

The Problems with Bipartisan Local Election Administration

Saturday, November 10th, 2012 Robert Wechsler

It's been a few years since I wrote about the problems with the partisan, or "bipartisan," administration of local elections. One thing that arisen from this year's election is a strong feeling that it is high time that New York City's Board of Elections be reformed. Hopefully, this process will get a great deal of publicity, and become a guide for other communities.

The principal problem in New York City, as in many other cities and counties throughout the country, is the state's election laws. According to an article this week in the *New York Times*, the state constitution "sets the parameters for how all elections in the state are managed, requiring that Republicans and Democrats be equally represented at all levels of election administration."

In other words, bipartisanship is the rule. Bipartisanship means control of the election process by the two major parties, which can't manage to agree on very much other than keeping the powerless members of minor parties (not to mention those who have chosen not to register as a member of either party) not only out of power, but also out of election administration. The two major parties have ensured their control of elections not only in laws, but also in constitutions, which are much harder to change. If this were to happen in a poor country, we would call it a power grab and insist that election boards be as nonpartisan as possible, including people from all parties and as many independents as possible.

Patronage

But it's worse than this. Not only are NYC elections board members selected by the two local party committees, but "the parties also play a central role in installing people in staff positions." That is, patronage is the rule.

But this isn't the patronage of a city machine, which might actually work very well. This is bipartisan patronage, which means that an equal number of members of each party must agree. For example, the elections board has had no executive director for two years, in part because the county leaders have not been able to agree on a candidate. Yes, going into a major election, the party leaders couldn't manage to agree on an executive director.

Mayor Bloomberg put it well, "It should not be two parties and county leaders picking their buddies to supervise the basis of our citizenship. We don't have a system for the 21st century. It's just a disgrace."

Incompetence

Since these are patronage jobs, there don't appear to be any qualifications required to be on the elections board or to run elections. How does that work? According to a piece written last year for the *Examiner* by a former elections board director of personnel, "It was not too rare to have an employee assigned to alphabetizing voter registration cards and be functionally illiterate. ... Because of their political connections these people survived years working at the board, being promoted and being given assorted pay raises without a second thought. ... There were countless employees that ignored rules and regulations because they considered themselves 'untouchable'. Case in point, a clerk in a borough office wasn't much of a morning person, thus he would show up for work after 10:00 a.m., if he bothered to show up at all. Warnings and advisories had no effect. It seems that the mother of his child was the daughter of the Chief Clerk in that borough."

The result has been a great deal of incompetence, and the results in New York City the last few years have sometimes been pretty ugly.

Nepotism and Other Conflicts

Nepotism and other conflicts appear to be part of this patronage system. According to an article this July in the *New York Times*, "the senior staff all carry a city politics DNA. The Democratic deputy director, Pamela Green Perkins, is married to Senator Bill Perkins, a Democrat. The Republican deputy director, Dawn Sandow, is closely connected to the Bronx Republicans."

And according to this article, a lawyer who shared an office with the Bronx Republican leader once was paid \$100,000 to lobby the elections board on behalf of a voting machine company. Of course, the elections board gave the company a \$50 million contract. The next day, federal prosecutors indicted the lawyer in an unrelated bribery case, and he pleaded guilty.

Indefensible Institutional Corruption

Bipartisan election administration is wrong in so many ways, it is a wonder that anyone could defend it with a straight face. So they don't. This could only happen in a culture where government ethics is considered a minor issue and a personal, character issue. Bipartisan election administration is not a matter of bad apples. It is a case of serious institutional corruption. It makes every elected official who does not aggressively try to change it complicit in every problem raised in this blog post (and here are a few more: gridlock, weak enforcement, hostility to innovation, putting the good elections employee in a difficult ethical position as well as burdening them with extra work and, most important, inculcating the idea that election administration is something partisan rather than the most important way our democracy ensures that it functions fairly and properly).

New York City can become a leader in ethics administration reform. It should start by recognizing that the current situation is one of institutional corruption, that everyone is responsible, and that the state and city need to work together to put an end to it, once and for all. The result of handling this well would be an enormous increase in public trust in the parties and in our election system.

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