

Governmental Operations & Advocacy Committee Meeting
Board of Elections Agenda
June 30, 2023

Committee Members: Supervisor Strough, Conover, Frasier, Geraci, Thomas, Driscoll, and Wild.

- I. Committee Meeting Called to Order by Chair
- II. Approval of minutes of prior Committee Meeting
- III. Action Agenda/New Business Items:
 1. Request to amend the existing agreement with NYSBOE for the Absentee Ballot Pre-Paid Postage Grant Program previously authorized by Resolution No. 760 of 2022. Original term of agreement was for 7/1/22 – 12/31/22, the grant term has been amended to 7/1/22 – 12/31/23 and additional funding of \$22,620.96 has been awarded.
 2. Request to amend the County Budget in the amount of \$22,620.96 to reflect the receipt of additional funding awarded under the NYSBOE Absentee Ballot Pre-Paid Postage Grant Program.
 3. Request to rescind Resolution No. 162 of 2023 which appropriated \$29,100 from the Election Equipment Reserve to the Board of Elections budget for the purchase of printers. The price of equipment has doubled since the original bid; Department is seeking out alternate options and equipment. Through the rescinding of Resolution No. 162 of 2023, the funds will be returned to the Election Equipment Reserve.
 4. Request to amend the County Budget in the amount of \$67,496.53 to reflect the receipt of additional funding awarded under the NYSBOE Technology Innovation and Election Resource (TIER) Grant Program.
- IV. Discussion Items:
 1. Even-year Election Bill (S.3505-B / A.4282-B) – Bill passed by the Assembly and Senate will require most County and Town elections to be held on even years (all Town Supervisor elections are currently held on odd years). Both the Democratic and Republican Caucus of the New York State Election Commissioners Association (NYSECA) and NYSAC have opposed the legislation; NYSAC suggests that letters be forwarded by municipalities who are not in favor of the bill to Governor Hochul asking her to veto.
- V.: Referrals/Pending Items: None
- VI.: Privilege of the Floor and public comment
- V.: Motion to Adjourn

RESOLUTION REQUEST FORM NO. 20

MISCELLANEOUS

****Please List All Other Requests Not Covered by Previous Resolution Request Forms Here.
Please attach any backup information available and be as detailed as possible.***

DEPARTMENT NAME:

DATE:

(a) Purpose of Request:

(b) Details:

(c) Previous Resolution Number:

(d) Where are the Funds (if required)? List Budget Code, Object Code, Full Title* and Amount:

Sample: A.8021 470 Planning & Community Development – Contract

* as listed in budget and LOGOS

Peter S. Kosinski
Co-Chair



**Board of
Elections**

Douglas A. Kellner
Co-Chair

Anthony J. Casale
Commissioner

40 NORTH PEARL STREET, SUITE 5
ALBANY, N.Y. 12207-2109

Andrew J. Spano
Commissioner

Raymond J. Riley III
Co-Executive Director

Phone: 518/474-8100 Fax: 518/486-4068
<http://www.elections.ny.gov>

Kristen Zebrowski-Stavisky
Co-Executive Director

COVER LETTER

COUNTY NAME: **Warren County Board of Elections**

CONTRACT NAME: **Absentee Ballot Pre-Paid Postage**

CONTRACT NUMBER: **BOE01 - T004620 - 1110000**

ORIGINAL CONTRACT TERM: **07/01/2022 – 12/31/2022**

AMENDED CONTRACT TERM: **12/31/2022 – 12/31/2023**

JUSTIFICATION FOR AMENDED TERM:

The Early Voting Expansion Grant Program was reappropriated in the SFY 2023-24 budget. Extending the contract term provides County Boards of Elections sufficient time after the certification of the General Election to complete required grant administration and expend their remaining grant funds.

COUNTY BOE COMMISSIONER SIGNATURE: _____

Handwritten signature of Anthony J. Casale in black ink, written over a horizontal line.

COUNTY BOE COMMISSIONER SIGNATURE: _____

Handwritten signature of Douglas A. Kellner in black ink, written over a horizontal line.

