



ELECTION COMMISSIONERS ASSOCIATION OF THE STATE OF NEW YORK 2022-2023 DEMOCRATIC CAUCUS

Supplemental Testimony before The New York State Assembly & New York State Senate

Joint Legislative Budget Hearing on Local Government Officials/ General Government

Wednesday, March 1, 2023.

Dustin M. Czarny, NYSECA Democratic Caucus Chair

On February 15, 2023, I appeared before the Joint legislative Budget Hearing on Local Government Officials/General Government. In the question-and-answer session several topics were discussed that time wasn't allotted for full answers. Here are my expanded answers on a few of the topics raised:

Even Year Elections (Senator Rachel May, Senator Rhodes, Senator Martins)

Stemming from discussion among several questioners I wanted to clarify my position on moving some municipal elections to even years. The NYS Elections Commissioner Association as well as the Democratic Caucus that I chair has not voiced an official opinion on this proposed legislation. Personally, I believe any move that will result in more voter participation is worthy of discussion.

My first concern is on ballot length where logistically Throwing every elected office every two years could result in longer ballots and even two-page ballots. However, that concern does not inherently prohibit my eventual support of this legislation. I note that we actually have a ballot length issue in odd year elections. There are generally more offices up in local years leading to longer ballots with further drop off in low turnout elections. It does seem that moving some of those elections to even years could actually alleviate the ballot drop off issue. It is also reasonable to believe that even with ballot drop off from the top of the ticket to the bottom that simply placing these elections in even years where voter participation can be well over 200% in odd years that more citizens would be making choices in their government is a benefit that would outweigh ballot length issues.

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I believe that moving elections that service high number of voters should be targeted first for moving to even years. Moving Countywide and County legislator elections first would actually even out the ballot length issues. There would need to be constitutional changes for cities to move their elections and it may be worth waiting for that constitutional process to happen before moving towns and villages as well. This way we could phase in these moves giving Boards of Elections time to implement the change.

Absentee Ballot Applications on Election Day (Assemblyman Jacobsen)

The NYS Elections Commissioner Association has given Bi-Partisan support for a mechanism that would allow Elections Commissioners flexibility to issue absentee ballots on Election Day, as proposed by Assemblyman Jacobson in A111. Late emerging circumstances are a reality of our election process. Currently on Election Day infirmed individuals have no explicit process to receive an absentee. Giving commissioners the ability to approve Election Day absentee requests will allow those who have late unavoidable circumstances to still cast a ballot.

Full Time Commissioners (Assemblyman Jacobson, Senator Walczyk)

The NYS Elections Commissioner Association has given Bi-Partisan support for fulltime commissioners statewide. Outside of NYC that have commissioners that meet monthly where executive director's take the administrative leave, there are 17 counties currently that have part time commissioners ranging from Broome County with 120k voters to Schuyler County with 12k voters. There are 40 other counties with full time commissioners, 26 of those counties fall into the same voter range as the 17 counties that have decided to have part-time commissioners.

The modern elections commissioner must navigate heavier workflows and keep up with Electoral reforms. In 2019 the political calendar changed moving the primary from September to June. We also added in Early Voting and portable registration that same year. In 2022 we added pre-canvassing of Absentee ballots that happen the 45 days preceding an election. The implementation of online voter registration with the DMV in 2016 has increased our voter registration work and that will expand later this year with the new 10-day constitutional minimums and online and automatic voter registration.

With all these improvements to our electoral system it has become necessary for commissioners to make daily decisions now more than ever. Part time commissioners are often doing full time work for less pay and are leaving the profession. We need full time dedicated commissioners to carryout the demanding job of our new political calendar. Furthermore,

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fulltime positions will attract the best candidates to serve as elections commissioners and alleviate concerns over conflicts of interest created by the demands of finding other employment.

