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YOUR LOCAL BOARD OF ELECTIONS

THE RESPONSIBILITIES OF THE LOCAL BOARD OF ELECTIONS, TO YOU, THE VOTER

Each Board of Elections is responsible for the supervision of every election held within the county (with the exception of village, school, water and sewer district elections, however, upon request the Board of Elections will supervise the election) and to ensure that the voting machines are in good working order.

Each Board of Elections is charged with the responsibility of registering voters and maintaining an accurate up-dated record of each voter's residency and voting history in the county.

Each Board of Elections is responsible for the training and the certification of all election inspectors, selection of district polling places when mandated, providing absentee ballots, tabulation and certification of elections to the State Board of Elections.

STATE POWERS AND RESPONSIBILITIES

Each State Legislature in the United States enacts their own laws pertaining to their procedures for elections. The New York State Election Law is enacted by the State Legislature and administered by the New York State Board of Elections through the 58 Boards of Elections in each county of New York State. Your local Board of Elections is an administrative office whose sole responsibility is to administer state and federal election laws.

Each Board of Elections is headed by a minimum of two Commissioners, one elected from each of the two major political parties and administered by various deputies, clerks and election employees in equal proportions. Due to this bi-partisan nature, no one party controls your local Board of Elections.

The Commissioners of Elections and all the employees of the Board of Elections have a sacred trust in the performance of their duties and ensure that every legal voter can cast his or her vote in a simple and convenient manner in accordance with the election law of the State of New York.

QUALIFICATIONS OF PROSPECTIVE VOTERS

You must be:

- a. A Citizen of the United States
- b. Eighteen years of age
- c. A resident of the county for at least 30 days before an election.

SAFEGUARDING AND MAINTAINING YOUR RIGHT TO VOTE

Under New York State Permanent Personal Registration, you are required to register but once, either centrally at the Board of Elections or in your home election district during local registration days or by mail registration application.

Should you fail to vote at least once in a primary, special or general election, within four years, your Board of Elections is required, by law, to notify you of your failure to vote. This notification is extremely important to you, the voter, because it may result in the cancellation of your voter registration.

Upon receipt of this notification, you simply fill out the card mailed to you, providing you did not move, and return it to the

Board of Elections. This card authorizes your registration to be carried on by your Board of Elections for one additional year.

However, when you move from one residence to another even though your new residence may be next door to your old registration residence or when you move from one apartment to another in a multiple dwelling, within the county, you must re-register from your new residence either in person at our office, at your local polling place during local registration or by mail. Applications for registration and enrollment by mail are available by calling your local Board of Elections or Town Clerk.

I. ARE YOU PRESENTLY REGISTERED TO VOTE? IF NOT, AMPLE OPPORTUNITY IS AFFORDED TO YOU THROUGH:

A. CENTRAL REGISTRATION

Personal registration is accepted at the office of the Erie County Board of Elections, 134 West Eagle Street, Buffalo, New York beginning 30 days immediately after the General Election and continuing until 30 days before the primary election. Central registration then resumes five days after the primary election and continues until 30 days before the first day of local registration.

Any qualified person who changes his residence within the county following the last day of local registration until ten days before the general election, may register personally at our office.

Any questions regarding central or local registration days may be answered by telephoning the Board of Elections at 846-8891.

B. LOCAL REGISTRATION

The New York State Election Law provides specific days during the year that you may register to vote at your local election district. The population in each county determines the number of days of local registration. Usually these days are held in October.

C. MAIL REGISTRATION APPLICATIONS

Mail registration applications are available at our office and also at the local City and Town Clerks offices in Erie County. These applications, after completed, can be mailed or delivered to our office. These mail applications may also be used by persons who have moved, who wish to change their affiliation or have a change of name.

II. MILITARY VOTERS-INCLUDING THEIR SPOUSE, PARENT OR CHILD

Applications for military voters are furnished either by the Division For Servicemen's Voting, Albany, New York 12210, the Office of Secretary of Defense, The Pentagon, Washington, D.C. 20301 or your Board of Elections, upon request.