STATE OF NEW YORK MASTER CONTRACT FOR GRANTS FACE PAGE

<p>STATE AGENCY (Name & Address): New York State Board of Elections 40 North Pearl Street, Suite 5 Albany, NY 12207</p>	<p>BUSINESS UNIT/DEPT. ID: BOE01 / 1110000 CONTRACT NUMBER: BOE01 - T004620 - 1110000 CONTRACT TYPE: <input type="checkbox"/> Multi-Year Agreement <input type="checkbox"/> Simplified Renewal Agreement <input checked="" type="checkbox"/> Fixed Term Agreement</p>
<p>CONTRACTOR SFS PAYEE NAME: Warren County Board of Elections</p>	<p>TRANSACTION TYPE: <input type="checkbox"/> New <input type="checkbox"/> Renewal <input checked="" type="checkbox"/> Amendment</p>
<p>CONTRACTOR DOS INCORPORATED NAME: N/A</p>	<p>PROJECT NAME: Absentee Ballot Pre-Paid Postage</p>
<p>CONTRACTOR IDENTIFICATION NUMBERS: NYS Vendor ID Number: 1000002438 Federal Tax ID Number: 14-6002576 DUNS Number (if applicable):</p>	<p>AGENCY IDENTIFIER: N/A CFDA NUMBER (Federally Funded Grants Only): N/A</p>
<p>CONTRACTOR PRIMARY MAILING ADDRESS: Human Services Building - 3rd Floor 1340 State Route 9 Lake George, NY 12845 CONTRACTOR PAYMENT ADDRESS: <input type="checkbox"/> Check if same as primary mailing address CONTRACT MAILING ADDRESS: <input type="checkbox"/> Check if same as primary mailing address</p>	<p>CONTRACTOR STATUS: <input type="checkbox"/> For Profit <input checked="" type="checkbox"/> Municipality, Code: <input type="checkbox"/> Tribal Nation <input type="checkbox"/> Individual <input type="checkbox"/> Not-for-Profit Charities Registration Number: N/A Exemption Status/Code: N/A <input type="checkbox"/> Sectarian Entity</p>

Contract Number: # BOE01 - T004620 - 1110000

Page 1 of 2

Master Grant Contract, Face Page

STATE OF NEW YORK MASTER CONTRACT FOR GRANTS FACE PAGE

<p>CURRENT CONTRACT TERM: From: 07/01/2022 To: 12/31/2022</p> <p>CURRENT CONTRACT PERIOD: From: 07/01/2022 To: 12/31/2022</p> <p>AMENDED TERM: From: 07/01/2022 To: 12/31/2023</p> <p>AMENDED PERIOD: From: 12/31/2022 To: 12/31/2023</p>	<p>CONTRACT FUNDING AMOUNT <i>(Multi-year - enter total projected amount of the contract; Fixed Term/Simplified Renewal - enter current period amount):</i></p> <p>CURRENT: \$22,620.96</p> <p>AMENDED: \$22,620.96</p> <p>FUNDING SOURCE(S)</p> <p><input checked="" type="checkbox"/> State <input type="checkbox"/> Federal <input type="checkbox"/> Other</p>
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FOR MULTI-YEAR AGREEMENTS ONLY - CONTRACT PERIOD AND FUNDING AMOUNT:
(Out years represent projected funding amounts)

#	CURRENT PERIOD	CURRENT AMOUNT	AMENDED PERIOD	AMENDED AMOUNT
1				
2				
3				
4				
5				

ATTACHMENTS PART OF THIS AGREEMENT:

Attachment A: A-1 Program Specific Terms and Conditions
 A-2 Federally Funded Grants

Attachment B: B-1 Expenditure Based Budget
 B-2 Performance Based Budget
 B-3 Capital Budget
 B-1(A) Expenditure Based Budget (Amendment)
 B-2(A) Performance Based Budget (Amendment)
 B-3(A) Capital Budget (Amendment)

Attachment C: Work Plan

Attachment D: Payment and Reporting Schedule

Other: Attachment E funding schedule

IN WITNESS THEREOF, the parties hereto have executed or approved this Master Contract on the dates below their signatures.

CONTRACTOR:

Warren County Board of Elections

By: _____

Printed Name

Title: _____

Date: _____

STATE AGENCY:

NYS Board of Elections

By: _____

Printed Name

Title: _____

Date: _____

STATE OF NEW YORK

County of _____

On the ___ day of _____, _____, before me personally appeared _____, to me known, who being by me duly sworn, did depose and say that he/she resides at _____, that he/she is the _____ of the _____, the contractor described herein which executed the foregoing instrument; and that he/she signed his/her name thereto as authorized by the contractor named on the face page of this Master Contract.

