

JOINT LEGISLATIVE PUBLIC HEARING
ON 2024-2025 EXECUTIVE BUDGET PROPOSAL LOCAL GOVERNMENT
OFFICIALS/GENERAL GOVERNMENT TESTIMONY TO THE JOINT FISCAL
COMMITTEES OF THE NEW YORK STATE SENATE AND
NEW YORK STATE ASSEMBLY

February 6, 2024

Introduction

Thank you for the opportunity to testify today. I am Erica Smitka, Legislative and Deputy Director of the League of Women Voters of New York State. The League is a nonpartisan, grassroots organization with a mission to educate the public to become engaged members of their communities and informed voters. We have long advocated for a more representative, ethical, and transparent state government. I will highlight three areas today in my testimony: funding for county boards of election, election reform, and funding for ethics and campaign finance reform. The League believes that it is critical that the Senate and Assembly maintain the level of funding proposed in the Executive Budget for the State Board of Elections, the public campaign finance system, and increase the direct funding to local boards of elections in their one house budgets.

Voting should be made as easy as possible for all New Yorkers, and we greatly appreciate the tremendous gains that have been made in the last couple of years in making voting more accessible and applaud the legislature for enacting these reforms. The League was pleased to see that the State Board of Elections is adequately funded in the Executive Budget, especially the establishment of a poll worker and election commissioner training center, as well as funds to continue to implement Online Voter Registration and Automatic Voter Registration systems. However, many of these reforms still have not been sufficiently funded at the local level especially in light of the fact that the 2024 presidential election will pose new challenges and stress on local boards of elections.

New Challenges Arising from an Increase of Misinformation and Disinformation

The proliferation of misinformation and disinformation has the potential to significantly impact elections in New York State, posing a serious threat to the democratic process. Rapid dissemination of false or misleading information through various online platforms and social media channels has created an atmosphere of confusion and mistrust among voters.

Misinformation campaigns, whether intentional or unintentional, can sway public opinion, distort candidates' images, and even influence electoral outcomes. As a consequence, the public's trust in the electoral process is undermined, and voters may find it challenging to discern between credible sources and manipulative content, leading to uninformed decision-making during elections.

Since the 2020 election we have seen misinformation, disinformation, and denialism around our election process soar while trust in our electoral process has declined. A study done in 2022,

found that only 20 percent of voters are very confident in our electoral process¹. In New York State we have seen the proliferation of actions from bad actors looking to sow distrust in our election process. In August and September of 2023, individuals, falsely claiming to be representatives from the boards of elections, were going door to door claiming that voters were illegally registered to vote. Leagues across New York State have also reported an increase in pressure on local boards of elections to respond to numerous public access requests from voters and organizations who believe the elections process is flawed. Local boards of elections simply cannot keep up with the demand and requests like these ultimately disrupt their ability to prepare for and execute our elections.

In addition to denialism, we have seen a nationwide surge in threats against election workers, and voter intimidation. According to a report done by the Brennan Center for Justice, 1 in 3 election workers has left their job at least in part due to fears for their safety, increased threats, or intimidation. Additionally, 2 in 3 election officials believe that false information is making their job more dangerous². In the fall of 2023, fentanyl laced threat letters were sent directly to boards of elections in at least five states across the country³. New York is not immune to these attacks. Attacks and stress on election workers has led to higher than typical turnover, making it difficult for local boards of elections to sustain enough staff to effectively run our elections and in turn to recruit poll workers⁴.

Our election system is the foundation of our democracy. A successful election is one in which voters elect a government that is representative and accountable to its citizens. Fiscal support to ensure our elections run smoothly and efficiently should be a high priority for New Yorkers across the state in 2024.

Funding to County Boards of Election

Elections are often the last item on the list when it comes to county budgets and many county boards operate with limited resources. The League urges the Legislature to seriously consider the cost of new election improvements when introducing their proposed budgets and to consider setting up a yearly fund specifically for implementing election reforms at the local level.

In talking with local boards of elections commissioners about the 2024 election, it became quickly apparent that commissioners are most concerned with having the staff needed to execute the 2024 elections, the ability to recruit enough poll workers, and the increased need to educate voters about our elections. In a Presidential year in particular, staff must have the ability and tools necessary to act instead of reacting to situations that may arise. In a growing surge of attempts to disrupt the electoral process, additional support is needed to combat misinformation through education of voters and effective training and recruitment of poll workers.

¹ “Most Say U.S. Capitol Rioters Posed a Threat to Democracy | Ipsos.” *Ipsos*, 2022, www.ipsos.com/en-us/news-polls/US-Capitol-attack-anniversary-2022.

² Waldman, Michael, et al. “Local Election Officials Survey (March 2022).” *Brennan Center for Justice*, 31 Jan. 2024, www.brennancenter.org/our-work/research-reports/local-election-officials-survey-march-2022.

³ Wines, Michael. “For Election Workers, Fentanyl-Laced Letters Signal a Challenging Year.” *The New York Times*, The New York Times, 22 Nov. 2023, www.nytimes.com/2023/11/22/us/fentanyl-letters-election-workers-threats.html.

⁴ Gronke, Paul, and Paul Manson. “Administration Landscape Today’s Election.” *Elections and Voting Information Center*, Nov. 2023, evic.reed.edu/wp-content/uploads/2023/11/EVIC_2023_LEO_Survey_Report.pdf.

