



2005

THE ECA REPORTER Election Commissioners' Association of the State of New York

Published By: Phoenix Graphics, Inc. Rochester, New York 14608
For The New York State Election Commissioners' Association

Vol. Number 12 • Issue Number 1

The NYS-ECA-Reporter

January 2005



**By Elizabeth Cree,
Election Commissioners'
Association President**

New York State Election Commissioners' Association Strategic Plan for HAVA IMPLEMENTATION

Mission:

To ensure that the election process in New York State is fair, honest, and complies with all state and federal laws.

Top Strengths:

Election members with knowledge of election law and experience in running

elections, staff with expertise in various related support activities.

Top Challenges:

Dealing with increased workload, complying with new state and federal mandates, converting to electronic voting machines, finding and training enough qualified inspectors and machine custodians, general voter outreach, education, enabling easy access to election information.

Key Trends affecting mission in the next five years:

Mandated changes due to HAVA (electronic voting machines, statewide database), managing an increasing number of registered voters, ensuring public confidence in new machines and voting integrity in general.

Changes needed to make in the next five years:

Purchase and implementation of electronic voting machines; recruitment and training of machine custodians for new machines; recruitment, training and retraining of inspectors; education outreach to public about electronic voting; implementing computer programs and procedures necessary to comply with statewide database; compliance with HAVA-mandated reporting; implementing a document imaging system (boards that need updated); centralizing storage, maintenance and custody of voting machines.

Challenges or Trends in the long term (5-15 years):

Legislation pending to assist with new federal mandates.

Where Does The Year Go?

By Tom Burke, Greene County, First Vice-President

The election cycle and calendar year of 2004 seemed to move at warp speed. Record numbers of new voters, absentee requests, affidavits and Election Day court cases seemed to put even the looming HAVA deadline on the back burner.

The much anticipated "downtime" that the small upstate counties once looked forward to has gone the way of punch cards.

Despite what was a professional, well-organized, and tireless effort by

many to get elected officials to focus on our state's election process, we have no assurances that we will be allowed to make the necessary preparations for HAVA implementation.

As we pause to enjoy the holidays and watch the clock run out on 2004, we have no choice other than to quickly toast the New Year and begin our individual and collective efforts once again.

Hope you have safe and happy holidays. See you in January.

CONFERENCE DATES

ECA Winter Conference
January 25-28, 2005
Rye, NY

ECA Summer Conference
June 22-24, 2005
Geneva, NY



Legislative Committee Report

ECA Legislative Committee
William W. Scriber, Chair



In a time of change in election administrations throughout the country, New York State remains at a stalemate over the passage of legislation to enact the Help America Vote Act (HAVA). A few weeks ago, the Federal Elections Assistance Commission reported New York State as one of only five states that had not implemented HAVA. We in the Empire State are almost dead last in one of the most fundamental roles of a democracy — conducting elections.

So, what has been done and is being done by the Legislative Committee to bring our point of view to the attention of the public, the legislature and the governor?

At the close of the last state legislative session, we wrote each New York State Senator and Assemblyman expressing the concerns of the Election Commissioners Association on the need for legislation, produced three press releases and sent two waves of emails to state

officials. The ECA made a case for the consolidation of election responsibilities into county boards of elections as essential to the meaningful and effective implementation of HAVA in New York State. The ECA Legislative Committee pointed out that to deal with the largest single replacement of voting machine equipment and software in New York's history by allowing nearly a thousand towns and cities to muddle through the process would place the implementation process in danger. Additionally, it might jeopardize federal funding if the deadline is not met by the year 2006. The ECA also made it clear that time is running out and we needed the funds to begin the planning phase in 2004.

In November, you received a questionnaire on topics to be included in the 2005 legislative package. You know what they say about perseverance. I'm happy to announce that the committee finished its draft, and it will be included in your package at the Winter Conference.

During this year's legislative agenda, the committee focused on three major issues we believe

would improve elections administration in New York State: centralized control of elections administration, funding for the Help America Vote Act and the election administration in New York State and county elections commissioners' assurance of appointment. Additionally, we have authored six proposals to amend existing election law that has been included in past proposals.

As we face this year's legislative season we are all challenged to convince both state and county legislators of the necessity of enacting meaningful legislation that will address the Help America Vote Act. Time is running out for boards of elections to do the job right. We need time to purchase machines and to train inspectors, custodians and the public as well as time to develop new administration systems and work out software problems and vendor responsibilities. No bills being approved in 2004 greatly impairs our ability to do that.