(Notary) _____

ATTORNEY GENERAL'S SIGNATURE

STATE COMPTROLLER'S SIGNATURE

Printed Name

Printed Name

Title: _____

Title: _____

Date: _____

Date: _____

Warren County Board of Supervisors

RESOLUTION NO. 760 OF 2022

RESOLUTION INTRODUCED BY SUPERVISORS LEGGETT, THOMAS, BRUNO, MERLINO, RUNYON, DIAMOND AND DRISCOLL

RATIFYING THE ACTIONS OF THE CHAIR OF THE BOARD OF SUPERVISORS IN EXECUTING A GRANT AGREEMENT WITH THE NEW YORK STATE BOARD OF ELECTIONS FOR ABSENTEE BALLOT PRE-PAID POSTAGE

WHEREAS, based upon a request from the Commissioners of the Board of Elections, the Finance Committee approved a request to execute a grant agreement with the New York State Board of Elections for Absentee Ballot Pre-Paid Postage funding, in an amount not to exceed Twenty-Two Thousand Six Hundred Twenty Dollars and Ninety-Six Cents (\$22,620.96), for a term commencing July 1, 2022 and terminating December 31, 2022, and

WHEREAS, the Chair of the Board of Supervisors executed the time-sensitive grant agreement prior to the December 16, 2022 Board of Supervisors Meeting, now, therefore, be it

RESOLVED, that the actions of the Chair of the Board of Supervisors be, and hereby are, ratified with regard to executing the grant agreement with the New York State Board of Elections, 40 North Pearl Street, Suite 5, Albany, New York 12207, for Absentee Ballot Pre-Paid Postage funding, in an amount not to exceed Twenty-Two Thousand Six Hundred Twenty Dollars and Ninety-Six Cents (\$22,620.96), for a term commencing July 1, 2022 and terminating December 31, 2022, in a form approved by the County Attorney, and be it further

RESOLVED, that if any further funding becomes available during the term of this contract, no further resolution will be necessary to accept these funds and the Chair of the Board of Supervisors is authorized to execute any documents necessary to receive the funds.

RESOLUTION REQUEST FORM NO. 7

Request to Amend County Budget*

****If this is the result of a grant award, also complete and submit Form No. 5 or 6***

DEPARTMENT NAME: BOARD OF ELECTIONS

DATE:

(a) Purpose of Amendment:

**To accept additional grant funding awarded under the NYS Board of Elections
Absentee Ballot Pre-Paid Postage Grant Program**

(b) Appropriation Code, Object Code, Full Title and Amount:

A.1450 424, Board of Elections, Postage - \$22,620.96

(c) Revenue Code (with title), and Amount:

A.1450 3056, Board of Elections, Absentee Ballot Program - \$22,620.96

RESOLUTION REQUEST FORM NO. 20

MISCELLANEOUS

****Please List All Other Requests Not Covered by Previous Resolution Request Forms Here.
Please attach any backup information available and be as detailed as possible.***

DEPARTMENT NAME: BOARD OF ELECTIONS

DATE:

(a) Purpose of Request:

To rescind Resolution No. 162 of 2023

(b) Details:

Appropriation was intended to fund purchase of printers; as the price of the equipment has doubled since the first quote was obtained alternate options and equipment are being researched. The rescinding of this resolution will return the appropriated funds (\$29,100) to the reserve account for election equipment (A.898.00)

(c) Previous Resolution Number:

R162/2023

(d) Where are the Funds (if required)? List Budget Code, Object Code, Full Title* and Amount:

A.1450 220, Board of Elections, Office Equipment - \$22,875

A.1450 260, Board of Elections, Other Equipment - \$6,225

(all funds to be returned to A.898.00, Reserve, Election Equipment)

Sample: A.8021 470 Planning & Community Development – Contract

* as listed in budget and LOGOS

Warren County Board of Supervisors

RESOLUTION NO. 162 OF 2023

RESOLUTION INTRODUCED BY SUPERVISORS LEGGETT, RUNYON, THOMAS, FRASIER, GERACI, BRUNO AND BEATY

**AUTHORIZING THE APPROPRIATION OF FUNDS FROM
THE ELECTION EQUIPMENT RESERVE TO THE BOARD OF ELECTIONS BUDGET TO
COVER THE COST OF EQUIPMENT; AND
AMENDING 2023 WARREN COUNTY BUDGET**

RESOLVED, that the Warren County Board of Supervisors hereby authorizes the appropriation of funds to cover the cost of equipment, in an amount not to exceed Twenty-Nine Thousand One Hundred Dollars (\$29,100) from the Reserve, Election Equipment (A.898.00) to the following budget codes:

CODE	DEPARTMENT	AMOUNT
A.1450 220	Board of Elections, Office Equipment	\$22,875.00
A.1450 260	Board of Elections, Other Equipment	\$ 6,225.00

and be it further

RESOLVED, that the Warren County Budget for 2023 be, and hereby is, amended accordingly.