Military voters must notify their Board of Elections, in writing, of any change in military address once they have made application for a ballot.

Applications by mail, usually must be received by the

Division For Servicemen's Voting no later than seven days before an election.

All voted military ballots must be received by the Division for Servicemen's Voting in Albany not later than the closing of the polls on the day of primary, special or general election.

Military applications made out in person at the Board of Elections must be executed by no later than 5:00 p.m. the Monday before a primary or general election.

III. SPECIAL PRESIDENTIAL VOTERS

Registered voters who move out of state or to the jurisdiction of another Board of Elections within thirty days of the general election, may vote for electors for President and Vice-President only, by applying to the Board of Elections of their previous residence not later than the seventh day before the election for a special presidential ballot.

IV. SPECIAL FEDERAL VOTERS

Pursuant to the Overseas Citizens Voting Rights Act of 1975, all United States citizens presently residing outside the United States, whose last domicile in the United States was in the State of New York, and who could have met all the present voting eligibility requirements of the Election Law, except age, at the time of their departure from the United States, may vote for electors for President and Vice-President, United States Senators and Representatives in Congress, by registering with the Board of Elections of their last domicile in New York State at least thirty days before the date of the general election and may remain registered by voting in each bi-annual election for Representatives in Congress. Such voters who are duly enrolled may also vote in all primary elections for national convention delegates, United States Senators and Representatives in Congress. These persons must make application for each election.

V. PROCEDURES FOR ABSENTEE VOTING

A registered voter may make application for an absentee ballot for a primary or general election due to illness, physical disability or by being absent from Erie County, on election day, due to business, attendance at school or on vacation. Applications for absentee ballots must be filed at the office of the Board of Elections on or before the seventh day before the primary or general election.

There are special provisions under the Election Law for persons who become ill or physically disabled after the deadline, for receiving regular absentee ballot applications.

Voted absentee ballots must be received no later than the close of polls on the day of primary or general election to be counted for that election.

VI. VETERAN'S HOSPITAL ABSENTEE REGISTRATION

Two days, in September, are designated for veteran's registration. The Erie County Board of Elections complies with this by sending out mail registration forms to the various hospitals in order that these confined veterans do not lose their right to vote.

VII. THE PRIMARY ELECTION - WHY IT IS IMPORTANT

A voter must be affiliated with one of the major political parties in New York State to be eligible to vote in a primary election. There are five major political parties: Democratic, Republican, Conservative, Right To Life and Liberal.

A primary election is a contest between two or more candidates of the same political party in which the voters of that party may make a determination, by voting, as to who shall be the endorsed candidate of that party for that public office. The winner of the primary, by the election law, then becomes the endorsed candidate of the party and his name will appear on the ballot in the general election.

VIII. GENERAL ELECTION

The general election affords all registered voters, of the county, to make a selection of the endorsed candidates of each major and independent party for public office. The candidate accumulating the highest vote is declared the winner.

IX. ASSISTANCE TO THE ILLITERATE OR DISABLED VOTER

Assistance may be given to a person who is illiterate (yet qualified to vote) blind, disabled to such an extent that he cannot pull a lever down or needs assistance due to a physical handicap in entering a voting machine. Assistance may be given by a close relative or by two election inspectors. (one Democrat and one Republican).

X. TIPS FOR THE VOTER BEFORE YOU CAST YOUR VOTE

1. Be an informed voter, know the candidates and issues before you go to the polls. These are published in both daily newspapers.
2. Know the location of your polling place. Again, these are published in both daily newspapers.
3. Know the ballot, a sample of the face of the machine is posted in each polling place.
4. Don't delay other voters waiting in line. Under the law you are allowed only three minutes voting time to make your selections.
5. Vote early, avoid the rush after 5:00 p.m.
6. Be sure procedural questions are answered before you go to the voting machine.
7. To help the voters make a selection beforehand, the Board of Elections is required to publish a candidates list of persons, nominated by each party, at least six days before the election.
8. Be sure you are signing your own poll file when you go to vote.

