

To: New York State Senate Elections Committee

Re: Hearing on Election Reforms Needed in New York State and Westchester County

From: Maryellen Chomsky, Mamaroneck, NY

Date: August 9, 2021

My name is Maryellen Chomsky. I am a life-long resident of New York State, a long-time resident of Westchester County (Town of Mamaroneck) and, in recent years, a District Leader. Most importantly, I am a very concerned citizen.

First, thank you for working to address significant problems confronting our electoral system here in Westchester and in New York State, and for listening to our concerns on this extremely important subject.

New York has, in very recent years, made some significant Election reforms, including Early Voting, among others. We are very grateful for your efforts to bring about such improvements.

That said, there is still so much more that NYS and the County can, and must, do to foster and protect our voting rights essential to a healthy democracy.

Some of the points I describe, below, were discussed during this morning's live hearing (August 9, 2021). Others, however, were not covered there, so I hope you will consider those as well.

Preliminarily, I note that, on various occasions in recent years, I've contacted the **Westchester County Board of Elections** for information for myself or others about Absentee Ballots, registration deadlines, early voting and the like. **The "front-line" Westchester Board of Elections employees I encountered were helpful, responsive and pleasant**, even in the face of many recent changes and the COVID pandemic, and I appreciate their diligent efforts under trying circumstances. **The problems we've experienced, and that must be addressed by New York's legislature, are the responsibility of more senior officials.**

The changes we need fall into two main categories which can essentially be described as **"Board of Elections Professional Standards and Ethics"** and **"Elections 101 Improvements"**.

Board of Elections "Professional Standards and Ethics"

Healthy and robust elections require **experienced, professional election officials with expertise in election laws and best practices**, and deep knowledge of the relevant **technology**.

Our elections officials must also be bound by a **meaningful code of ethics**.

We need such officials, and such ethical standards, at both the State and County levels.

Unfortunately, here in Westchester (and apparently elsewhere in NYS), our Elections Commissioners are, and have long been, political powerbrokers, e.g., the heads of the County Committees of the two major parties. This presents obvious **conflicts of interest**, and places enormous power in the hands of **unelected** officials. It also leaves unaffiliated voters and others completely out of the picture.

Quite simply, **Elections Commissioners and other elections officials should be qualified professionals**, and should be **prohibited from simultaneously holding office in a party committee**.

Our elections officials must be appointed based strictly on **merit**. These crucially important positions must **not** be awarded as political patronage -- consolation prizes, paid for by the taxpayers -- as in 2018, when, appallingly, a Westchester County Legislator who had just lost a re-election bid, was installed in a high-paid position at the County Board of Elections. Sadly, this appeared to be “business as usual”.

We can, and must, do better.

"Elections 101" Improvements

Exercising the right to vote should involve neither mystery nor massive inconvenience. ***Our goal must be to encourage and facilitate voting by well-informed voters.***

Unfortunately, **many fundamental and essential elections practices are not required by New York State law – and, therefore, are ignored by the Board of Elections in Westchester and elsewhere.**

It is clear that **New York State desperately needs to enact state-wide minimum election standards.**

Here are **some examples:**

1. Access to BALLOT CONTENT or SAMPLE BALLOTS

- **Voters must be able to access official ballot content *before they arrive in the voting booth!* Currently, here in Westchester, voters cannot.**
- **The State must require Boards of Election to make all BALLOT CONTENT readily available to voters. By a specified date, ballot content or a sample ballot must be made available at the BOE, online on its website, AND in paper form for voters who lack internet, and at all polling sites on the day of the election.**
- This would support **more informed voting** overall.
- It would also **speed up in-person voting**, as voters could study the sample ballot while waiting to vote, even if they hadn't done so beforehand.

2. Election Security: New York State law must have appropriate standards for voting machines.

- **Machines, such as certain “hybrids”, that are capable of marking or altering a ballot after the voter submits it, should be banned.** The law must be broad enough to cover (prohibit) machines designed so as to satisfy some technical requirements, while still posing significant security risks.

3. Continue Early Voting and Expand Absentee Voting beyond limited circumstances, i.e, implement “No Excuse” Absentee Voting.

- Both of these will **encourage and support robust and regular voter participation.**
- **Absentee Voting**, expanded due to the COVID pandemic, **should continue -- pandemic or not.** “No-excuse” Absentee Voting would alleviate many other (non-COVID) challenges involved with in-person voting, such as work schedules, especially for

medical and other emergency workers, unexpected illness, travel, child-care or elder-care demands, etc.

- **Absentee Voters should be able to track their application and ballot status.** This is now routinely done in other states in the United States. New York State must do no less!
- **Public Service Announcements and other such means should be used to encourage the voting public to take advantage of Early Voting and Absentee Voting.**
- New York State should support such efforts, including funding, for these purposes.
- **New York State should continue to expand “mail-in” voting generally,** as has been successfully and effectively done in other states.