Voter Identification (Senator Rhodes)

We have limited voter identification in New York. We currently require a voter to be verified upon registering to vote either through the Department of Motor Vehicles or Social Security Administration. If a new voter is unable to do so, upon presenting themselves at the polls they will be required to furnish one of several pieces of identification. After their initial voting experience we rely on the bipartisan checks at the polling places including signature checks to identify voters. If a polling inspector believes a signature to be suspect, they can challenge voters and if they fail the challenge process an affidavit ballot that will be investigated post-election can be used.

This system has worked remarkably well. By all independent accounts there is very little fraud in our system. A [2014 study by the Washington post](#) identified 31 credible instances of impersonation fraud from 200 to 2014, out of one billion votes cast. In a 2017 [study by the Brennan Center](#) found that instances of voter fraud were so small it is more likely an American “will be struck by lightning than that he will impersonate another voter at the polls.”. In fact the most high profile instances of recent voter fraud, such as [voters double voting with dual residencies](#) or the [troubling instances in Rennselaer county](#) revolve around absentee voting fraud. Such fraud while unfortunate and rare would not be resolved by an in-person voter identification requirement.

Voter Identification, as implemented in every state that has required it, is suppressive in it’s very nature. Often it acts as a barrier to younger, elderly, minority, and economically distressed populations. There is usually a cost to voter identification creating an inherent poll tax for many eligible voters. Also there are usually discrepancies in what is considered valid IDS, often state issued student IDS are not deemed valid but gun and hunting licenses are. The Brennan Center has collected a [comprehensive list of third party studies](#) that show the suppressive nature of voting id laws.

Since In-Person Voting Fraud has been proven to be rare and a non-factor in US elections. Voter ID has been shown to be suppressive in nature and cost prohibitive in implementation. IN short, Voter ID laws are a solution pretending to fix a non-existent problem while creating many other problems that would have a negative effect on our electoral system. It is not needed in New York in my professional opinion.

Urban falloff in voter participation (Senator Martins)

In response to Senator Martins question about a disparity in turnout in suburban and urban parts of his district, this is not abnormal behavior. Urban populations tend to have many

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factors that have lower turnout. Urban populations are younger and poorer than their suburban counterparts. Both of those populations have many social and economic reasons that result in lower participation in elections. Also lack of competition in urban areas can hurt their performance in a General Election. High polarization has left cities being dominated by single parties and often after the primary election there are no viable general election races. The same can be found in the most rural parts of our state as well.

This underscores the need for an investment by New York in funds for Voter Education. This is a bi-partisan request of the New York Elections Commissioner Association and often left out of county budgets who fund our Bi-partisan Election Boards. These funds can be targeted to traditionally low turnout populations to educate on polling hours, location, and ballot options for those voters.

Village Elections in the Fall (Assemblyman Brown)

I am a proponent of moving village elections out of the March and June calendars and into the November. In my county we have encouraged 5 of our 17 villages to move elections to the November calendar. Those 5 villages are about as different as can be. We have a large partisan village that run on party lines (Solvay), 1 small partisan village in Elbridge that runs on party lines, one larger village in East Syracuse that runs on non-partisan lines, and two small villages Camillus and Tully that traditionally run on non-partisan lines. In all 5 villages the move to November saved them 100% of their election costs and saw turnout increases from 25% to 90% in their elections. None of the non-partisan villages were forced to run on party lines. I reject the notion that smaller turnout electorates are somehow better at deciding their elected leadership. In general the higher rate of turnout results in elected leadership that is more connected with all of their residents needs and supported by that same electorate.

I also believe it is unfair to village clerks to expect them to carry out the modern election reforms that we have in New York. March and June Village elections run by village clerks are not required to have the absentee voting practices of pre-canvass and curing of ballots. They also often do not have access to modern voting equipment and ballot design and have resulted in some of the While village elections run by Boards of Elections do result in better run elections and some access to absentee reforms for the village voters, other reforms are still absent. March and June village elections do not have Early Voting and affidavit ballot voting. Village voters deserve access to these reforms and is one of the reasons why Village elections should happen in November with other elections.

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