



ELECTION COMMISSIONERS' ASSOCIATION OF THE STATE OF NEW YORK 2010 - 2011

Joan M. Silvestri
President
11 New Hempstead Rd.
New City, NY 10956
Phone: 845-638-5172

Laura P. Costello
First Vice-President

Donald M. Wart
Second Vice-President

William Fruci
Third Vice-President

Sue A. Fries
Secretary - Treasurer
302 Court Street
Little Valley, NY 14755
Phone: 716-938-2405
Fax: 716-938-2775

Susan Bahren
Chairman,
Executive Committee

Jerry O. Eaton
Chairman,
Legislative Committee

Honorable Sheldon Silver
State of New York
Legislative Office Building 932
Albany, New York 12248

March 8, 2011

Dear Mr. Speaker:

We are writing you at the direction of the New York State Election Commissioners Association. The NYS Election Commissioners Association would like to articulate to you some of the issues that currently face the members of our Association with the inception of the Federal MOVE Act. We all agree that military and overseas voters should receive their ballots in a timely unencumbered fashion allowing them the opportunity to cast their ballots while in the performance of their duty for our Country.

The Federal MOVE Act, signed into law in 2009, requires that military ballots be sent at least 45 days in advance of an election. For the November 2, 2010 General Election, the federal statute required military ballots to be placed in the mail on or before September 18, 2010. However, New York State Election Law required the Primary Election to be conducted on September 14, 2010. The New York State Election Law calls a 14 seven-day post election period during which military and absentee ballots can to be received and canvassed prior to the certification of primary election results. Therefore, the earliest possible date for certification of party primary results was September 22, 2010, four days after the last day to mail military ballots. Obviously already missing the deadline and with no time to produce general election ballots. This clear conflict between the New York State Election Law and the federal MOVE Act makes it impossible for local Board of Elections to perform its statutory duty.

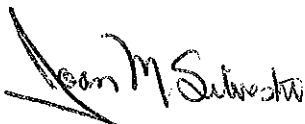
In order to address this clear conflict, **The NYS Election Commissioners Association at our meeting on January 25, 2011 voted overwhelmingly to recommend to the State Legislature and Governor that in light of the recent changes with the MOVE Act that the Primary Date be moved from the 2nd Tuesday in September to the fourth Tuesday in June.** A committee was subsequently formed to look into what other political calendar changes there might be. The Association also voted to recommend that all Judicial Proceedings be concluded by 5 weeks before the Election.

The Association members discussed whether it is appropriate to move the Primary date back several weeks to fall into the month of August or to move the date back to June. Please let us share with you some of the many reasons a June primary date was selected. As the State Board of Elections is in the process of working with the Justice Department, we thought it would be pertinent to advise them and you about some of the rationale for conducting a primary election in June versus August.

1. July and August are traditional vacation periods for voters. In order to maximize voter turnout in primary elections, June would prove to be the better month, as it would be just prior to many residents leaving for summer plans.
2. August presents great difficulty in finding Election Inspectors to man the polls as many are also away from their residences. Having competent inspectors is key to successful elections and historically it has proven difficult to attract enough inspectors without the added burden of an August election.
3. In August, college students are just getting settled into their college life and are often not yet familiar with the absentee ballot process. Conversely, most students are at their home address in June and again would lead to a larger voter participation in the election process.
4. Schools that are used as polling places in NYC and other locations are closed for the last two weeks in August or conversely are busy getting ready for the opening of school. If closed, there would be additional cost to Boards of Elections for custodial staff to open the school and in most cases, schools are not air-conditioned and inspectors working 17 hours during the hottest month of the year in those conditions may prove intolerable, as many inspectors are senior citizens.
5. An August date would not allow for the Current Judicial District Convention scheduled. As the current schedule does not allow possible delays in election certification due to close primary races and judicial review if requested by candidates.
6. Should there be a post primary declination and subsequent substitution the timing would still have to be adjusted so that required paper work was turned in by a date certain, not mailed by a date certain, but received.
7. From a financial standpoint it would be more cost effective to hold primary elections in June as it would allow the local Board of Elections to level off their work and reduce overtime that must be worked to accommodate an August primary.

The Association appreciates in advance your consideration of this most important matter. Members of our legislative committee would be glad to meet with you or members of your staff to discuss our ideas in further detail.

Respectfully,



Joan M. Silvestri
President



Susan Bahren
Chair
Executive Committee