

Testimony prepared by Kim Moscaritolo, Democratic District Leader, 76th Assembly District, Part B

For the New York State Senate Committee on Elections Hearing

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Thank you for giving me the opportunity to testify. My name is Kim Moscaritolo, I'm the female District Leader for the 76th Assembly District Part B, which includes parts of the Upper East Side and Yorkville in Manhattan.

I am here today to speak about the desperate need for reform at the New York City Board of Elections. I would like to focus on three areas: partisanship, oversight, and modernization.

According to an expose published by the New York Times last year, "New York is the only state in the country with local election boards whose staffers are chosen almost entirely by Democratic and Republican Party bosses..." As a District Leader I ostensibly play a role in this process, since we District Leaders, as members of the Manhattan Democratic executive committee, must vote to nominate the Manhattan Democratic BOE Commissioner. I can testify that the process is opaque, with almost no notice given prior to our vote, and no opportunity for a rigorous interview.

I want to clearly state that this is not a commentary on any specific former or current Commissioners, but rather an indictment of the process, which is set forth in our state constitution.

But the partisanship goes beyond the commissioners. So many BOE employees received their jobs either through political patronage, or nepotism. In 2013 the Department of Investigation released a scathing report in which it was revealed that 10 percent of BOE employees were related to another staffer! If we truly want to reform the BOE, we must remove partisanship from our elections administration.

We also need real oversight. With BOE leadership in the hands of party leaders, there appears to be no real accountability. I have watched year after year as the BOE has bungled elections, and yet the leadership has not changed. In that same New York Times article, it was reported that “Mike Ryan, the executive director, was not disciplined by the agency after NY1 reported that he sat on the advisory board of a voting machine company that did business with the city and paid for his travel.” While a bipartisan commission may have, at one time, seemed like a fair system, the outcome is total gridlock. With no one really in charge and no one able to effectively discipline employees who make egregious mistakes, it is impossible to enact any meaningful changes.

And worse still, the voters have no recourse. In other states, Elections Commissioners and Secretaries of State are elected. They are accountable to the voters, and can be voted out. Voters in New York City have no such ability. It would require a complete and total take over of both county parties for any real change to happen.

Finally, the Board of Elections must be modernized and professionalized. I will just share my experience as a District Leader and as someone who has spent more time than I care to admit sitting in a room at the Board of Elections looking at petition ledgers. Candidates for office must file petitions and submit them over a four day period. These petitions are entered into the system and onto what is known as the designating ledger. The only way to access these ledgers, which are updated several times a day, is to physically sit at the Board of Elections office and check their computers. If you’re lucky, you have a contact at the BOE who can email you the documents.

Now I ask why, in the year 2021, can the BOE not simply upload these ledgers to the BOE website, to be looked at by anyone who wants to? It’s a small thing, but indicative of so much that is wrong with the BOE. There are so many ways in which the BOE could make our elections process easier, and more accessible, but there appears to be no desire to do so.

In 2020, with the executive order allowing any New Yorker to apply for an absentee ballot, the BOE created a system to apply for and track absentee ballots

online. It was a huge improvement, and proof that the BOE, when pushed to make changes, can do good things for voters. But that should be the rule, not the exception.

Unfortunately, so much of what is wrong with the Board of Elections is enshrined in our State Constitution. The state legislature must begin the process of overhauling our elections system via a constitutional amendment. Ultimately, that is the only way we will ever truly fix it.

In the meantime, we can pass S.6226-A/A.5691-B, a bill to professionalize the BOE, sponsored by Senator Liz Krueger and Assembly Member Nily Rozic. The New York City Council should also take more responsibility in approving nominations for BOE Commissioner. Currently they act as a rubber stamp for the county parties, but they could demand more from the nominees.

For over 100 years people have tried to reform the city's Board of Elections. It will not be an easy task, but democracy demands it. I fully support this committee's efforts to improve our state and city's election processes, and I believe that now is the time to make it happen.