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# THE LEAGUE OF WOMEN VOTERS *of New York State*

## JOINT LEGISLATIVE PUBLIC HEARING ON 2021-2022 EXECUTIVE BUDGET PROPOSAL ON PUBLIC PROTECTION

### TESTIMONY TO THE JOINT FISCAL COMMITTEES OF THE NEW YORK STATE SENATE AND NEW YORK STATE ASSEMBLY PRESENTED VIRTUALLY FEBRUARY 10, 2021

#### *Introduction*

Over the last 2 years, the State Legislature has passed many significant election reforms to modernize and enhance our elections. Early voting, allowing greater ease when requesting an absentee ballot, online voter registration, and automatic voter registration will make voting more accessible for all New Yorkers. While we appreciate the Legislature's work passing these progressive voting measures, many new policies require an additional long-term investment from the state in order to be fully realized.

In 2020, the State Board of Elections received significant grant funding from the federal government to run elections during the pandemic. Without these funds, counties would not have been able to afford the increased cost of absentee ballots and envelopes, return postage, increased staffing, PPE for poll workers and staff, and other expenses related to voting safely.

The Governor is now proposing new reforms to further increase ballot access. Many of these new policies are a direct result of the election issues highlighted by the COVID-19 pandemic. While we are supportive of many of these policies, and the reforms to enhance voter access being introduced by the Legislature, we are concerned that the increase in mandates on county boards of elections are not accompanied by an increase in funding.

Counties are more restricted in funding than ever before and elections are often the last item on the list when it comes to county budgeting and many county boards of elections operate with limited resources. The League urges the Legislature to seriously consider the cost of these new election improvements when introducing their proposed budgets and to consider setting up a yearly fund specifically for early voting and absentee voting.

#### *Election Funding Needs*

##### **I. Early Voting**

One obvious take away from the 2020 election is that New York State voters love early voting. More than 2.5 million voters took advantage of early voting in 2020; many of these voters waited in lines up to 6 hours for the opportunity to cast their ballot early. The Legislature has already taken action to expand early voting in New York State to increase the number of poll sites in each county to avoid long lines in future elections. The League supports this effort but would urge the Legislature to carefully consider the

potential for a major unfunded mandate on counties.

New proposals to reduce the number of registered voters per early voting poll site will more than double the minimum number of mandated sites to over 800 sites statewide. Having this number of early voting poll sites around the state would be a major accomplishment but also a difficult feat if additional funds are not made available to comply with the increase. The League urges the Legislature to create an annual fund for early voting in New York State.

In 2019, \$25 million was made available to counties so they could prepare for the first year of early voting. These funds included hiring staff, securing sites, and purchasing new equipment. In the 2019 election there were 248 early voting sites around the state. In spite of this small number, counties spent well beyond the funding allocated to them for the single period of early voting. An annual funding source for early voting from the state to implement a larger scale early voting program would greatly benefit New York State voters and ensure long lines during the 9 days of early voting do not persist into the future.

## **II. Absentee Voting**

With new reforms for absentee voting expansion including allowing voters to request their absentee ballot online, allowing for the use of absentee ballot drop boxes, allowing voters to cure deficiencies with their absentee ballot, implementing absentee ballot tracking, and the impending passage of a constitutional amendment to allow for no-excuse absentee voting, an increased cost per each absentee voter is inevitable.

While many states boast a significant cost savings when switching from mostly in-person voting to vote by mail, that cost savings is not realized until many years after the policy has been passed and perfected. The current, outdated process used by New York State to collect, process, send, receive, and count absentee ballots is slow, cumbersome, and costly. The new reforms proposed to improve this process will yield major long-term savings, but still require an initial investment.

Implementing an absentee ballot tracking system can cost around \$50,000 to \$100,000<sup>1</sup>, secure absentee ballot drop boxes can cost up to \$6,000 per unit not including surveillance<sup>2</sup>, and the cost of including pre-paid postage for all absentee ballots ranges between \$1.15–\$2.00 per voter<sup>3</sup>. While each of these costs may not seem high, the cost of providing return postage for New York's more than 13 million voters alone could easily total \$26 million. Investing in 800 ballot drop boxes for each early voting site could cost \$4.8 million, and it's unclear whether or not tracking systems will require an annual payment related to maintenance and support.

Before the pandemic, only around 4% of New York State voters utilized absentee voting in a given election, but with increased advancements to the process and a desire for greater options when casting their ballot, many voters may prefer to vote absentee in the future. The state should be prepared for an increased funding request from counties to offset these costs and should consider making available grants for certain programs and equipment including tracking software and secure ballot drop boxes.

