



MEMORANDUM OF SUPPORT – S.1434/A.4961

March 9, 2009

Bill Number: S.1434 (DILAN)/A.4961 (LOPEZ, V.)

Title

An act to amend the election law, in relation to prohibiting election commissioners and deputy elections commissioners from holding a publicly elected office.

Summary

This bill amends subdivisions 4 and 6 of §3-200 of the Election Law to prohibit election commissioners and deputy election commissioners from holding an elected office with the exception of notary public, commissioner of deeds, member of a community board within the city of New York or trustee of school officer outside of a city.

Statement of Support

Citizens Union supports S.1434/A.4961 because it would ensure that election commissioners and deputy election commissioners do not have employment conflicts of interest that would affect their ability to execute their responsibilities as election commissioners.

The law currently sets forth specific requirements for appointment as an election commissioner. Namely, the person must be a registered voter, an enrolled member of the party recommending his or her appointment, and must not hold a public office. The law, however, does provide exceptions from the public office limitations to allow election commissioners to serve as a commissioner of deeds, notary public, village officer, city or town justice or member of a community board in New York City.

This bill makes two important amendments to the law to strengthen its mandate and protect against conflicts of interest: (1) it extends the law's coverage to include deputy election commissioners, which guarantees that deputy commissioners must also satisfy these requirements before assuming their position; and (2) amends the law to prohibit commissioners and deputy commissioners from serving as village officer or city or town justice.

Allowing commissioners and deputy commissioners to serve as election administrators while also being able to run on a particular political party ticket for elected positions as a village officer or city or town justice presents a serious conflict of interest. An election commissioner could run for one of these positions and, in his or her capacity as an election administrator, rule on petition challenges and the validity of affidavit and absentee ballots, as well as certify the results of the race that he or she participated in. Ideally Citizens Union believes that New York must overhaul substantially the election administration system and move to a new elections governance structure which would remove many of the institutional obstacles and partisan conflicts that we believe have stymied the current boards of election. Absent the constitutional and statutory changes necessary to permit full scale election administration reform, Citizens Union supports the changes present in this bill because we believe the integrity of election administration relies heavily on having commissioners and deputy commissioners that do not have outside positions that conflict with their roles as election administrators.

We urge the Legislature to promptly pass this legislation and to work with Citizens Union to take steps to advance meaningful election reform to ensure that conflicts such as those being remedied by the current bill no longer plague our election administration system.