ERIE COUNTY BOARD OF ELECTIONS

HISTORICAL BACKGROUND OF VOTING.

When our Constitution was framed and adopted, the right of universal suffrage was not present even before the American Revolution. John Adams reflected the then prevailing sentiment when he expressed the opinion that men who have no money or property should not be given equal voice in Government as those with property. To permit equality, he believed, would destroy all distinction and reduce all men to one common level. Among his objections for opposing universal suffrage were: That since Government is controlled by the landowners, they alone, in order to secure the established order, could with safety, be allowed to vote. With this assumption, the enfranchisement of the property-less classes would give to them the political power of the nation, with the result that revolution between classes would ensue. There was also the danger that if workers were permitted to vote, they could enhance the power of their employers and thus give political influence to the wealthy employing class. In short, the right to vote did not belong as a citizen, but accrued incidentally as the owner of property. The proponents of this proposition believed that this theory was self-evident, that the poor, if permitted to hold office and vote, would use the power to bring about a redistribution of wealth. They believed in a democracy in form, without being democratic in its practical operation.

Among the outstanding Conservatives advocating this limitation of suffrage, although guided by their own material interest were: James Madison, Roger Sherman, Gouverneur Morris, Chancellor Kent and John Dickinson. John Monroe, after he left the presidency, wrote "The danger is, if the right of suffrage is extended to the whole population, without any qualification as to property, that as the difference of interests begin to operate, as it will soon do, the mass of poor which will be by far the most numerous, will elect persons who will be instruments in the hands of leaders who will overthrow the Government."

There were two theories of suffrage: One was called the aristocratic and the other democratic. Aristocratic theory claimed that voting was a mere privilege, subject to regulation. Democratic theory, however, urged that it was a natural right of free people living under a democracy. Chancellor Kent wrote "That our posterity will have reason to deplore in sackcloth and ashed the delusions of the day." It does not seem to have occurred to them that if this contention were true, it could also be claimed with like force and reason, that limiting suffrage to property holders would result in the advancement and promotion of the property classes at the expense of those without property. The speeches of Patrick Henry, David Buel and George Mason voiced the popular fear of the political and economic domination by the property groups.

David Buel wrote to Chancellor Kent where he urged that "Our community is an association of persons, of human beings, not a partnership founded on property..... property is only one of the incidental rights of the person who possesses.....it must be made secure, but it does not follow that it must, therefore, be represented specifically in any branch of government".

The Democratic faction believed that citizenship implied the right to participate in the civic life of the community. A denial of this right was to deprive him of the essence of citizenship in a democracy. They further repudiated the idea that government should be controlled by the property-holding class. Citizenship, they contended, implied the right to vote which was a personal right of the citizen and not contingent on the ownership of a specified amount of property. They did concede, however, that the right of voting was and should be subject to reasonable regulation for the common good. In determining the question of fitness, the State should not be guided by the test of property ownership. Exclusion provisions were justified with respect to criminals, minors, paupers and illiterates. These groups were admittedly unfit to exercise the right of suffrage.

About 1821, the State of New York was the first State to give serious attention to the question of universal suffrage. The first step adopted in this direction was to give the right to vote to adult male citizens who paid taxes on real or personal property or performed military service in the State Militia or labored for the State on its highways. No black man was, however, permitted to vote unless he owned property and paid taxes thereon and had been a citizen for three years. This restriction, with respect to the black man, was to prove later, a barrier to his voting rights in other States. Although this barrier has been subsequently abolished

in New York State, many States had a by-product called poll taxes which was subsequently struck down by the U.S. Supreme Court through the Civil Rights Act.

The ancient Greeks employed a system of secret voting, especially when a question of exile arose. In Athens, 2400 years ago during the age of Aristides, citizens who were to decide whether a man was to be banished from their midst secretly scratched their "yes" or "no" vote on a piece of broken pottery. In ancient Rome the secret vote was also employed. The Roman tribes voted for candidates for public office as a unit, after first determining the tribal choice by secret ballot. This ballot was a wax board, called the tabella on which the voter scratched his choice with a Stylus and then dropped it into an urn. The word ballot stems from the Italian word ballota, referring to the old practice of voting secretly with black and white balls.

