

**Office of the Comptroller
Dutchess County**

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James L. Coughlan
Comptroller

Peter J. Stalteri
Deputy Comptroller

Comptroller's Observations Regarding 2010 Election Costs

Commenting from both a fiscal and a business processes perspective, the Dutchess County BOE managed the 2010 election season quite well. This was the first year for full implementation of the new voting systems, which brought the County and New York State in compliance with HAVA. Although there was some apprehension of glitches and confusion in anticipation of new machines and processes, the BOE staff appeared to be well prepared, adequately trained, and reports of machine malfunctions were minor and few.

The cost of temporary election workers associated with the 2010 election season, which encompassed both the primary and general elections, totaled \$407,686. This cost is down 38% compared to 2009 and down 48% compared to 2008. However, there were extra election activities in those years which created the higher costs, such as the emergency Congressional election in 2009, the Presidential election in 2008, etc. The 2011 Adopted Budget has further savings forecasted with an ambitious budget of \$352,690. However, after discussions with the BOE, it was discovered that this is an arbitrary number designated by some other authority in the County and it is not endorsed by the BOE. During discussions at the meeting, the BOE stated that the level of funding in 2010 is the bare minimum needed to carry out election activities. They raised concerns with us that the 2011 budget will not adequately cover election costs for the coming election season. The BOE will need to work with the Legislature to resolve this issue.

Although overall election activities went smoothly, there were still selected instances where unnecessary costs and procedural breakdowns occurred with the 2010 elections: conflicting documentation of workers' activities, which complicated the payment verification process; and, payments to workers for additional training, which appeared to conflict with the BOE's internal memos issued on behalf of both Commissioners. The BOE explained its policies regarding worker training and some of the difficulties associated with more than 1200 temporary workers involved with the election process. Further, during the meeting, the BOE developed a simple, yet effective, method to substantially reduce the documentation issues that hampered the payment verification process. It is critical going forward into the 2011 election season that these policies and procedures are both articulated and followed to ensure proper audit trails are constructed and protected.

I am confident that new attitudes and perspectives will accompany the various personnel changes that have occurred at the BOE assisting the County in further savings and efficiencies.

Board of Elections

Payroll 2010

The following is a limited scope review of the Board of Elections (BOE) 2010 temporary personnel expenditures for election activities. The 2010 Primary and General Elections, related trainings and mileage payments were reviewed. Expenditures for 1292 temporary employees amounted to \$407,686.19 for 2010. The task of processing the temporary payroll is extremely time consuming considering the number of employees and the documentation required for the various activities performed. The Departments of Personnel, Finance and Comptroller review various documentation prior to payment. Our interaction for the task of auditing the 2010 payroll expenditures is limited to our interaction with the Dutchess County Board of Elections and the Dutchess County Department of Finance.

General Observation: BOE has continued to develop and refine processes and procedures which have enhanced internal controls for the temporary employees election activities. The processing of the 2010 temporary personnel expenditures for election activities was completed expeditiously by Dutchess County Board of Elections and the Dutchess County Department of Finance.

The following observations are intended to report on selected aspects that could be improved to enhance internal controls and reduce expenditures for training classes. The Comptroller's Office reviewed job descriptions, training sign-in sheets, election sign-in sheets, and the BOE's request for payment lists for the 1292 employees.

Observations:

Copies of correspondence given to our office regarding the limitation of payment to one training by the Board of Elections and referenced in the "A Legislator's Guide to Cost Savings at the Dutchess County Board of Elections" was not adhered to regarding payment for training classes. ***It is unknown whether all Inspectors and Coordinators were in receipt of this letter; we did not receive confirmation from BOE (as of the writing of this review).*** Inspectors and Coordinators were paid for more than one training class; 131 inspectors were paid for two (2) training classes, six (6) inspectors were paid for three (3) training classes, one (1) coordinator was paid for six (6) training classes and six (6) coordinators were paid for five (5) classes each.

- a) Attachment I and Attachment II are copies of the letters sent on behalf of both Commissioners..
- b) Attachment III "A Legislator's Guide to Cost Savings at the Dutchess County Board of Elections" prepared by the Legislative oversight committee.

- BOE did not initially provide all the training schedule dates. During our review, information for the following training dates was provided: training classes for 8/31/10 6pm Salt Point, 9/2/10 6pm Salt Point, 9/2/10 6pm Town of Poughkeepsie, 9/7/10, 2pm Wappinger Town Hall, 10/22/10 1pm Poughkeepsie Town Hall, 10/26/10 7pm Wappinger Town Hall, 10/27/10 6pm BOE.
- BOE did not have a written policy defining volunteer services and the respective forms to ensure mutual agreement that individuals were volunteering for specific election activities. While reviewing the sign in sheets, we noted three inspectors signed in for Primary and General Election; however, their names were

not included on the lists for payment. It was later determined via written correspondence that these workers were participating as volunteers and did not expect payment for their services.