Ensuring adequate funding for local boards of elections in New York State ahead of the 2024 election is of paramount importance for safeguarding the democratic process and upholding the integrity of the electoral system. These local boards are on the front lines of organizing and conducting elections, managing voter registration, and addressing any logistical challenges that may arise. Adequate funding is essential to implement advanced technologies, update voting infrastructure, and enhance cybersecurity measures, thereby fortifying the electoral system against potential threats.

Local boards need more funding to hire and train qualified staff, improving the efficiency of voter outreach and education initiatives. With the increased risk of misinformation campaigns and cyber threats, robust funding is crucial for implementing comprehensive strategies to combat disinformation and ensure the accuracy and fairness of election processes. Investing in local boards of elections not only strengthens the democratic foundation of New York State but also reinforces public confidence in the electoral system, fostering a more transparent and secure democratic experience for all voters. Transparency in the electoral process has consistently been proven to be an effective tool to combat election denialism⁵.

The League was glad to see that funds were specifically allocated for local boards of elections to invest in new electronic pollbooks (\$14.7 M), to cover the cost of absentee and early vote by mail ballot postage (\$7.7M). However, there are still limited funds available for educating voters, poll worker training, staffing, and the establishment of new sites to comply with current mandates. It is not possible for boards to continue to expand voting access without funds devoted to these measures. We ask that a minimum of an additional \$10M in funding be allocated to county boards of elections so that they may make the upgrades necessary and hire the staff necessary to effectively run our elections in 2024. This is consistent with the bipartisan proposal submitted by election commissioners across New York State.

Election Reform

Implementation of the John R. Lewis Voting Rights Act of New York and Passage of the Doctor John L. Flateau Voting and Elections Database and Academic Center of New York Act

The passage of the John R. Lewis Voting Rights Act of New York was an historic moment in New York. It established rights of action for denying or abridging the rights of any member as a protected class to vote, assisted language-minority groups, required certain subdivisions to receive preclearance for potential violations of the law, and created civil liability for voter intimidation. We must now pass the companion bill to this legislation, the Doctor John L. Flateau Voting and Elections Database and Academic Center of New York Act (S657A/A885A). This database will increase transparency in our elections and provide the information needed to fight voter suppression more effectively across the state.

We ask that the Senate and Assembly include this database in their proposal along with the \$5M that will be required to establish the database. Additional funds should also be provided to counties to ensure compliance will all aspects of the law.

⁵ Bergeron-Boutin, Olivier, et al. "Communicating with Voters to Build Trust in the U.S. Election System." *MIT Election Lab*, Oct. 2023, electionlab.mit.edu/sites/default/files/2023-10/voter-trust.pdf.

Election Registration Information Center- Funding a centralized database for voter rolls

A critical method for combatting mis and disinformation across the state and to take some of the stress off local boards of elections would be to have a centralized database. The League supports the implementation of a bill (S6173B/A7052) to allow New York to adopt a database such as the Electronic Registration Information Center (ERIC). A database such as this would improve the accurate of New Yorks voter rolls, increase access to voter registration, reduce election costs, and would increase efficiency. There is an initial buy-in cost of \$25,000 that we propose the Senate and Assembly include in their budgets.

Ethics and Campaign Finance Reform

Commission on Ethics and Lobbying in Government

We were glad to see the continued funding of New York’s new ethics body, the Commission on Ethics and Lobbying in Government. We urge the Legislature to maintain the \$8.1 M in funding in their budget as continued support for a commission that holds public officials accountable.

We would also urge an increase to support the Commission on Judicial Conduct from the \$8.3M proposed in the Executive Budget to the \$8.9M as requested by the Commission⁶.

Public Campaign Finance Board

The League strongly supports the \$114.5M allocated for the Public Campaign Finance Board. This year is the first opportunity for New York to demonstrate a commitment to campaign finance reform and reducing the influence of big money in politics. During the 2022 election, the 200 biggest donors outspent over 200,000 small donors in state races⁷. This groundbreaking state program will ensure that New Yorkers’ voices are heard throughout the political process. The funding for this program included in the Executive Budget will ensure that the program will be able to help level the playing field, amplify the voices of small donors, and reduce the impact of wealthy special interest groups in New York. We urge the Legislature to include the full \$114.5M in the Senate and Assembly one house budgets.

Conclusion

The League is greatly appreciative of the improvements the Legislature and Governor have made to New York’s elections. New York State has finally entered the 21st century in voting, but we are still funding our elections as if they were being conducted in the last century. In order to realize the voter friendly goals of the legislative leaders and Governor, the State Board of Elections and county boards of elections need a serious funding commitment to ensure that long-needed reforms are not unfunded mandates.

⁶ “Statement of Robert H. Tembeckjian Commission on Judicial Conduct to the Joint Legislative Budget Committee Hearing on the 2024-25 Executive Budget.” 2024, p. 10.

⁷ Ward, Rebekah F. “New York’s Top 200 Political Donors Outweigh Bottom 206,000.” *Governing*, Times Union, 31 Jan. 2023, www.governing.com/finance/new-yorks-top-200-political-donors-outweigh-bottom-206-000.