

**New York State Voting Reform Laws**  
**Westchester County Board of Legislators**



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The Voting Reform Working Group members consisted of the following legislators and staff:

- Legislator Christopher Johnson, **Chairman**
- Vice Chair Leg. Alfreda Williams
- Legislator Catherine Borgia
- Legislator David Tubiolo
- Legislator Lyndon Williams
- Legislator Nancy Barr
- John Nonna, **County Attorney**, Westchester County
- Melanie Montalto, **Legislative Director**, Board of Legislators
- Chris Crane, **Senior Legislative Counsel**, Board of Legislators
- Tara Bernard, **Advisor to the Chairman**, Board of Legislators
- Malcolm Clark, **Committee Coordinator**, Board of Legislators
- Caleb Hersh, **Legislative Aide** to Leg. Catherine Borgia
- Andrew Ferris, **Chief of Staff**, County Executive’s Office
- Victor Mallison, **Director of Intergovernmental Affairs**, County Executive’s Office
- Steve Bass, **Assistant to the County Executive**, Intergovernmental Relations
- Susan Spear, **Assistant to the County Executive**

### **Executive Summary**

On January 17<sup>th</sup>, 2019 Chairman Benjamin Boykin and the Westchester County Board of Legislators' (BOL) established the Voting Reform Working Group (VRWG) to examine the New York state election law changes and the effect they would have on the Voters, the Board of Legislators and candidates for elected office. In response to legislation passed by the New York State legislature and signed by Governor Andrew Cuomo, the group was convened to make recommendations on the implementation of the new laws. The working group also examined potential changes in the Westchester County Administrative Code and Charter, Board of Legislator rules and compiled several recommendations to be considered.

The Voting Reform Working Group met eight times over the next two months with their first meeting starting on January 22<sup>nd</sup>, 2019. Throughout the process the VRWG heard feedback from the following: Westchester County Board of Elections Commissioners, Reginald Lafayette & Douglas Colety, White Plains League of Women Voters, New York Democratic Lawyers Council and Douglas Kellner, Co-Chair NYS Board of Elections. These discussions provided clarity on the laws being implemented state-wide and helped the VRWG develop the framework for the recommendations contained herein.

### New York State Voting Reform Laws Summary

The Voting Reform Working Group looked at the five following laws and developed a summary of how each law would affect Westchester County. Furthermore, they provided the fiscal impact, summary actions and recommendations for each law. In regards to S2862/A2570 and S2699/A2693 these laws were enacted to temporarily to cover 2019 and 2020 respectively. The reasoning for these laws is explained in the diagram below in A and B. The laws that Westchester County has discussed are labeled 1 through 5 in the diagram below:

**A**

**S2862/A2570 – Reduces the signature requirement by ¼ for elected public offices during the 2019 election cycle**

**B**

**S2699/A2693 – Reduces the signature requirement for elected party positions to 3% of enrolled voters in a given district for the 2019-20 election cycles**

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**1**

**SI101/A776 – Regulates contributions from Limited Liability Companies**

**2**

**SI100/A774 – Enables pre-registration of 16- and 17-year-olds**

**3**

**SI099/A775 – Allows voter registration transfers between counties**

**4**

**SI103/A779 – Consolidates federal and state primary elections**

**5**

**SI102/A780 – Authorizes early voting**

**S1101/A776 – Regulates contributions from Limited Liability Companies*****(Effective February 1<sup>st</sup>, 2019)***

This law was enacted to close the “LLC loophole” and limit donations to \$5,000 for LLCs. It required that campaign donations by LLCs count toward the individual LLC owners’ contribution limits in proportion to their ownership share. The impact to Westchester County is it effectively limits campaign contributions donated through LLCs by placing stringent limits and provides more disclosure.

***There is no action needed from the Board of Legislators in enforcing this law.***

**S1100/A774 – Enabling pre-registration of 16 & 17 year-olds*****(Effective January 1<sup>st</sup>, 2020)***

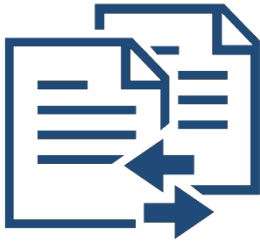
Enacted to allow 16- and 17-year-olds to complete voter registration forms and/or pre-register to vote at the DMV. Westchester County Boards of Elections would be required to save completed forms and register those people to vote upon their eighteenth birthday (Voters still must be 18 years old in order to vote). This law would also encourage local boards of education to make efforts to educate students in their district about pre-registration.

Westchester County Board of Elections would have to keep a record of individuals who pre-registered to vote. According to



numbers provided by the County Executive’s office the fiscal impact to the County would be projected at \$100,000. The cost would include informing voters about the change, updating voter registration materials, and software upgrades to support “pending” voter application status.