RESOLUTION REQUEST FORM NO. 7

Request to Amend County Budget*

****If this is the result of a grant award, also complete and submit Form No. 5 or 6***

DEPARTMENT NAME: BOARD OF ELECTIONS

DATE:

(a) Purpose of Amendment:

To accept additional grant funding awarded under the NYS Board of Elections Technology Innovation and Election Resource (TIER) Grant Program

(b) Appropriation Code, Object Code, Full Title and Amount:

A.1450 439, Board of Elections, Misc. Fees & Expenses - \$67,496.53

(c) Revenue Code (with title), and Amount:

A.1450 3055, Board of Elections, Technology Innovation and Election Resource (TIER) Grant Program - \$67,496.53

Peter S. Kosinski
Co-Chair



**Board of
Elections**

Douglas A. Kellner
Co-Chair

Anthony J. Casale
Commissioner

40 NORTH PEARL STREET, SUITE 5
ALBANY, N.Y. 12207-2109

Andrew J. Spano
Commissioner

Raymond J. Riley III
Co-Executive Director

Phone: 518/474-8100 Fax: 518/486-4068
<http://www.elections.ny.gov>

Kristen Zebrowski-Stavisky
Co-Executive Director

COVER LETTER

COUNTY NAME: **Warren County Board of Elections**

CONTRACT NAME: **Technology Innovation and Election Resource
(TIER) Grant Program**

CONTRACT NUMBER: **BOE01 - C004395- 1110000**

ORIGINAL CONTRACT TERM: **04/07/2021 – 01/27/2022**

AMENDED CONTRACT TERM: **01/28/2023 – 01/28/2024**

JUSTIFICATION FOR AMENDED TERM:

The Early Voting Expansion Grant Program was reappropriated in the SFY 2023-24 budget. Extending the contract term provides County Boards of Elections sufficient time after the certification of the General Election to complete required grant administration and expend their remaining grant funds.

COUNTY BOE COMMISSIONER SIGNATURE: _____

A handwritten signature in black ink, appearing to read "Andrew J. Spano", written over a horizontal line.

COUNTY BOE COMMISSIONER SIGNATURE: _____

A handwritten signature in black ink, appearing to read "Peter S. Kosinski", written over a horizontal line.

STATE OF NEW YORK MASTER CONTRACT FOR GRANTS FACE PAGE

<p>STATE AGENCY (Name & Address): New York State Board of Elections 40 North Pearl Street, Suite 5 Albany, NY 12207</p>	<p>BUSINESS UNIT/DEPT. ID: BOE01/1110000 CONTRACT NUMBER: BOE01 - C004395 - 1110000 CONTRACT TYPE: <input type="checkbox"/> Multi-Year Agreement <input type="checkbox"/> Simplified Renewal Agreement <input checked="" type="checkbox"/> Fixed Term Agreement</p>
<p>CONTRACTOR SFS PAYEE NAME: Warren County</p>	<p>TRANSACTION TYPE: <input type="checkbox"/> New <input type="checkbox"/> Renewal <input checked="" type="checkbox"/> Amendment</p>
<p>CONTRACTOR DOS INCORPORATED NAME: N/A</p>	<p>PROJECT NAME: Technology Innovation and Election Resource (TIER) Grant Program</p>
<p>CONTRACTOR IDENTIFICATION NUMBERS: NYS Vendor ID Number: 1000002438 Federal Tax ID Number: 14-6002576 DUNS Number (if applicable):</p>	<p>AGENCY IDENTIFIER: N/A CFDA NUMBER (Federally Funded Grants Only): N/A</p>
<p>CONTRACTOR PRIMARY MAILING ADDRESS: Co. Municipal Ctr. 3rd Fl.- Human Serv. 1340 State Route 9 Lake George NY 12845</p> <p>CONTRACTOR PAYMENT ADDRESS: <input type="checkbox"/> Check if same as primary mailing address</p> <p>CONTRACT MAILING ADDRESS: <input type="checkbox"/> Check if same as primary mailing address</p>	<p>CONTRACTOR STATUS: <input type="checkbox"/> For Profit <input checked="" type="checkbox"/> Municipality, Code: <input type="checkbox"/> Tribal Nation <input type="checkbox"/> Individual <input type="checkbox"/> Not-for-Profit</p> <p>Charities Registration Number: N/A</p> <p>Exemption Status/Code: N/A <input type="checkbox"/> Sectarian Entity</p>