In 2005, we are faced with doing the impossible, with a system that is by and large underfunded. I would hate to say to legislative leaders in New York State in September 2006, "we told you so," because in the end, it is the taxpayers and voters of New York that will be faced with the result of their current inaction. The result will be clear — loss of federal funding and the unavoidable election problems, which will occur from the current failure to act. Without a doubt, fingers will be pointed. I want to state clearly that the ECA has made our case, and the governor and legislative leaders who fail to heed our calls will be solely to blame for the problems that will ensue.

HAVA Havoc in Saratoga County

By William Fruci, Saratoga County, Secretary - Treasurer

The Saratoga County Board of Elections spent a good part of the month of May preparing for Election Inspector training classes which are commonly held the entire month of June. This year we were determined to teach the inspectors to complete paperwork and handle affidavits and emergency ballots correctly. We set upon the task of planning our course outline to emphasize these specific challenges.

We reviewed the problems that occurred in both the 2003 November Election and the 2004 Presidential Primary. We created new transparencies for the overhead to show the "how to's" for everything. The classes went without a hitch. Confident our inspectors would be ready for anything, we felt a celebration was in order. As we were cleaning up the crumbs from our

Continued on Page 3

The More We Know... The More We Can Prepare

By Norm Green, Chautauque County, Third Vice-President

"If you have knowledge, let others light their candle by it," said Margaret Fuller, author, teacher and leader in the 19th century Women's Suffrage Movement.

Fuller's words ring true for the New York State Election Commissioners' Association (ECA) as we prepare for another January training conference. The knowledge brought forth and shared by the commissioners and staff from sixty-two New York State boards of elections will truly continue to be the light by which we will see our way to do New York democracy's work.

Newspaper articles from other election offices throughout the remaining forty-nine states make one point crystal clear: our New York State elections are the best run in the nation.

Sure, we New York commissioners of elections will not always be perfect. Further, our friends in the media business will be watching over our shoulders to quickly point out any and all of our faults. But as long as we in the ECA band together to provide training

and forums for the exchange of election ideas, we will remain educated and knowledgeable about our serious business of running New York's elections.

Partnering with our leaders at the New York State Board of Elections, we in the ECA will and must seek solutions to all of our problems. We must continue our search for answers as to how to operate elections properly and correctly all of the time. New Yorkers deserve nothing less than continuing to have the world's best-run elections.

Further, we have already begun our talk and plan for the implementation of the Help America Vote Act of 2002 (HAVA). As we face the biggest rollout of new voting technology in the past century at least, we in the ECA will need to continue to learn, plan and prepare for what lies ahead. The New York State Legislature is moving purposefully in laying the legal framework for HAVA implementation, and the ECA will and must make sure we are all at the starting line when the gun goes off.

The ever-changing minds of the courts, the constant challenge of bal-

ancing political deference with the public needs and expectations in running elections, and the challenge of conducting public-demanded perfect elections leads us to one conclusion: New York State elections commissioners must remain fully and properly trained in order to conduct and supervise elections in the 21st century.

With that said, I look forward to seeing all of you at the Rye Town Hilton for our January 2005 training conference.

HAVA Havoc, *continued from Page 2*

cookies and punch, the fax machine rang and produced a fax from . . . Anna: HAVA legislation had been passed by the NYS Legislature, and identification would be required for this election cycle. A gasp went out across the room. How would we ever notify our inspectors and, more importantly, have them understand the process? It was decided to mail each inspector the information. Now, it was just a matter of understanding HAVA requirements ourselves. We studied the information from the state board, the forms of ID to

be accepted at the polls, and a copy of a greatly appreciated letter drafted by Orange County for their inspectors. A three-page information packet was developed for our county. The inspectors responded with a variety of questions, but on the day of the election the ID requirement went very well.



