

Chair Myrie and members of the Elections Committee,

My name is David Siffert, and I am the Chair of the Legislative Affairs Committee of the Village Independent Democrats. I currently work as the Director of Research & Projects at the Center on Civil Justice at NYU School of Law, though I am not here in that capacity.

New York's Boards of Elections are broken. It is one of the last major vestiges of political patronage in New York, and there is a reason our elections don't work. I want to highlight two major consequences of BOE incompetence:

First, there is a good chance that the loss of ballots from the 2020 Congressional race in the 22<sup>nd</sup> Congressional District actually swung the result in that race, resulting in a Republican elected rather than a Democrat.

Second, the BOE failures in the 2021 Mayor race have given fuel to the fire set by Donald Trump in casting doubt on the ability of elections administrators fairly and accurately to administer elections, allowing the Big Lie to live on, and allowing Republicans to justify voter suppression laws throughout the country. Make no mistake. Your failure to act on BOE incompetence, despite countless people blowing the whistle over the decades, makes you all personally responsible for the voter suppression that is happening around the country.

The question now is what can be done. You have likely heard from others about the pillars of good elections administration: Professionalism, Accountability, Transparency, and Voter Centricity. To your credit, over the last few years, you all have enacted significant legislation – and even Constitutional amendments – to increase the voter-centricity of our elections. There is more to be done, for example requiring that voters be allowed to vote at any polling place within their county, but I commend your work.

However, almost nothing has been done about the other three pillars.

With respect to accountability, local boards of elections are in the hands of unelected county party bosses. Statewide, the Board is under the control of the Governor, though he denies it. Both the State and each County should have its elections administration run by a non-partisan, elected head of elections. If the individual is required not to be registered to vote with any political party, then there would be no issue of running afoul of Constitutional rules regarding party parity. This individual would then be directly accountable to the voters to ensure that elections happen efficiently. Nationally, states with elected Secretaries of State have higher turnout rates than those without, and that's not an accident.

With respect to professionalism, Senator Krueger has a bill that allows the NYC BOE Executive Director to hire staff based on qualifications rather than patronage. This is a good start, but the ED is still appointed by the Commissioners, who still answer to the party bosses. Furthermore, the bill does not require full-time employees to be civil service, and it applies only to NYC, whereas we have seen problems state-wide. If the Senate decides to pass this bill, which I don't oppose as it is an improvement over the status quo, please do not expect radical change or act like your job is done.

Finally, with respect to transparency, voters need to have access to BOE plans before they are finalized. As an obvious example, absentee ballots over the previous two elections have been riddled with errors, including simple mistakes like leaving out a slash in "Military Absentee Ballot" or not making the need

for a signature on an envelope sufficiently clear. If these ballots had been showed to the public for comment prior to being finalized, these mistakes could have been easily avoided. In addition to structural changes, it is imperative that you pass legislation that increases the public's access to BOE decision-making to prevent the repeated mistakes we have recently seen.

I will conclude by saying that it's easy to take the easy way out, such as by holding a “very serious hearing,” and pat yourselves on the back. The NYS Legislature is notorious for it. But with respect to the integrity of our elections, the stakes are too high. I urge you to have the guts to stand up to the party bosses across the state and make real change. We need meaningful legislation across all pillars of good elections administration.

Respectfully submitted,

David Siffert  
Chair, Village Independent Democrats Legislative Affairs Committee