The early English method of voting was for each candidate to appear at the polling place at the head of his supporters....there the King's representative would declare, by view, who appeared to be elected. If the losing candidate demanded a poll, then each voter had to mount the platform and have his vote recorded. This method was adopted by the Southern Colonies and by New York and New Jersey. Pennsylvania and Delaware were the first to adopt the use of the ballot. By the end of the Eighteenth century, declaration voting was abolished to be replaced by the use of the ballot.

Closely connected with suffrage was the method and manner by which the ballot may be exercised. There were factions both for and against the secret ballot. The wealthy class believed that its political influence might be endangered if the secrecy of the ballot should be established. Secret voting, they believed, would deprive the rich of using economic pressure upon the poor in obtaining control of their votes. Landlords would have no influence on their tenants, creditors no say over debtors and all down the line where dependent voters could be counted on to be amenable to influence and advice. Their point of view was expressed by Montesquieu: "The people's suffrage ought doubtless to be public and this should be considered as a fundamental law of democracy. The lower class ought to be directed by those of higher rank and restrained within bounds by the gravity of eminent personages. Hence, by rendering the suffrage's secret in the Roman Republic, all was lost".

John Stuart Mill advocated that since voting is a public duty, like any other public act, it should be performed in the open under the eye and criticism of the public. For to shield secrecy, he urged, was to release responsibility.

On the other hand, the opponents and defenders of the secret ballot contended that political morality required secrecy. In other words, those who were qualified to vote certainly were capable of exercising their right in an atmosphere bereft of influence, coercion, fraud and intimidation. Subsequent events have proved that this controversy was not based on political intelligence, but selfish personal interests, for it has been proven beyond doubt that open voting encouraged fraud and intimidation and proved the most poignant argument for the secret ballot. Secret voting has been in a large measure responsible for the gradual demise of fraud and corruption.

The world's first law to be passed, embodying the idea of the secret ballot, was enacted in Victoria, Australia. It, however, was first agitated in South Australia. The Australian ballot system is stated to have been originated by Francis S. Dutton, member of the Legislature of South Australia from 1851 to 1856. The first bill enacting the Australian ballot system in the United States was introduced in the Michigan Legislature in 1887 and was passed two years later.

Prior to 1890, by virtue of the laws and rules then existing in New York, a voter who sought to cast his ballot at the general elections was confronted with numerous problems, chief among these was the act of casting his ballot in secrecy. The laws at that time provided that the ballots issued by the political parties were to be printed privately by the respective parties. A voter was influenced and controlled by the party leadership respecting his choice of the candidate. The voter was subjected to coercion and intimidation if he dared to register a vote against the will of the party leader. The exposure of the ballot was in a large measure directly responsible for the bribery and corruption existing in that era.

The honest elector sometimes stayed away from the polls. The voter resigned to those prevailing conditions looked forward to Election Day in order that he could receive the gratuity generally given for his vote. The voter was required to cast his vote in accordance with the will of the bribe-giver, since the ballot was exposed and the briber could thus readily ascertain, by the simple expedience of gazing over the shoulder of the voter, whether the vote was cast in accordance with the illegal arrangement.

This situation existed for a good many years. In 1890 there arose a wide and sweeping movement for the ballot reform. Yet, this reform movement was not without its opponents who urged the impropriety of any laws affecting the ballots. The Legislature enacted the Ballot Reform Act whose significant title was "An Act to promote the independence of voters at public elections, enforce the secrecy of the ballot and provide for the printing and distribution of ballots at public expense". This legislation marked a forward stride in the ballot reform since it enabled the voter to cast his ballot in secrecy and guarded it against fraud. This act inaugurated the voting booth. The adoption of this law was only after debates prolonged over years. Its objects and features were subject to much adverse criticism. The plan embodied in the law was to have a uniform ballot, the installation of secrecy and to encourage the conduct of our elections. The purity of the ballot, it was argued, was best attained by this plan. It is a matter of historical fact that this law was for years the subject of agitation and earnest debate both in the Legislature and before the people through the public press and other mediums.

