

Good afternoon and thank you for the opportunity to speak to you today on a topic that I believe should concern citizens of every political persuasion: ensuring that Americans have confidence in elections.

As you probably know, I'm a lifelong New Yorker and have spent a considerable amount of my adult life working in the areas of election administration and election law. For six years, I worked as an administrator at the New York State Board of Elections. Since leaving the State BOE in 2015, I've had the great opportunity to represent candidates, party committees, and election commissioners throughout New York State and before courts at every level of our state court system.

New York's elections are administered by bipartisan Boards of Elections in each of New York's 62 counties plus one New York City Board of Elections which is run by the 10 commissioners from the five boroughs that comprise the City of New York. This is all overseen by a State Board of Elections which is led by four commissioners — two from each of the two major political parties. A bipartisan guarantee in election administration is mandated by Article II, Section 8 of the New York State Constitution. While far from perfect, this bipartisan system, in my opinion, does a great deal to bolster the confidence of New Yorkers in their election system.

While the bipartisan structure of New York's Boards of Elections is something I believe we all should support and work to preserve, there is no denying that New York's election system has received some — often deserved — criticism in recent years. For instance, in 2013, a Commissioner of Elections in Dutchess County pled guilty to election-related absentee ballot fraud charges and was forced to resign her office.¹ In 2009, the Rensselaer County city of Troy, New York was the center of an absentee ballot forgery scandal.² More recently, an Election Commissioner and a local elected official in that same county pled guilty to absentee ballot fraud-related charges in connection with the 2021 election.³

In late 2022, a grand jury convened by Staten Island District Attorney Michael McMahon — a former Democratic member of the U.S. House of Representatives — issued, in the words of the Staten Island Advance, “a blockbuster report” on irregularities and possible criminal conduct in connection to a 2021 primary election.⁴ The grand jury found a number of instances of irregularities, including an instance of a voter signing an election document after his death and multiple instances of signatures for different voters that looked to have been written by the same person.

¹ <https://www.dailyfreeman.com/2013/11/15/dutchess-elections-commissioner-fran-knapp-pleads-guilty-to-2-charges-will-resign/>

² <https://www.timesunion.com/local/article/Jailed-former-Troy-councilman-in-court-5994460.php>

³ <https://www.nbcnews.com/politics/elections/former-ny-election-official-pleads-guilty-2021-ballot-fraud-rcna65462>; <https://www.news10.com/news/rensselaer-county/troy-city-council-member-pleads-guilty-to-identity-theft/>

⁴ <https://www.silive.com/politics/2022/11/staten-island-grand-jury-calls-for-election-law-changes-after-investigating-fraud-charges-in-21-race.html>

The Staten Island grand jury report didn't just identify the problems that occurred in the 2021 primary; it also offered a number of proposals for how to improve elections in New York State and bolster the public's confidence in our electoral system. Among the recommendations made by the grand jury and supported by DA McMahon are a prohibition on ballot harvesting by campaigns or individuals associated with campaigns; a requirement that local Boards of Elections retain the services of qualified experts to review signatures on absentee ballot envelopes; a prohibition on campaigns or the employees of campaigns from handling or witnessing absentee cure letters and affirmations; and a requirement that absentee voters enclose proof of identification with their ballot or have their absentee ballot envelope witnessed by another individual.⁵ Many of these proposed changes are, in my opinion, commonsense, and I believe New Yorkers from across the political divide would see them the same way. At a minimum, levelheaded people from across the political spectrum should be able to have an honest, civil discussion on the merits of the election reform proposals offered by the Staten Island grand jury.

Since 2019, due to one-party control of state government, New Yorkers have seen a number of monumental changes made to the state Election Law and in how elections are run in New York State. Two of the most notable changes were the establishment of a single, combined federal and state primary conducted in June and the establishment of early voting before all primary, special and general elections.

What might be more interesting, however, is what hasn't changed since 2019 and what, at the 2021 general election, was rejected by New York voters.

In 2021, New Yorkers had the opportunity to vote on three amendments to the state constitution that would, as the amendments' supporters would argue, make it easier for New Yorkers to vote. Critics of these proposals, like me, saw them as a weakening of the commonsense election integrity safeguards that have been enshrined in our state constitution, in some cases, for over a century.

The state constitution specifically states under what narrowly defined circumstances the state legislature may allow for absentee voting; one of the defeated 2021 amendments would have eliminated this safeguard and enabled the state legislature to enact no fault absentee voting. On Election Day 2021, the voters of New York rejected this amendment by over 300,000 votes.⁶ Opposition to this amendment didn't just come from where you would expect — the more rural and conservative parts of Upstate New York. The amendment was defeated in Albany, Rockland, Onondaga, Monroe and Erie counties, all large urban and suburban counties where enrolled Democrats outnumber enrolled Republicans.

By an even greater margin, New York voters in 2021 rejected a constitutional amendment to allow the state legislature to enact same day voter registration.⁷ The

⁵ <https://www.statenislandda.org/wp-content/uploads/2022/11/RELEASE-Grand-Jury-Report- compressed.pdf>

⁶ https://www.elections.ny.gov/NYSBOE/elections/2021/General/GE2021_BallotProp4.xlsx

⁷ https://www.elections.ny.gov/NYSBOE/elections/2021/General/GE2021_BallotProp3.xlsx

state constitution states that every citizen has a right to vote provided that they register at least ten days prior to the election in which they will vote. The defeated amendment would have scrapped this very sensible election safeguard and allowed the state legislature to enact same day voter registration. Like the no fault absentee voting amendment, this amendment was defeated by the voters of New York, and it was rejected in “red” as well as “blue” counties.

Finally, voters in 2021 rejected an amendment that would weaken the anti-gerrymandering provisions of the state constitution. These anti-gerrymandering provisions — which were only approved by the voters of New York in 2014 — were originally backed by leaders in both major parties and New Yorkers of all political persuasions. The amendment to weaken the constitutional prohibition on gerrymandering initially passed each house of the state legislature on party line or near party line votes, with Democratic state legislators voting for the amendment and Republican state legislators voting against it. When the voters of New York had their say at the 2021 general election, the amendment was rejected by around 300,000 votes.

There is no denying that New York is a “blue” state; in fact, it’s one of the “bluest” states in the Union. Statewide, Democrats outnumber Republicans by a margin of greater than 2-1; there are over 3 million more Democrats than Republicans in New York State; and even blank or independent voters outnumber enrolled Republicans.⁸ The last Republican to be elected statewide in New York was Gov. George Pataki; his last reelection occurred over two decades ago. The voters of “deep blue” New York, however, rejected amendments to the state constitution that most observers would characterize as “progressive” or “liberal.”

Maintaining the integrity of our elections and ensuring that voters have confidence in our system is not and should not be a partisan issue, and the results of the 2021 election in New York, I believe, demonstrate that voters across the political spectrum desire reasonable, commonsense measures to protect the safety and security of our elections. Thank you for inviting me today and thank you for this great opportunity to speak with you on a topic of such importance to our country.

⁸ https://www.elections.ny.gov/NYSBOE/enrollment/county/county_Feb23.xlsx