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<sup>1</sup> <https://www.brennancenter.org/our-work/research-reports/estimated-costs-covid-19-election-resiliency-measures>

<sup>2</sup> [https://www.eac.gov/sites/default/files/electionofficials/vbm/Ballot\\_Drop\\_Box.pdf](https://www.eac.gov/sites/default/files/electionofficials/vbm/Ballot_Drop_Box.pdf)

<sup>3</sup> <https://www.brennancenter.org/our-work/research-reports/estimated-costs-covid-19-election-resiliency-measures>

## ***Governor's Election Reform Proposals***

### **I. Absentee Ballot Requests**

The Governor has put forward two proposals to amend the state's absentee ballot request process. His first proposal expands the absentee ballot request period by adding 15 days to the current application period. Under his proposal, the earliest date an applicant could apply for an absentee ballot would be extended from 30 days to 45 days prior to an election.

The Senate has passed a reform S.631 (Salazar) removing any "earliest" deadline to submit an absentee ballot request. The League prefers to remove an earliest submission date altogether to give voters greater flexibility and peace of mind when requesting their absentee ballot. County boards of elections are perfectly capable of keeping track of absentee requests whether they come in a month before the election or 3 months before an election.

Governor Cuomo has also proposed establishing a uniform standard for processing absentee ballot applications. Current Election Law requires county boards of elections (CBOEs) to send absentee ballots to voters as soon as practicable. The new proposal would require CBOEs to mail absentee ballots to qualified voters within four days of receiving an absentee ballot application. Between ten days before the election and no later than seven days, an absentee ballot must be mailed to a qualified voter within twenty-four hours.

The Senate has passed S.516 (Gianaris) which also creates a process for the mailing of absentee ballots depending on when the request is received. Although both proposals are similar, S.516 allows for earlier submission of an absentee ballot request and gives boards of elections a clear calendar of when ballots must be sent. However, the Governor's proposal is a simpler approach and allows for greater ease when implementing the reform. The League is supportive of both proposals but would prefer the Senate's approach if the earliest date for absentee ballot submission can be removed.

### **II. Absentee Ballot Counting**

After recognizing some of the drawbacks of delayed absentee ballot processing in the 2020 election, the Governor has proposed that CBOEs begin processing absentee ballots as they are received and start counting them on election day. Current law requires that boards of elections meet to process and count ballots within two weeks of a general election and within eight days of a primary election. This bill requires CBOEs to start processing absentee ballots as early as 40 days before an election and start counting absentee ballots four hours before the close of polls on election day.

The Senate has passed S.1027 (Gianaris), legislation that also increases the period for counting absentee ballots. Both the Governor and Senate's proposals are very similar and would allow a voter who requested an absentee ballot to surrender that ballot at the poll site if they wish to vote in person. Voters who requested an absentee ballot but cannot surrender it will be required to vote by affidavit ballot. If an absentee ballot submitted by the voter is received within the required deadline, that vote will count, and the affidavit ballot will be laid aside.

The League believes a simpler policy would allow voters who have requested absentee ballots that have not yet arrived to vote on a machine during the early voting period. If their absentee ballot arrives later, the absentee ballot can be laid aside. On Election Day, any voter who has requested to vote by absentee ballot and does not surrender their ballot, must vote by affidavit ballot. The League is supportive of both reforms but believes there are additional improvements to the proposals that could be made.

### **III. Early Voting Hours Expansion**

In addition to reforming absentee voting, the Governor has proposed legislation to ensure that at least one early voting site per county remain open until nine o'clock in the evening at least three nights per week. The proposal also extends the minimum number of polling hours for all early voting sites on weekends. Specifically, it increases polling hours from five to ten hours per day every Saturday and Sunday during the early voting period.

The legislature has advanced but not yet passed reforms to expand the number of early voting poll sites and hours. The League is supportive of the Governor's proposal to extend early voting hours for evenings and weekends but would urge the legislature to consider the need for funding such an expansion. Without support from the state, counties will be unable to fulfill this unfunded mandate.

#### ***Conclusion***

We are hugely appreciative of the advancements the Legislature and Governor have made to New York's election procedures. New York State is finally in the 21<sup>st</sup> century with regard to voting, but we are still funding our elections as if they were being conducted in the pre-technology era. In order to realize the voter enhancement goals of the Legislative Leaders and Governor, the State Board of Elections and county boards of elections need a serious funding commitment. We urge the legislature to consider the importance of voting when drafting their budget revisions, and to ensure that their progressive elections reforms are not unfunded mandates.