Governor Charles Evans Hughes was among those proponents chiefly responsible towards establishing an official primary ballot. In 1908, he advocated and recommended that the Legislature establish an official primary ballot. But not until the direct primary laws came into being was this legislation enacted.

The direct primary law of 1911 marked a step forward in primary reform by providing for an official ballot for use at the primary elections. Thus, our laws have now inaugurated the official ballot both for the primary and general elections.

There are at present, many statutes in the Election Law which deal with and are confined solely to the primary and general election ballots. Their purpose and scope aim towards the perfect ballot. Among the salient provisions of the statutes are the rules governing the issuance of official ballots for elections, sample ballots, the placing of names upon the ballot, ballots for presidential electors, absentee ballots, rules respecting the valid marking of ballots, the canvass, return and inspection of ballots and adequate provision for the deposit and safe keeping of ballot boxes.

On the subject of voting machines, contrary to the impression prevailing throughout the country, the voting machine is not a new device. This machine strongly resembles the cash register in principle, in that it records totals regularly as the results of pressing down certain keys, and these totals remain secret until it is opened at the close of the day. The first voting machine was designed in France about 1849. Ten years later a mechanical contrivance was conceived in Germany which could cast either white or black balls. In 1869, Thomas A. Edison designed a voting machine. These early devices took care only of the voting. The counting had to be done by tellers. The modern voting machine is a mechanical secret ballot which records the votes and tabulates the results. The present automatic voting booth machine now in use is the invention of Jacob H. Myers, an American.

The first community to use a voting machine at a general election was Lockport, New York. However, Rochester was the first American city to demonstrate the value of the device when it employed seventy-three voting machines in the general elections in 1898. Today, New York City uses more than 5,000 voting machines to record its votes.

The entire State of New York has adopted voting machines for the general elections. In other progressive areas, voting machines have been adopted in pieces and parts until whole states have been subjected to the use of the voting machine.

The advantage of voting machines are speed, economy and accuracy. In polling places where voting machines have been installed, it has been estimated that the voter does not take more than fifty seconds to two minutes to cast his ballot. Under the old system of voting booths, the voter was generally compelled to take anywhere from three to ten minutes to exercise his franchise. In any city where the pencil and paper ballot is still employed, it is not unusual for the judges and clerks of elections to spend near to eight hours in tabulating the results. This fact may be contrasted with the City of Buffalo, which as far back as 1899 with 66,000 votes cast in 108 districts received, the results were tabulated in thirty-five minutes. The newspapers then announced the results a little more than an hour after the polls had closed.

It is impossible for a voter to spoil a ballot on the machine since the machines have an interlocking device which renders it impossible to register more than one choice under a given office title. If the voter pulls down a wrong lever, there is no harm done, since he has ample opportunity to correct his vote, as it is not registered until he leaves the curtained enclosure.

The machine curtain is arranged so that no one besides the voter can see how this vote was cast. There are few, if any methods to thwart this element of secrecy. But in some areas this secrecy has often been destroyed by the ingenious device of placing a mirror over the booth. Voters can legally insist upon the removal of any contraptions designed to destroy the secrecy of the voting machine. The voting counters of the machine are concealed behind the plates which cannot be seen while the voting is in progress. When the polls are closed these plates are unlocked and the results of the election are read off them.

And now to better equip you with information regarding your own local Board of Elections, it is well for you to know the following information. New York State was an area settled by the Dutch and known as the Province of New Netherlands in 1624. The Dutch were conquered by the English and New Netherlands was renamed the Province of New York in 1664. Albany County, one of the ten original counties, was established November 1, 1683. Albany County contained anything west from Albany in the present New York State area. Subsequently Erie County, as it is now known, was formerly Montgomery County on March 12, 1772; Ontario County, January 27, 1789; Genesee County, March 30, 1802; Niagara County, March 11, 1808 and finally Erie County created as such on April 2, 1821.