACED**

[In February 2021, CCNY released a lengthy white paper outlining both procedural and substantive considerations if New York is going to seriously grapple with reforming the Boards.](#) We acknowledge calls for election reform are frequently coupled with dual calls for nonpartisan and professionalized elections administration. However, after an analysis of other states'

election administration, the goal of truly nonpartisan election administration, while lofty, is unrealistic.

At the state level, Secretaries of State are frequently either appointed by elected officials or are elected officials themselves. Similarly at the county level, city or county clerks are either appointed by elected officials or are elected officials themselves. The appointers of these election officials are elected officials and therefore not fully removed from the political apparatus. In most states, political affiliation is required to be a poll worker, setting public expectations of some degree of political involvement.

**It is far more realistic to frame any potential changes as reducing the influence political parties have in a branch of state and local government as is standard, and codified by law, in all other areas of state and local government. It is our hope that the State Legislature engage in this work in earnest in 2022.**

### **NEW YORK CITY CASE STUDY: RANKED CHOICE VOTING DELIVERED, THE BOARDS OF ELECTIONS DID NOT**

Now that the city has five RCV elections under its belt, it's fair to say Ranked Choice Voting has run smoothly. Exit polling from all five elections has consistently shown voters find their ballot easy to use and voters have embraced their new options by ranking their ballots.

Voters and advocates did their part but were stymied by the predictably inevitable dysfunction of the local and state boards of elections:

- **Delays in software certification led to handcounts in the city's first ranked choice voting elections.** Interagency squabbles between the State and NYC Board of Elections led to a monthlong stalemate that delayed the certification of tabulation software.
- **An embarrassing human error by a NYCBOE employee during the vote tabulation process initially undermined confidence in ranked choice voting and our elections.** Test data was not cleared from the tabulation software prior to running round-by-round results on June 29th. The NYC Board later admitted fault due to internal process failures.

The Boards, as currently structured, are ultimately functions of the county-level political parties. Until the New York State Legislature seriously engages on both the process and substance of reforming state law and the state constitution, New York voters will be subjected to subpar elections.



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**Thank you for allowing us to submit written testimony for this hearing. Please contact Common Cause New York ([nyoffice@commoncause.org](mailto:nyoffice@commoncause.org)) with any questions or for any follow-up.**

Common Cause New York is a nonpartisan citizens' lobby and a leading force in the battle for honest and accountable government. Common Cause fights to strengthen public participation and faith in our institutions of self-government and to ensure that government and political processes serve the general interest, and not simply the special interests. Consonant with our overall mission we have consistently worked to improve accessibility, accuracy, transparency, and verifiability in our democratic process at the city, state and national level.