- Two temporary employees were not paid with the original group of temporary employees processed for payment by an outside payroll company. BOE spreadsheets had inadvertently omitted the data for the employees to be paid for working the Primary and General Elections. These temporary employees had to be paid separately after the payroll was processed.

The Table shows the expenses for each of the job titles for the Primary and General Elections and the mileage reimbursements.

Board of Elections

2010 Board of Elections Payroll Recap

<u>Position</u>	<u>Wages Primary</u>	<u>Wages General Election</u>	<u>Total Wages Paid Primary & General Elections</u>	<u>Mileage Primary</u>	<u>Mileage General Election</u>	<u>Mileage Paid Primary & General Elections</u>	<u>Grand Total Paid Primary & General Elections</u>
<u>All Temporary Employees</u>							
Election Inspectors	\$132,207.50	\$224,492.50	\$356,700.00			\$0.00	\$356,700.00
Election Coordinators	\$19,355.00	\$19,605.00	\$38,960.00	\$738.15	\$738.15	\$1,476.30	\$40,436.30
Speed Bag Driver	\$1,690.00	\$2,210.00	\$3,900.00			\$0.00	\$3,900.00
Nursing Home Worker	\$2,025.00	\$1,275.00	\$3,300.00	\$75.45	\$154.09	\$229.54	\$3,529.54
Voting Machine Technicians	<u>\$1,050.00</u>	<u>\$1,720.00</u>	<u>\$2,770.00</u>	<u>\$175.18</u>	<u>\$175.18</u>	<u>\$350.35</u>	<u>\$3,120.35</u>
Grand Totals	\$156,327.50	\$249,302.50	\$405,630.00	\$988.78	\$1,067.42	\$2,056.19	\$407,686.19

***Current Employees (Non-BOE)**

Election Inspectors	\$1,910.00	\$3,685.00	\$5,595.00				\$5,595.00
Election Coordinators	\$1,020.00		\$1,020.00				\$1,020.00
Speed Bag Driver	\$90.00	\$70.00	\$160.00				\$160.00
Nursing Home Worker		<u>\$1,275.00</u>	<u>\$1,275.00</u>		<u>\$154.09</u>	<u>\$154.09</u>	<u>\$1,429.09</u>
Totals	\$3,020.00	\$5,030.00	\$8,050.00	\$0.00	\$154.09	\$154.09	\$8,204.09

****Temporary Employees**

Election Inspectors	\$130,297.50	\$220,807.50	\$351,105.00				\$351,105.00
Election Coordinators	\$18,335.00	\$19,605.00	\$37,940.00	\$738.15	\$738.15	\$1,476.30	\$39,416.30
Speed Bag Driver	\$1,600.00	\$2,140.00	\$3,740.00				\$3,740.00
Nursing Home Worker	\$2,025.00		\$2,025.00	\$75.45		\$75.45	\$2,100.45
Voting Machine Technicians	<u>\$1,050.00</u>	<u>\$1,720.00</u>	<u>\$2,770.00</u>	<u>\$175.18</u>	<u>\$175.18</u>	<u>\$350.35</u>	<u>\$3,120.35</u>
Totals	\$153,307.50	\$244,272.50	\$397,580.00	\$988.78	\$913.33	\$1,902.10	\$399,482.10

* Current County Employees who are employed by other County departments who perform Primary & General Election activities.

**Temporary Employees who are employed by BOE to perform Primary & General Election activities.

*** These figures include the two additional payments made after the original group payment: \$365.00 and \$215.00 for Inspectors for a total of \$580.00.

Attachment I

David J. Gamache
Commissioner



DUTCHESS COUNTY BOARD of ELECTIONS

June 21, 2010

Dear Republican Inspectors,

Welcome to the 2010 Election season! This year's elections begin the full use of the new voting system you have heard so much about. We are fully prepared to implement this new system and with your help, have a successful election!

Primary Election Day is set for Tuesday, September 14th. Not all inspectors will work that day as not all Towns may have a Primary. By mid summer you will hear from your Election Inspector Coordinator if you are to work Primary Day. General Election Day is Tuesday, November 2nd and all inspectors will be required to work.