Contract Number: # BOE01 - C004395 - 1110000

STATE OF NEW YORK MASTER CONTRACT FOR GRANTS FACE PAGE

<p>CURRENT CONTRACT TERM: From: 04/07/2021 To: 01/27/2023</p> <p>CURRENT CONTRACT PERIOD: From: 04/07/2021 To: 01/27/2023</p> <p>AMENDED TERM: From: 04/07/2021 To: 01/28/2024</p> <p>AMENDED PERIOD: From: 01/28/2023 To: 01/28/2024</p>	<p>CONTRACT FUNDING AMOUNT (<i>Multi-year</i> - enter total projected amount of the contract; <i>Fixed Term/Simplified Renewal</i> - enter current period amount):</p> <p>CURRENT: \$70,805.74</p> <p>AMENDED: \$67,496.53</p> <p>FUNDING SOURCE(S)</p> <p><input checked="" type="checkbox"/> State <input type="checkbox"/> Federal <input type="checkbox"/> Other</p>
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FOR MULTI-YEAR AGREEMENTS ONLY - CONTRACT PERIOD AND FUNDING AMOUNT:
(Out years represent projected funding amounts)

#	CURRENT PERIOD	CURRENT AMOUNT	AMENDED PERIOD	AMENDED AMOUNT
1				
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ATTACHMENTS PART OF THIS AGREEMENT:

Attachment A

A-1 Program Specific Terms and Conditions
 A-2 Federally Funded Grants

Attachment B:

B-1 Expenditure Based Budget
 B-2 Performance Based Budget
 B-3 Capital Budget
 B-1(A) Expenditure Based Budget (Amendment)
 B-2(A) Performance Based Budget (Amendment)
 B-3(A) Capital Budget (Amendment)

Attachment C: Work Plan

Attachment D: Payment and Reporting Schedule

Other: Attachment E: Funding Schedule

Contract Number: # BOE01 - C004395 - 1110000

IN WITNESS THEREOF, the parties hereto have executed or approved this Master Contract on the dates below their signatures.

CONTRACTOR:

Warren County

By: _____

Printed Name

Title: _____

Date: _____

STATE AGENCY: NYS Board of Elections

By: _____

By: _____

Printed Name

Title: _____

Date: _____

STATE OF NEW YORK

County of _____

On the ___ day of _____, _____, before me personally appeared _____, to me known, who being by me duly sworn, did depose and say that he/she resides at _____, that he/she is the _____ of the _____, the contractor described herein which executed the foregoing instrument; and that he/she signed his/her name thereto as authorized by the contractor named on the face page of this Master Contract.

(Notary) _____

ATTORNEY GENERAL'S SIGNATURE

Printed Name

Title: _____

Date: _____

STATE COMPTROLLER'S SIGNATURE

Printed Name

Title: _____

Date: _____

Warren County Board of Supervisors

RESOLUTION NO. 319 OF 2021

RESOLUTION INTRODUCED BY SUPERVISORS BEATY, LEGGETT, WILD, CONOVER AND DIAMOND AUTHORIZING SUBMISSION OF AN APPLICATION TO THE NEW YORK STATE BOARD OF ELECTIONS FOR THE TECHNOLOGY INNOVATION AND ELECTION RESOURCE (TIER) GRANT PROGRAM

RESOLVED, that the Warren County Board of Supervisors hereby authorizes the Chair of the Board of Supervisors to execute and submit an application to the New York State Board of Elections, 40 North Pearl Street, Albany, New York 12207, for the Technology Innovation and Election Resource (TIER) Grant Program, for an amount not to exceed Seventy Thousand Eight Hundred Five Dollars and Seventy-Four Cents (\$70,805.74), for a term commencing retroactive to April 7, 2021 and terminating January 27, 2022, and be it further

RESOLVED, that upon notification of the grant award, the Chair of the Warren County Board of Supervisors be, and hereby is, authorized to execute the grant agreement(s), and any and all other necessary documents relating to said agreement, in a form approved by the County Attorney, and be it further

RESOLVED, that if any further State funding becomes available during the term of this contract, no further resolution will be necessary to accept these funds and the Chair of the Board of Supervisors is authorized to execute any documents necessary to receive the funds, and be it further

RESOLVED, that should the term of this grant be extended, the Chair of the Board of Supervisors is hereby authorized to execute any relative grant extensions in a form approved by the County Attorney without the need for further Board resolution.