ELECTION COMMISSIONERS' ASSOCIATION
OF THE STATE OF NEW YORK

2004 - 2005



OFFICERS & COMMITTEES

Elizabeth W. Cree President 128 E. Buffalo Street Ithaca, NY 14850 607-274-5521	Norman P. Green Third Vice-President
Thomas Burke First Vice-President	Ralph M. Mohr Chairman, Executive Committee
Thomas F. Turco Second Vice-President	William W. Scriber Chairman, Legislative Committee

William Fruci
Secretary - Treasurer
50 West High Street
Ballston Spa, NY 12020
Phone: 515-885-2249 • Fax: 518-884-4751

Editor:
Carolee C. Sunderland
Voice: 914-995-5703 • Fax: 914-995-5190

Assistant Editor:
Susan Bahren
Voice: 845-291-2444 • Fax: 845-291-2457

Publisher: **Phoenix Graphics, Inc.**
Rochester, NY 14608 • 1-800-262-3202 • Fax: 585-232-5642

Reflections and Challenges

By Sue Bahren, ECA Historian, Orange County Commissioner

Presidential Election 2004 had many pundits and critics hollering early on about problems that would be faced on November 2, 2004. Although there were many long hours faced prior to the election by all of us in the business, Election Day itself was basically a trouble-free day.

Now that the 2004 election has been certified, with the possible exception of the senate race involving our colleagues at the Westchester board, we have a few moments to reflect on what we accomplished this year. With HAVA over our heads, and with incredibly high levels of activity, each of our boards worked untold hours, including holidays, week-nights and weekends, to meet our various deadlines.

While we will not know the full impact of our individual efforts until the State Board publishes our statewide Annual Report Summary, it is very easy to say that voter registration activity was incredibly high. The statewide registration figures show us that we now have over 800,000 new voters, but it is important to note that our increased workload included the processing of hundreds of thousands of

address changes for our existing voters. Absentee requests were at an all-time high for most of us, as were questions from the public who accessed very broad and sometimes less-than-helpful voter registration information from unique websites. There were approximately 7.4 million registered voters voting in this year's election. New for all of us in 2004 were the HAVA-related voter ID provisions, and while many — including some groups not necessarily advocates of ours — were fearful of this implementation, it appears to have become a nonissue with our voters. Remember what a problem the ID requirement was going to give us? Remember what a problem it did give us to get used to? Presenting ID never presented a problem on Election Day. Voters who needed to show ID did so, and now their records have been updated to reflect that information.

From what I have been able to discern from my conversations with other commissioners around the state, this year's Election Day issues were not distinguishably or significantly different from any other federal or statewide year, and I think that is the true test of our talents, perseverance, stamina and

abilities. Yes, we have ongoing work to do in continuing to beef up our inspector training classes so that the new messages of this year become routine. And yes, we need to continue to implement all the new forms, notices and posters which have been developed for our Election Day use, and ensure that they are presented and utilized in ways that are easy for our inspectors and our voters. These issues are no longer new, but are now an additional page in our own ever-changing procedure manuals.

We were handed a number of challenges this year, and contrary to the comments and allegations of our detractors, we succeeded in meeting every one of those challenges — even the tough ones. We have said it before in this newsletter and in our testimony at various public hearings. We are election professionals and as such, we not only welcome new challenges, we rise to meet them and we master them. We are looking forward to the challenges of 2005, and even 2006, and if we continue to band together and work together, we will continue to be successful this year, and we can share more success stories when we see each other at the upcoming conferences.

Another Year Over...

By Tom Turco, Ulster County, Second Vice-President

Remember the lyrics “so this is Christmas, and what have you done, another year over...” So Election 2004 has come and gone, and where is HAVA?

Ulster County reached record numbers this year: active registration - 111,406, turnout - 88,103 (79%). Our lever machines worked

just fine. Complaints were too few to mention. The dreaded ID requirement did not even generate one complaint. I must mention our staff did a wonderful job in acquiring the vast majority of ID information before we printed the poll books. And the cooperation of the voter when asked for ID information was excellent. In Ulster County, the ID

requirement was not an issue.

Four years ago our nation's election process was questioned. The creation of HAVA was going to restore faith in the election process. This year, the presidential contest was not as close. Yes, there are still some complaints, and there always

Continued on Page 5

Each Year...Mistakes and Lessons

By Carolee Sunderland, Editor



Over the years of dealing with elections, I have tried to always learn from mistakes, be they mine or someone else's. This can include not only the preparations that get you to "Election Day" (driving force = Election Calendar) but also the voters, candidates, the media, campaign people, lawyers, other boards of elections and, of course, the many court proceedings that are brought against candidates and boards throughout the year.

I believe that, as an organization of elected officials in New York State,

we must e-mail, fax, phone, write and physically meet more than we do in order to "get the word out" on court cases (and new procedures used on a day-to-day basis) so that we can better serve everyone in our county and subsequently in the State of New York. I would like to think that all the commissioners and/or deputies go into each election year feeling comfortable with the decisions that are made, and when it is pointed out that we did err, they who do the pointing must remember we are all human. Are they? I further believe that commissioners learn many lessons in a given year and that they retain and use the new (or corrected) knowledge. MOST importantly, pass this information along. However, I wonder if this can be said of the many others I mentioned at the beginning of the article.