Enclosed you will find (a) your 2010 W-4 to complete and return to me at your earliest convenience and (b) the training class schedule. Due to budget constraints this year, only one paid training class per inspector is available. In addition, since we are moving to the new voting system, it is extremely important that we keep our trainings limited to the appropriate number of people in order for everyone to get the best opportunity possible to learn the new system. That said, you must call my office at 486-2471 (or email me at mbrant@co.dutchess.ny.us) and schedule a training session.

Two types of training have been scheduled. Former BMD inspectors (as well as a few new recruits) will be trained to continue opening, closing and to some degree, "troubleshooting" the new voting systems. The remainder of the Election Inspectors will be trained more specifically on new voting procedures – handling ballots, the flow of voting, etc. The enclosed training schedule will indicate which type of training session you will attend.

If you know for certain that you will either no longer be working as an Election Inspector or that you will be unavailable for September 14th or November 2nd, please contact me as soon as possible.

I look forward to seeing all of you over the summer months and am always available for any questions or concerns that you may have.

Sincerely,

A handwritten signature in cursive script that reads "Michele Brant".

Michele Brant
Deputy Commissioner

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DEMOCRATIC
COMMISSIONER
Frances A. Knapp

June 29, 2010

Dear Democratic Election Inspector:

Welcome to the 2010 Primary and General Election season! The Primary Election is set for September 14th, 2010 and the General Election is November 2nd this year. Due to budgetary constraints and new voting equipment, there are a few changes:

(1) The voting machine: The elections will be held using new optical scan voting machines; we are no longer using the lever voting machine.

(2) Training qualifications: Inspectors must be able to work both the Primary and General Elections. Keep in mind, all inspectors might not be needed to work the Primary Election. Some Inspectors invited to training will be designated as alternates to fill a vacancy if one occurs. Training pay is \$35.00. Since we have limited funds, only inspectors who receive this letter are invited to training, please don't bring a guest, even if she or he has worked as an inspector in the past.

(3) Training class: You are invited to attend Machine Inspector training class - please do not register for the standard Inspector training class. Class will take up to two full hours and include a NY State mandated test that all inspectors are required to take. It will include General Inspector training and hands-on instructions with the new optical scan voting machine. Machine inspectors will be responsible for opening and closing the optical scanner. Inspectors are permitted to take only one class in 2010. This year you will join the traditional team of Inspectors to perform all standard Inspector duties while the polls are open. Be prepared for an exciting and busy day!

(4) Register for class: The class schedule is included in this letter. When you decide which class you want to attend please call the Board of Elections at 486-2486 to make your reservation. If you prefer you may return by mail the bottom portion of the schedule of classes document included or email me at sgold@co.dutchess.ny.us with your name, the date of the class you prefer and a second back up date. Inspectors will not be allowed admission to a class without pre-registering.

Remember, if you know anyone who wants to be an inspector, please let me know and I will contact him/her.

Thank you for your dedication and hard work for Dutchess County to help make "every vote count!"

Sincerely,

Steve Gold, Training Supervisor



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Thank you for your dedication and hard work for Dutchess County to help make "every vote count!"

Sincerely,

Steve Gold
Training Supervisor

TRAINING FEES

Section 3-420 (2)

An election inspector or poll clerk who attends a required training session shall be paid not less than twenty-five dollars for each meeting plus, at the option of the county, transportation expenses not to exceed the mileage allowance approved by the county legislative body for their permanent employees.

Under State law, inspectors must be paid at least \$25 for each training session and that each election inspector may be reimbursed for their expenses to attend the class at local option. In 2006 the County Legislature set the rate of training at \$35 based upon the following recommendation of the Election Commissioners:

"The Board recommends that election inspectors not be reimbursed for travel to and from training sites. Although travel expenses have been paid in the past, when inspectors were paid only \$5.00 for attending a training session, the new flat rate of \$35.00 per session is intended for both attendance and travel."

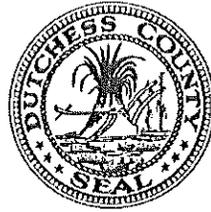
- Dutchess County Board of Elections HAVA Implementation Plan submitted to the Dutchess County Legislature by Fran Knapp and David Gamache, Commissioners of Election, March 17, 2006

Statewide, Dutchess County is only one of nine counties that veer from the Election Law standard of \$25.00 per training session. Five of these pay \$30 (Essex, Jefferson, Oswego, Schenectady, and Yates). Only Orange County also pays \$35. Three counties pay more (Cattaraugus - \$40; Suffolk - \$37.50, and Steuben - \$60). See Addendum F for further comparisons, including class size, length of training and number of classes held.

While it is current Dutchess County practice to only pay for the cost of one election training, in previous years it was possible to be paid for multiple training sessions.