2021 OCT 19 12:10:32

Warren County



NYSAC
— NEW YORK STATE —
ASSOCIATION OF COUNTIES

New York State Association of Counties

540 Broadway
Albany, NY 12207

www.nysac.org

Stephen J. Acquario, Esq., *Executive Director*

Ryan M. Gregoire, *Legislative Director*

Memorandum in Opposition

A.4282-B (Paulin) / S.3505-B (Skoufis)

AN ACT to amend the town law, the village law, the county law and the election law, in relation to moving certain elections to even-numbered years

The New York State Association of Counties (NYSAC) has reviewed the above referenced legislation and opposes the enactment of this bill into law.

This legislation mandates that local elections held outside of New York City shall be held on even-numbered years. This requirement would apply to the elections of any county, or town official, with the exception of constitutionally elected officers like county clerks, district attorneys, and sheriffs.

The intent of this legislation is to increase voter turnout in local elections as, traditionally, in even number years have higher rates due to the interest in Federal and Statewide elections. However, by moving some and not all local elections, those that remain in odd number years (including but not limited to city, village, county constitutional officers, judges, and school board members) there will be less, not more, awareness of these elections that remain and therefore will result in less turnout.

Regardless of increased or decreased turnout, the legislation violates constitutionally protected home rule powers by pre-empting a county charter, local law and local referendum powers and forcing a change to the term of an elected official.

This legislation is also contrary to the spirit of home rule to allow the issue of whether county legislatures may adopt provisions relating, as these do, to their "affairs or government" to turn on the existence or nonexistence of county charters. Our statutes, as they have evolved, now allow counties considerable latitude to choose that structure of local government which is best tailored to serve particular community needs. An aspect of government organization as limited as the method of filling legislative vacancies can hardly have been intended to be excepted. To resort to implication to find that power non-existing unless it is included in a comprehensive county charter would not only confine the authority of local governing bodies far more closely than the import of any language in the home rule article suggests, but, by its over-restrictive nature, would tend to undermine initiative on the part of local government. It would also run counter to article IX's command that the rights and powers granted to local governments "shall be liberally construed" (NY Const, art IX, § 3, subd [c]).

Lastly, the narrow scope of this bill which only impacts county executives, county legislators, county board of supervisors, and town officials is nothing more than a veneer to usurp the home rule authority of local governments to establish a governance structure that is best suited for their community.

It is for the abovementioned reasons that NYSAC opposes the enactment of this legislation.

TO: Assembly Sponsor; Senate Sponsor; Assembly Election Law; Senate Elections

The New York State Association of Counties is a bipartisan municipal association serving all the counties of New York. Organized in 1925, NYSAC's mission is to represent, educate, advocate for and serve our member counties and the thousands of elected and appointed county officials who serve the public. For more information, visit www.nysac.org.



NYSAC

NEW YORK STATE
ASSOCIATION OF COUNTIES

515 Broadway, Suite 402, Albany, New York 12207

Phone: (518) 465-1473 Fax: (518) 465-0506

www.nysac.org

President: Michael E. Zurlo, Clinton County

Executive Director: Stephen J. Acquario, Esq.

June 20, 2023

Elizabeth Fine, Esq.
Counsel to the Governor
Executive Chamber
State Capitol
Albany, New York 12224
legislative.secretary@exec.ny.gov

Re: Legislation before the Governor

Bill Number: **A.4282-B (Paulin) / S.3505-B (Skoufis)**

Dear Ms. Fine,

The New York State Association of Counties (NYSAC) has reviewed the above referenced legislation and opposes its enactment into law.

This legislation mandates that local elections held outside of New York City shall be held on even-numbered years. This requirement would apply to the elections of any county, or town official, with the exception of constitutionally elected officers like county clerks, district attorneys, and sheriffs.

The intent of this legislation is to increase voter turnout in local elections as, traditionally, in even number years have higher rates due to the interest in Federal and Statewide elections. However, by moving some and not all local elections, those that remain in odd number years (including but not limited to city, village, county constitutional officers, judges, and school board members) there will be less, not more, awareness of these elections that remain and therefore will result in less turnout.

Regardless of increased or decreased turnout, the legislation violates constitutionally protected home rule powers by pre-empting a county charter, local law and local referendum powers and forcing a change to the term of an elected official.