4. Update our Voter Rolls!

- Only people who currently reside in a jurisdiction should be on its voter rolls. Yet, as a District Leader in Westchester, I've seen official Westchester BOE voter rolls that continue to include the names of **voters who have died or sold their home and moved,** yet they remain on the official voter rolls for months, even years, thereafter. Why?!
- **People who no longer reside here should be removed from the voter rolls within a reasonable time, following appropriate procedures for notice to the voter and a fair opportunity to object.**
- Since **deaths and property sales are both a matter of public record** (certainly, banks know immediately when a customer has died, and promptly freeze their accounts), and since **computerization makes record searches and comparisons simple and efficient, voter rolls should be regularly compared to such records.**
- **New York State law should require that to be done at specified, regular intervals.**

5. Encourage Voter Registration by Current Residents

- Both the State and County should provide voter registration information and other non-partisan election information via communications triggered, for example, by real estate sales; DMV transactions; school registrations; tax filings and other routine / official communications and contacts with residents, whether they own or rent their residences.
- Such information should also be flagged / linked on other official websites.

6. Ensure Voter Privacy / Ballot Secrecy

- The small, divided, round tables used at polling sites in Westchester County afford no real privacy as voters mark their ballots. For some, this is a mere annoyance. For others, however, such as **those who are subjected to undue influence by a spouse, other relative, or caregiver, that lack of privacy is tantamount to disenfranchisement,** or, worse, they may be forced to vote for someone they oppose.
- **The State and County must require and provide proper, private, voting equipment and conditions.**
- As with voting machines, **appropriate standards should be legally mandated.**

7. No election results should be publicly reported until after the polls have closed **AND all voters "in line" as of closing time have actually voted.**

- Preliminary results can be very misleading and, if reported before people have voted, can affect how they vote, or even whether they remain in line to vote! No doubt some people here in Mamaroneck, who waited in line long after 9 PM on June 23, 2020, received, on their mobile phones or devices, preliminary results reported by News12 or other outlets

soon after 9 PM when the polls "closed" theoretically, but not actually, and some people may have been influenced by those preliminary reports either to change their vote or not bother to stay in line to vote at all. As it turns out, some of those preliminary results were very much at odds with the ultimate / official results.

8. Ranked-Choice Voting

- **Avoid the potential for inappropriately skewed election results**, where a less popular or less desirable candidate can win if the majority of votes are split among multiple candidates considered more desirable by most voters. This can happen in any election (Primary or General) where there are three or more candidates. Such "skewed" results undermine and impair the democratic process. Ranked Choice Voting can provide more appropriate results.
- Additionally, **Ranked-Choice Voting can also obviate the need for "run-off" elections -- saving time, uncertainty, and taxpayer dollars!**
- **NYS Election Law should be revised to achieve those results.**

9. Simplify! Educate!

- Very few people -- even those who are educated and aware -- understand the system, rules, and ballots for races such as the 2020 Democratic **Presidential Primary delegates**, or Primaries for "**Judicial Delegates**" for Westchester and nearby counties.
- At a minimum, clear and complete info about how delegates are selected, their role, etc., should be made readily and publicly available to all voters. The system should be reformed so as to be comprehensible to concerned and conscientious voters.

10. Enact Appropriate and Uniform Standards for SCHOOL DISTRICT ELECTIONS

- As was described in some detail during this morning's live hearings, **School Board elections** in Westchester County, and elsewhere in New York State, are subject to **few, if any, rational standards.**
- **Even the most fundamental information, such as who, if anyone, is running for election to the School Board in any given year, is very difficult, if not impossible, to find**, even on BOE and School District websites.
- Even the **results of School District elections** are all but absent from official websites and official data sources.
- **Scheduling School District elections at a different time from other elections makes them even more obscure, confusing and opaque to many voters**, further reducing voter participation.
- **School District elections, like all elections, should be run by competent, non-partisan election professionals** whose job it is to **ensure appropriate notice and visibility and make all pertinent information readily available.**

11. Poll Worker Hours: A Grueling Marathon

- **Protect poll workers and expand the pool of willing and available poll workers by providing reasonable work shifts of, say, 7 to 8 hours.**
- **In Westchester County, poll workers are required to work the entire voting day**, which means arriving at the polls before they open, and remaining until after they close. Hence, they are usually working **a marathon day of 15 hours or longer.**
- During the **2020 Primary in Mamaroneck**, that day extended to some **20 hours or longer** to accommodate all the voters who had shown up to vote by 9:00 pm but were forced to wait until midnight and later.

- Requiring poll workers to work such long shifts is even more unreasonable and dangerous during the continuing COVID pandemic.
- It is **hard to imagine that NYS would allow private employers to treat employees this way**. Why then should poll workers be required to work such grueling, marathon shifts exceeding fifteen hours, as seems to be the current practice in Westchester?? (Not all counties in New York continue this abhorrent practice.)
- Notably, many poll workers are **women and / or people of color**.
- **Mandating appropriate work hours would protect poll workers**. It would **also serve to attract more people to work as poll workers** – something which is always needed, and especially during the COVID pandemic.

These are just some of the elections improvements needed in New York.

Thank you very much for your important work on behalf of all New Yorkers!

Respectfully submitted,
Maryellen Chomsky