***There is no specific action required by the Board of Legislators outside of affects to the BOE budget.***

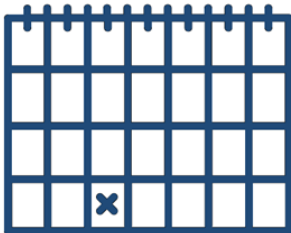


**S1099/A775 – Allows voter registration transfers between counties**  
*(Effective April 2019)*

This law automatically transfers voters' registrations between counties when people register a change of address with a state agency or submit an affidavit ballot. County BOE will now keep an updated statewide voter registration list to facilitate inter-county transfers. When eligible voters move into the county their voter registration automatically transfers when they come into contact with any agency that communicates with the state Board of Elections (like the DMV).

For voters who have been unable to notify the county BOE about their new addresses will be able to vote by affidavit ballot in Westchester and have their registration transferred once their new address is verified. The projected annual cost to the county is minimal. There would only be costs associated with additional staff time and potential technical upgrades associated with the establishment of a statewide voter database.

***There is no specific action required by the Board of Legislators outside of affects to the BOE budget.***



**S1103/A779 – Consolidating federal and state primary elections**  
**with local races** *(Effective January 24<sup>th</sup>, 2019)*

One of the biggest changes brought by new election law reform was the combining of federal and state primaries into one primary on the fourth Tuesday in June. This change necessitated additional changes to the political calendar, which moved forward the dates for filling as a candidate, and collecting signatures for petitions to be on the ballot from June to February. This year the primary date for

the election will be June 25<sup>th</sup>. The Voting Reform Working Group took careful consideration of the new timeline and made recommendations in accordance with the law that is reflected in the section titled “**Voting Reform Working Group Recommendations**”.



One of the main reasons for the consolidations of primaries was to allow military voters a chance to receive their ballots in time for the general election. The other reason was the fiscal savings that would be provided by having one date for primary. The fiscal savings projected to the county would be \$1,000,000 annually. In terms of costs attributed to the consolidation of the primaries the County Executive office approximates \$50,000 in personnel costs to prepare materials for the updated election schedule and along with ensuring proper staffing at the poll sites.

With the changes in dates the VRWG also took a look at the vacancy rules for both the County Board of Legislators and the County Executive offices. The Westchester County charter’s vacancy rules for County Legislator and County Executive offices must be changed to realistically reflect the new primary election calendar. Additionally, legislators identified Board of Legislators **Rule 27**, which restricts the distribution of constituent newsletters and “Golden Apple Pins” while campaigning for re-election. The rule must be adjusted to realistically reflect the new primary election calendar and the VRWG provides a recommendation further in this report in the “**Voting Reform Working Group Recommendations**” section.



**S1102/A780 – Authorizes early voting (*Effective October 27<sup>th</sup>, 2019*)**

As of November, voters will be allowed to vote early at designated polling sites. Voters will have two Saturdays and Sundays to vote before the election. Every county must have at least



one polling place for early voting for every 50,000 registered voters. By default, voters must be able to vote early anywhere in a county, unless the county BOE chooses to split early voting polling sites into districts. Under the new law, early voting polling places must be open at least 8 hours per

day on weekdays (any period between 7am and 8pm, until 8pm on at least two weekdays during the early voting period, and at least five hours per day on weekends (between 9am and 6pm). The County Board of Elections must notify voters about times and locations for early voting. With the authorization, there will be a fiscal impact to the Board of Elections and Westchester County.

Currently, the cost to Westchester County to fund early voting is not available. This is in



part due to the state law passing after the passage of the Westchester County 2019 budget. The Board of Legislators and the County Executive requested state funding for early voting in the 2019 Joint State Legislative Package that was sent to the state officials on February 4, 2019. The costs for early

voting includes: additional mailings, logistical support for moving voting equipment, additional staff time, training of additional poll workers, additional voting machines and possibly electronic poll books, and ballot printing machines on-site.

Westchester County has a few decisions it has to make in regards to early voting. First it must determine the number and location of polling places within the law's parameters. Westchester



County is home to nearly 600,000 registered voters and under the current law it would require at least twelve sites. Second, the County Board of Elections must determine whether polling places will be divided into districts or if voters can vote early at any location. If voters are allowed to vote at any location then each early voting site will require electronic polling books which range in cost from 3-5,000 dollars each. The County would need to purchase any equipment necessary to facilitate early voting included those electronic polling books and on-site balloting printing for each site around the county.

***The recommendations for these decisions can be found in the “Voting Reform Working Group Recommendations” section of this report.***

### **Voting Reform Working Group Recommendations**

At the conclusion of the Voting Reform Working Group meetings Chair Christopher Johnson provided several recommendations based on the discussions of the members of the board and invited guests. Below are seven recommendations to be considered on behalf of the Voting Reform Working Group.