A policy decision to eliminate mileage reimbursement for training sessions and reduce training costs to the state minimum rate of \$25 could achieve a county-wide cost savings of \$15,000 based upon the 1,500 inspectors trained in 2009.

Excerpts from pages 27 & 28 - "A Legislator's Guide to Cost Savings at the Dutchess County Board of Elections"



Erik Haight
Commissioner

Frances A. Knapp
Commissioner

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Response to Comptroller's Observation on 2010 BOE Payroll for Election Workers:

First and foremost, it is appreciated that the Comptroller recognizes that the DCBOE "managed the 2010 election season quite well". The board also appreciates the opportunity to address the observations of the Comptroller's office prior to any formal publication of these observations. This response seeks to clarify some of the issues raised by the Comptroller's office.

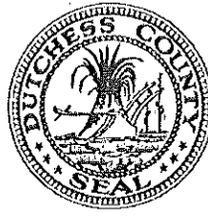
This office would also like to take this opportunity to clarify our stance on the report titled "*A Legislator's Guide to Cost Savings at the Dutchess County Board of Elections*". We were not consulted during the creation of this report at any point in 2010 (prior to Commissioner Haight's term) and the BOE never accepted most of the assertions in the report. At no time, did the BOE Oversight Committee tour the BOE or meet with the BOE staff. This report should not be viewed as an accepted guide for the administration of elections in Dutchess County.

Finally, it must be pointed out that using the term "temporary workers" will cause confusion for many outside the BOE offices. It is better to refer to these employees as "temp help elections workers" as created by the Finance Dept. since these workers are paid through Paychex under budget line 1035.

Cost Reduction 2008-2011

While the Comptroller correctly observes that there have been major reductions in the payroll for elections workers over the past two election cycles, the reasons for these reductions are important to note. It was not simply a desire to reduce costs that allowed the DCBOE to bring down the bottom line for these election worker costs but more the resources that were required that particular election cycle. Atypical from the rest of the county, the BOE budget will vary based upon a Presidential, State-wide or local year election and if there is a special election.

In 2008, New York State had not yet come into full compliance with the Help America Vote Act. The NYS Board of Elections and election law mandated that county boards use an expensive "hybrid" system in the 2008 elections to transition towards the system we are required to utilize now. Both lever machines and new ballot marking devices were deployed to all of the polling places in Dutchess County. NYS BOE mandated that the Dutchess County BOE have an additional two poll workers at every poll site trained to use the ballot marking device machine. The additional 260 poll workers increased our "temp help elections" budget line dramatically. This hybrid system, coupled with the fact that in a Presidential Election year our office is required to run *three* elections instead of the usual two, lead to a much higher budget for election workers during 2008. These extra 260 poll workers added over \$94,000 to election costs that year, not counting training and other associated costs.



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In 2009, the Dutchess County BOE had to once again deal with a hybrid voting system. Using both lever and new ballot marking device voting machines meant once again hiring an additional 260 poll workers. The BOE made a concerted effort to reduce costs in 2009, by making training more specialized and trying to limit cross-training as much as possible. Due to a vacancy in the 20th Congressional District, a special election was required. This unbudgeted election created a third election in 2009.

In 2010, election law mandated county boards to get rid of the lever machines and to use only optical scan voting machines. With only TWO elections (Primary and General) this alone reduced payroll costs considerably. We did not need to hire the EXTRA 260 poll workers previously needed in the hybrid voting system. The reduction in necessary staff at the polling places led to enormous cost savings. The DC BOE made a decision to ELIMINATE the position of 'accessibility inspector' and their duties were distributed among the remaining election workers. This was an additional cost savings.

It is necessary to address the current \$61,000 reduction in the election workers for our 2011 budget. This reduction was not suggested, recommended, or accepted by this office in 2010. New York State Election Law mandates that four inspectors be assigned for each election district.

Dutchess County has 249 election districts. In 2010, poll workers were paid \$356,120 for training and working elections. This figure does not include coordinator costs, machine technician costs, results couriers and nursing home visits.

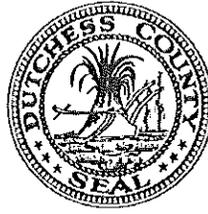
This funding reduction means that we will also have to discontinue the use of our Elections Inspector Coordinators. These coordinators were used to make assignments for Election Day, collect proof of attendance from the inspectors, collect all personnel and payroll forms, and trouble-shoot problems throughout Election Day. Since our office no longer has the funds to hire these coordinators, all inspector assignments will have to be done by our full time staff.

