

Resolution No. 2010215

RE: ADOPTING A METHODOLOGY TO CHARGE BACK TO
MUNICIPALITIES THE COSTS OF ELECTION SERVICES

Legislators KELSEY and INCORONATO offer the following and move its adoption:

WHEREAS, the New York State Election Law was amended by the Election Consolidation and Improvement Act of 2005; and

WHEREAS, pursuant to New York State Election Law Section 4-136(1), "...the expenses of providing polling places, voting booths, supplies thereof, ballot boxes and other furniture for polling place for any election, including the storage, transportation and maintenance of voting machines, appliances and equipment or ballot counting devices, and the compensation of the election officers in each election district, shall be a charge upon the county in which such election district is situated..."; and

WHEREAS, pursuant to Election Law Section 4-136(2), "All expenses incurred under this chapter by the board of elections of a county outside the city of New York shall be charged against the county... The expenses incurred by the board of elections of a county outside the city of New York may, pursuant to Section 3-226 of this chapter, be apportioned among the cities and towns therein, or in the case of a village election held other than at the time of the fall primary or general election, apportioned to such villages therein."; and

WHEREAS, pursuant to New York State Election Law Section 3-226(1), "All expenses of such board of elections shall be certified, audited and paid as other claims against the county, or in the case of the city of New York, by said city, and all expenses connected with elections and matters preliminary relating thereto, including compensation of inspectors and clerks of the election, shall be a county charge, except, at the option of the county, all or any part of the type of expenses connected with the elections or matters preliminary or relating thereto, that were previously incurred by towns and cities, may be apportioned pursuant to this chapter to a city or town."; and

WHEREAS, New York State Election Law Section 3-226, 4-136 and 4-138 has been interpreted by the New York State Comptroller in a 2007 opinion to mean "Counties may apportion those expenses among the cities and towns using any method the county reasonably determines is equitable" and specifically enumerates "previously incurred" costs to include "expenses of election inspectors and the expenses for repair and maintenance of voting machines" and "voting machine custodians, election inspectors, poll clerks, election coordinators, as well as the expenses of providing polling places. As such, these expenses may be charged back to the towns and cities, in whole or in part."

WHEREAS the same NYS Comptroller opinion issued March 13, 2007 concluded that "counties, in their discretion, may apportion election expenses using any method that they reasonably determines is equitable, including if the county so determines, on the basis of full valuation of real property, on a per capita basis, based on the number of registered voters a combination of such methods; and

WHEREAS, the Dutchess County Legislature has included a revenue line in its 2010 budget to originate from local municipalities for the cost of elections; and

WHEREAS, there has been established a Elections Oversight Committee, which has been considering means and methods for equitably sharing the cost of elections with local municipalities for the 2010 and 2011 fiscal years; and

WHEREAS the Elections Oversight Committee made a public presentation to the Dutchess County Supervisors and Mayors Association June 1, 2010 meeting centered on possible election cost collection formulas, for the purpose of soliciting input from municipalities so as to achieve the most equitable means of collection; and

WHEREAS, the Elections Oversight Committee has recommended a methodology that seeks to charge local governments only for the specific costs to hold local elections so as to minimize financial impositions to individual municipalities; and

WHEREAS, the Elections Oversight Committee is considering future cost-saving measures to benefit towns in reducing the costs of elections including the potential for costs savings by redistricting election districts, consolidating polling sites in the future, and other ideas; and

WHEREAS, in December 2009 the Dutchess County Board of Elections Commissioners reduced their operating budget by approximately \$1,000,000 so as to avoid the need to share election costs with towns but of this \$650,000 were put back in to the budget for personnel meaning the revenue line in the 2010 budget for sharing election costs has not yet been met in its entirety, now, therefore, be it

RESOLVED, that the adopted formula for election cost-sharing with local municipalities for the fiscal years 2010 and 2011 shall consist of a charge to towns for the costs associated with: payroll and training for election inspectors (four per district) for both primary and general elections; payroll and mileage reimbursement for election coordinators for both primary and general elections (two per municipality); payroll and mileage reimbursement for machine technicians (total of eight for the county apportioned to municipalities by election districts); voter machine storage costs (apportioned to municipalities based upon number of election districts); voter machine transportation costs (apportioned to municipalities based upon actual machine usage); and machine ballot paper and printing costs (other than those provided by HAVA funding).

Amended in Government Services and Administration 8/6/10 lw

STATE OF NEW YORK

ss:

COUNTY OF DUTCHESS

This is to certify that I, the undersigned Clerk of the Legislature of the County of Dutchess have compared the foregoing resolution with the original resolution now on file in the office of said clerk, and which was adopted by said Legislature on the 9th day of August 2010, and that the same is a true and correct transcript of said original resolution and of the whole thereof.

IN WITNESS WHEREOF, I have hereunto set my hand and seal of said Legislature this 9th day of August 2010.

PATRICIA J. HOHMANN, CLERK OF THE LEGISLATURE