Going to court day after day does consume much time. How-

ever, the information you acquire is immensely useful for the coming year(s). This I learned after being a commissioner for only nine months!

I will leave you with this:

Q. IS THIS THE VOTER'S HANDWRITING? (SIGNATURE)

A. YOU ARE NOT A HANDWRITING EXPERT — THEREFORE YOU CANNOT ANSWER.

Q. DOES THIS SIGNATURE (ON ENVELOPE) MATCH THE SIGNATURE IN YOUR FILE?

A. YES, IT DOES.

B. NO, IT DOES NOT.

HAPPY 2005!

Another Year Over, continued from Page 4 will be because you cannot please everyone; however, once again the system worked.

Our election process is the best there is. Will it ever be perfect? I doubt it, for perfection, although worth striving for, will most likely not be attained. After all, we are only human. We seem to be beyond questioning the need for HAVA and the costs associated with HAVA's implementation. After all, in a few days it will be one year until our extension for HAVA's implementation expires on January 1, 2006. So the question now becomes will HAVA improve our election process?

At last count, I believe there were approximately 40 states which still had to implement

HAVA. As you know, we are one. Based on the challenge in 2004 regarding the implementation of the ID requirements (and this agreement is for one year only), this could be a very difficult process. HAVA may have good intentions; however, will these good intentions step to the forefront, or will certain factions try to use HAVA as a way to gain a degree of control over the election process? Regardless, we, as election commissioners, and our staffs will be responsible for public trust and fair elections.

Remember, regardless of HAVA, there is an election process we need to remain focused on. Let our January Conference improve and refine our skills. Good luck to all in 2005!



Modernization of Election Law Needed

ECA Should Take Lead in Proposing Changes

By Ralph Mohr, Ex-Committee Chairman

Technological advances in home computing have revolutionized the way many individuals shop, bank and acquire information. Communications and documents which took days and even weeks to deliver by ordinary mail can now be sent in nanoseconds over the Internet to virtually any part of the world. Internet access sites in malls, hotel rooms and coffee shops give travelers the same ability to communicate and retrieve documents as if they were sitting at their home computer.

But while much of the private sector and some government agencies have aggressively embraced these forms of electronic technology to modernize their operations, our state's election laws, for the most part, are devoid of provisions which would allow boards of elections to pursue such new and better ways of doing business. This past presidential election demonstrated the need for change.

Last year, counties across much of this state saw record numbers of registrations, increases in military and absentee ballot applications, and the proliferation of provisional

ballots being cast at the polls. Rapid deployment of military personnel overseas and last minute notification of changes in ballot layout caused both mailing delays and an unprecedented number of voters claiming not to have received their paper ballots. Redepositing a ballot in the mail was often a poor alternative, causing expense and unwarranted anxiety for board and voter as to whether the ballot would be returned timely for canvassing.

Erie County found a solution to this problem outside the confines of the election law. By utilizing e-mail and the Internet, ballots were delivered late into the evening the day prior to the election to soldiers in Iraq, to a truck driver in North Carolina, to a person confined in a local hospital, and to travelers in California. Against the odds, many of these ballots, including the final two ballots electronically sent by the board subsequent to 9:00 pm that day, were properly and timely cast, postmarked and received by the board for canvass.

This experience shows the need for changes in the election law to

both encourage, and in some cases permit, the use of electronic technology in multiple applications of election operations beyond that of maintaining voter databases or developing new types of voting machines. Contact via Internet and e-mail between the board and voter can be a swift, effective and inexpensive form of verification and communication which has broad application to many of the functions boards of elections perform.

Voter registration verification, change of address inquiries, candidate notifications, and military and absentee ballots all lend themselves to potential increases in efficiency and cost reduction if accomplished through electronic means.

During the first part of this new year, this association needs to commit itself to identifying practices that would benefit by the use of electronic technology, bring these ideas to the attention of state lawmakers, and propose changes in the election law to permit and encourage boards of elections to adopt practices utilizing the technology of the latter 20th century. It is time for us to move aggressively on this issue.

**Election Commissioners' Association
of the State of New York
c/o 50 West High Street
Ballston Spa, New York 12020**



PRSRST STD
U.S. POSTAGE
PAID
Rochester, NY
Permit #1011