#### **1. Pertaining to Vacancies within the County Legislator/County**

##### **Executive offices**

The Voting Reform Working Group recommends that any legislative vacancy prior to **January 2nd** of a Board of Legislators election year would result in a special election, any vacancies thereafter would be a same-party appointment by the Board of Legislators until the end of term. For the County Executive, a vacancy prior to **January 2nd** in a County Executive election year would result in a special election; if there is a vacancy thereafter, the county board shall designate the head of one of the county departments, or any qualified elector of the county, other than a member of such board, to serve as County Executive. Pending the designation the Chairman of the board shall designate the head of one of the county departments as an Acting County Executive. This recommendation only changes the dates of the current vacancies as a result of the consolidation of the primaries. In order to make this change it would require legislation to be drafted and approved by the county board and may require a **referendum** by the voters of Westchester County.



## 2. Revision of Rule 27 of the Westchester County Board of Legislators Rules

The Voting Reform Working Group recommends blackout dates for newsletters and golden apple pins. The VRWG recommends a hard date of May 1<sup>st</sup> for the Primary and September 1<sup>st</sup> for the General. The understanding with a hard date is that election days will change from year to year and with a hard date set it provides legislators with ample time to send out information pertaining to their district without interfering with their election. The Voting Reform Working Group also consulted with the political calendar when making this recommendation. In order to adopt this rule it will have to go before the Rules committee of the board for a vote & approval.



## 3. Number of early voting machines in Westchester County



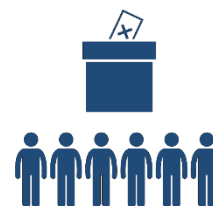
State law mandates a minimum of seven early voting sites for counties such as Westchester. The Voting Reform Working Group recommends **between fifteen and twenty-five polling sites** in Westchester with 2/3<sup>rd</sup> of those voting machines being south of I-287. The reasoning behind those numbers is to ensure that people are not waiting in long lines to vote and have access to polling sites in every part of the county. Additionally, 2/3<sup>rd</sup> of the Westchester County population lives below I-287, so it makes numerical sense to include 2/3<sup>rd</sup> of voting machines in that area.

#### **4. Location of early voting polling sites in Westchester County**

The Voting Reform Working Group recommends that polling sites should be placed in the following communities: *Yonkers, Mount Vernon, White Plains, Peekskill, New Rochelle, Yorktown, Lewisboro, Mount Kisco, Ossining, Pleasantville, Pound Ridge, Tarrytown, Portchester, Ardsley and Mamaroneck.*

#### **5. Facilities for early voting polling sites in Westchester County**

The Voting Reform Working Group recommends that polling sites be placed in *municipal, county and library buildings* to assure ease of access to these



sites along with security. Additionally, the group advises against using school buildings and current Election Day polling sites to avoid voter confusion. By identifying these locations the VRWG believes that it will cut down costs associated with securing and staffing polling sites and it provides ADA-compliant facilities for voters with disabilities.

#### **6. New York state funding in regards to early voting for Westchester County**

The Voting Reform Working Group recommends a request in funding from the State for early voting, security, voting machines, electronic voting books, electronic ballot printing, training and poll site locations.

#### **7. Electronic Voting Books & Ballot Printing for all**

The Voting Reform Working Group recommends electronic voting books and electronic ballot printing be available at each polling site so anyone can vote at any site in Westchester County. This ensures that voters have the freedom to vote anywhere in Westchester County leading up to the

election. With these books and ballot printing resources the county will be able to provide for every single registered voter.

### **Conclusion**

In conclusion, I would like to thank all of the Legislators, Staff from the Board of Legislators, the County Attorney, staff of the County Executive and all stakeholders who have been involved in the Voting Reform Working Group. This has been an informative process and has allowed Westchester the opportunity to be proactive in providing the necessary resources needed to roll out the new Voting Reform Laws in New York State. I look forward to sharing these recommendations with the Board at large and implementing these recommendations. As legislation around voting reform continues to evolve, we must consider the effects it will have on Westchester County, and do our due diligence in making sure we integrate the new laws seamlessly.

I want to thank our NYS Assembly and Senate delegation for understanding that having access to voting is a fundamental right that should not be limited based on personal circumstances. Thank you in advance to the Board of Elections as we know they will do their best to provide Westchester voters with a positive voting experience. Special thanks to staff members Chris Crane, Malcolm Clark and Caleb Hersh for all of their work and diligence.

Lastly, as Westchester voters continue to seek and vote for candidates that will secure the basic rights and enhance our amenities, I ask that you share all of this information with your neighbors, so they may be informed and we can continue to move Westchester forward — together!