

3/27/23 Keith's report FROM BRENNAN CENTER MEMO

Modernize commissioner appointments:

The current lack of transparent, merit-based selection standards at New York's BOEs limits consideration of the most qualified possible pool of candidates and harms public trust. **S645 (Mannion)** would change this status quo by requiring the State Board of Elections (SBOE) to prescribe qualifications for all local commissioners, including demonstrated election administration experience or other relevant management experience. These standards will help assure the public that commissioners have the skills to run elections [on Senate floor calendar]

Strengthen training requirements:

Inadequate training for BOE commissioners and staff undermines voter service. Two bills in this package would make a meaningful difference in preparing BOEs and poll workers to serve voters.

- In the 2021 legislative hearings on election reform and voting rights, poll workers repeatedly called for more comprehensive training. **S587(Comrie)/A268 (Walker)** would strengthen the minimal existing requirements for poll worker training by providing a baseline of subjects that training must cover, from emergency voting processes to language access. The bill also sensibly requires the State Board of Elections (SBOE) to establish a training institute that equips local BOE staff to better train poll workers in their county. [passed and signed]

- Mandatory training for commissioners is standard practice in other states that use bipartisan election boards, but not in New York. **S617 (Myrie)** would require local commissioners to complete a uniform training curriculum within six months of their appointment. [on Senate floor calendar]

Improve accountability:

Even when election administration failures cost New Yorkers opportunities to vote, local BOE commissioners rarely face consequences. The governor has the sole authority to remove local commissioners, but no governor has ever exercised that power, even after egregious failures by local BOEs have disenfranchised large numbers of voters. **S585 (May)** would provide additional protection for voters' interests by also empowering the SBOE to remove local commissioners for just cause, with due process protections. [on Senate floor calendar]

Increase staffing resources and compensation:

Our research underscores that election officials nationwide need more resources. New York is no exception. Local BOE commissioners consistently cite inadequate funding and staffing as impediments to serving voters. This includes the challenge of recruiting and retaining poll workers, a role at the front lines of our democracy that demands long and often grueling workdays. Several bills in this package respond to the critical resource challenges that BOEs face.

Two bills would help incentivize more New Yorkers to serve as poll workers by improving compensation.

S136 (Krueger) /A2565 (Colton) would raise the minimum pay for election dayworkers in New York City and increase their compensation for attending trainings. By enacting these changes, New York would follow New Jersey and many local jurisdictions across the country that have increased pay to attract more poll worker support. **S613** would subtract any income earned from serving as a poll worker from an individual's federal adjusted gross income, which similarly works to encourage more people to serve in this vital role. [in Senate Finance Committee / Assembly Election Law Committee]

Long workdays make it difficult for BOEs to attract enough poll workers, especially among working New Yorkers. **S609 (Hoylman-Sigal/A6973 (Glick))** would allow local BOEs to employ poll clerks to work split shifts with adjusted compensation, which current law already permits for election inspectors. This change would help broaden the pool of poll workers and address persistent staffing shortages. [in Senate Election sCommittee / Assembly Election Law Committee]

Election administration is a year-round job that requires full-time dedication and expertise across an increasingly wide range of issues and topics. **S611 (Mayer)/A919 (Jacobson)** would make local commissioners full-time employees, which will encourage a broader, more diverse group of New Yorkers to serve in these roles. [in Senate Finance Committee / Assembly Election Law Committee] **S644 (Mannon)/A1258 (Hunter)** would require every local BOE to employ at least four full-time employees in addition to the appointed commissioners (or more, in counties serving larger numbers of active registered voters). Such guaranteed staffing will help local boards keep up with the increased complexities of election administration. . [in Senate Finance Committee / Assembly Election Law Committee]

Restructure and professionalize the New York City Board of Elections:

The New York City BOE's unwieldy structure and track record of persistent election administration failures contribute to its notorious reputation for dysfunction. **S619/A662** would bring national best practices in election administration to the agency. Key components of the bill include reducing the overly diffuse board from ten commissioners to two and clarifying the powers and responsibilities of commissioners and executive staff. The bill would also broaden the qualified pools for talent by requiring a nationwide search for the executive director and by reducing unnecessary, party-based duplication of staff roles. Together, these reforms provide a strong first step in improving the NYC BOE's ability to serve voters.

<https://www.brennancenter.org/our-work/research-reports/memorandum-support-2023-legislative-package-improve-election>