The Legislative budget cut will also force us to eliminate the position of 'speed bag driver'. These election workers return election results to the BOE when polls close so results can be reported on our website on Election night. The new technologies and demographics of our pool of Election Inspectors make phoning in results impossible. Without these speed bag drivers, candidates and the public will not get preliminary election results **until the next day at the earliest**.

"Unnecessary Costs and Procedural Breakdowns"

The Comptroller's observations also cite some perceived failings by the BOE in 2010. We appreciate the opportunity to explain some of these observations. The first observation to be addressed is the perceived "inadequate documentation of workers' activities".

It was explained at the meeting held with the Comptroller that this referred to the documentation for individuals who asked permission to attend additional training classes to be better educated but **did not want**



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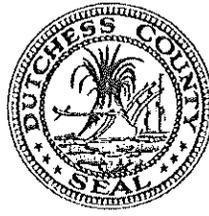
to be paid. This is referred to as “audits” by the Board of Elections and referred to as “volunteer services” in the Comptroller’s report. For the first time since the Board of Elections began handling payroll of election inspectors in 2006, the Finance Director ruled to not accept an audit status but rather this person would have to be paid. It was the practice of the Board of Elections to write a notation on the Inspector’s class attendance sign-in-sheet when a class was being audited. During the payroll process in November 2010, the Finance Director stated this new policy.

A new written policy will be created by the Board of Elections to address this issue for the 2011 year and all inspectors who “audit” a class or “volunteer services” will be documented up to the standards of this new policy from the county. Since some inspectors were not able to “audit” classes under this new policy, the appearance of some workers being paid for multiple trainings was increased. It is also important to note that the courts have confirmed in *Gamache v. Steinhaus* that once the county legislature appropriates the funding it is the sole responsibility of the BOE Commissioners to set salaries, set the number of employees, and set their job responsibilities.

Regarding “payment to workers for additional training”, an explanation is also due. There was an internal BOE policy instituted by Commissioner Resolution at the beginning of 2010 that stated that inspectors should only be paid for one training session. However, it became evident as the year progressed that this policy would jeopardize the success of the election.

After many serious problems occurred during the Primary Election, the Commissioners agreed to a “refresher course” for inspectors, again permitted since the money was budgeted. The refresher class was established to communicate problems discovered in the Primary Election. In addition, since 2010 was the first year that new electronic voting machines were being used; important policies were not established by the State Board of Elections and the County Board of Elections until last August, after many inspectors were already trained. Although they received letters that communicated the late changes, the refresher class was necessary.

A concern became apparent regarding the small number of “alternate inspectors” who were unassigned and available to fill-in for inspectors who might cancel. We determined there was a critical need for inspectors to be trained to both open and close machines and perform general inspector duties. As a result, a small number of the total group of inspectors were cross trained in both the general election inspector class and the machine open/close class, to be ready to work in the event an assigned Inspector were to cancel. This practice of cross training became invaluable in the weeks leading up to the elections and on Election Day, as the Board experienced a number of Inspectors who cancelled. This practice will be repeated in 2011. Note that if we had a large number of alternate inspectors then each one could have been trained once as either a general inspector or a machine inspector. With a small number of alternates, each one had to be trained in both classes.



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The DCBOE acknowledges the two "temporary employees" who had to have their payroll processed separately from the rest of the elections inspectors were due to our error. Considering only two items were at question that required special checks to be printed out of 2,895 entries made for 1,148 inspectors, and an amount of \$580.00 dollars out of a payroll of \$350,525.00, this issue does not appear to deserve the attention of an audit comment.

Furthermore, in analyzing the two cases, one was an individual who did not sign in on Election Day (\$215), which is an occurrence that is likely to happen more often with decreased staff in 2011. The other was an error that occurred in the final preparation of the excel spread sheets for payroll. Payment fields were deleted for one inspector who worked both elections (\$365). The deletion occurred after internal Board of Election audits had compared Election Day sign-in-sheets with the excel payroll report; therefore the issue did not exist at the time of our review.

Implication for 2011

Further issues that are likely to arise in 2011 are mostly due to budget cuts and staff reduction. The Comptroller and his staff are correct to assert that "*The task of processing the temporary payroll is extremely time consuming considering the number of employees and the documentation required for the various activities performed*", all of this distracts from our core mission of running fair elections.

Reductions in staff, both full time and temporary, will make it impossible to keep records up to the standards of the 2010 election in the future. The simple task of taking attendance at a training class with more than 100 attendees can sometimes take the better part of an hour. Without the staff to perform this task, some workers will no doubt be absent the necessary documentation such as w-4 and Election Day attendance documentation.