This legislation is also contrary to the spirit of home rule to allow the issue of whether county legislatures may adopt provisions relating, as these do, to their "affairs or government" to turn on the existence or nonexistence of county charters. Our statutes, as they have evolved, now allow counties considerable latitude to choose that structure of local government which is best tailored to serve particular community needs. An aspect of government organization as limited as the method of filling legislative vacancies can hardly have been intended to be excepted. To resort to implication to find that power non-existing unless it is included in a comprehensive county charter would not only confine the authority of local governing bodies far more closely than the import of any language in the home rule article suggests, but, by its over-restrictive nature, would tend to undermine initiative on the part of local government. It would also run counter to article IX's command that the rights and powers granted to local governments "shall be liberally construed" (NY Const, art IX, § 3, subd [c]).

Committed to counties since 1925

Albany, Allegany, Bronx, Broome, Cattaraugus, Cayuga, Chautauqua, Chemung, Chenango, Clinton, Columbia, Cortland, Delaware, Dutchess, Erie, Essex, Franklin, Fulton, Genesee, Greene, Hamilton, Herkimer, Jefferson, Kings, Lewis, Livingston, Madison, Monroe, Montgomery, Nassau, New York, Niagara, Oneida, Onondaga, Ontario, Orleans, Oswego, Otsego, Putnam, Rensselaer, Queens, Richmond, Rockland, St. Lawrence, Saratoga, Schenectady, Schoharie, Schuyler, Seneca, Steuben, Suffolk, Sullivan, Tioga, Tompkins, Ulster, Warren, Washington, Wayne, Westchester, Wyoming, Yates



Lastly, the narrow scope of this bill which only impacts county executives, county legislators, county board of supervisors, and town officials and usurps the home rule authority of local governments to establish a governance structure that is best suited for their community.

For the abovementioned reasons, NYSAC requests the Governor veto this legislation.

Respectfully submitted,



Stephen J. Acquario
Executive Director
New York State Association of Counties

Committed to counties since 1925



Albany, Allegany, Bronx, Broome, Cattaraugus, Cayuga, Chautauqua, Chemung, Chenango, Clinton, Columbia, Cortland, Delaware, Dutchess, Erie, Essex, Franklin, Fulton, Genesee, Greene, Hamilton, Herkimer, Jefferson, Kings, Lewis, Livingston, Madison, Monroe, Montgomery, Nassau, New York, Niagara, Oneida, Onondaga, Ontario, Orange, Orleans, Oswego, Otsego, Putnam, Rensselaer, Queens, Richmond, Rockland, St. Lawrence, Saratoga, Schenectady, Schoharie, Schuyler, Seneca, Steuben, Suffolk, Sullivan, Tioga, Tompkins, Ulster, Warren, Washington, Wayne, Westchester, Wyoming, Yates

Talking Points: Even Year Elections - S.3505-B / A.4282-B

Counties across the state, regardless of their political affiliation, have expressed significant concerns about this legislation.

If the state moves local elections to even-years, local issues will be overshadowed by state and national politics.

The issues at the heart of local elections have a direct impact on the everyday lives of New Yorkers.

But with the dramatic decline in local news providers, it's already a challenge for these vital local issues to receive the attention they deserve.

By throwing local races into the same year as national and statewide elections, this bill would inject more divisive partisan politics into local contests and overshadow substantive debate on local issues.

It is this very reason why some municipalities have constitutional protections to have odd-year elections – so the focus can be on local issues.

These will need to continue to be held in odd years, negating any purported savings.

The Constitution (in Art. 13, Sec. 8) requires that city and certain county elections be held in odd years.

County offices including Sheriff, Treasurer, Clerk and District Attorney will still be held in odd years, negating any purported savings.

We also have serious doubts that this would meaningfully increase voter participation in these races.

Studies have shown that as ballots get longer, it becomes less likely that voters will make selections in races further down the ballot, which is where local candidates will fall.

With local issues overshadowed by national and statewide politics, we're concerned that fatigued voters will reach the end of these long ballots, feel they don't have the information they need to make a choice, and simply leave these races blank.

Finally, it has always been the right of local governments to determine the timing of their elections as they are in the best position to determine what their residents prefer.

If lawmakers believe this is a good idea, then changing these dates should be up to the voters in a public referendum at the local level.

6/20/2023



SARATOGA COUNTY BOARD OF SUPERVISORS

RESOLUTION 175 - 2023

Introduced by Law and Finance: Supervisors Schopf, Barrett, Edwards, Lant, Tollisen and M. Veitch

URGING THE GOVERNOR TO VETO A.04282B/S.3505B TO MOVE CERTAIN LOCAL ELECTIONS TO EVEN- NUMBERED YEARS

WHEREAS, the Saratoga County Board of Supervisors believes that increasing participation in the election process and reducing cost of government options is good for our republic; and

WHEREAS, Assembly Member Amy Paulin and State Senator James Skoufis reintroduced legislation that would move local elections to even-number years during the 2023 legislative session; and

WHEREAS, versions of this legislation were introduced in previous years and failed to reached the floor for a vote due to a lack of support; and

WHEREAS, after the 2022 sessions concluded, the bill sponsor indicated that hearings would be held on the proposal through the Election Committee process; however, there were no hearings held; and

WHEREAS, the legislation passed in the middle of the night on the last days of the legislative session which is counter to the idea of an open and transparent government; and

WHEREAS, the Saratoga County Board of Supervisors has several concerns with this bill; and

WHEREAS, this legislation usurps the home rule powers reserved by local governments and protected by the Constitution of the State of New York, raising questions of legality and constitutional authority; and

WHEREAS, local municipalities have had the ability to change their elections to even-number years for decades, and chose not to do so; and

WHEREAS, we believe that establishing the schedule of local elections is that right of the local government, and has been for more than 100 years; and

WHEREAS, the Assembly Bill sponsor indicated that she had not received any messages of support for this proposal from any of the 57 Counties and 933 towns across New York State impacted by this legislation; and

WHEREAS, this legislation excludes more than half of all New Yorkers who vote in cities and villages from changes to election law, creating an inequity among New York voters; and

WHEREAS, this legislation unfairly excludes the elections to offices in New York City and all other cities and villages in New York State, as well as certain offices within all counties and towns; and

WHEREAS, the proposed legislation circumvented the legislative committee process during this session, limiting public input and understanding of the impact; and

WHEREAS, there has been no financial analysis or operational analysis of the impact on local Board of Elections; and

WHEREAS, there are concerns that the election and ballot counting technology would not be able to adequately meet the demands of the significantly increased ballot size; and

WHEREAS, this will create confusion amongst voters in towns and counties across New York State; and

WHEREAS, separating the elections affords voters more time to better understand important local issues and provides candidates the appropriate platform to explain their stance on issues; and

WHEREAS, moving local elections to even-numbered years would increase the cost of campaigns for local office, reducing the number of candidates willing to invest funds into their own campaign, because the cost of media will increase to compete with national and state level campaign advertisements; and

WHEREAS, there are significant legal and constitutional questions regarding the legality of this measure that have not been adequately addressed; now, therefore, be it

RESOLVED, that this Board of Supervisors urges the Governor to oppose this legislation and utilize her veto authority to reject this proposal; and be it further

RESOLVED, that copies of this resolution be distributed by the Clerk of the Board of Supervisors to Governor Kathy Hochul, Senate Majority Leader Andrea Stewart Cousins, Assembly Speaker Carl Heastie, Senate Minority Leader Robert Ort, Assembly Minority Leader William Barclay, Assembly Bill Sponsor Amy Paulin, Senate Bill Sponsor James Skoufis, Senator James Tedisco, Assemblymember John McDonald, Assemblymember Mary Beth Walsh, Assemblymember Carrie Woerner, and Assemblymember Matthew Simpson.

BUDGET IMPACT STATEMENT: No Budget Impact.

June 20, 2023 Regular Meeting

Motion to Adopt: Supervisor Hammond

Second: Supervisor Barrett

AYES (210214): Eric Connolly (11831), Joseph Grasso (4328), Philip C. Barrett (19014.5), Jonathon Schopf (19014.5), Eric Butler (6500), Diana Edwards (819), Jean Raymond (1333), Michael Smith (3525), Kevin Veitch (8004), Arthur M. Wright (1976), Kevin Tollisen (25662), Mark Hammond (17130), Thomas Richardson (5163), Scott Ostrander (18800), Theodore Kusnierz (16202), Sandra Winney (2075), Matthew E. Veitch (14245.5), Edward D. Kinowski (9022), John Lawler (8208), John Lant (17361)

NOES (0):

ABSENT (25296): Willard H. Peck (5242), Thomas N. Wood, III (5808), Tara N. Gaston (14245.5)