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parties adds not an iota to the honesty of the elections."<sup>47</sup> What it does achieve is substantial control of the political process by the two major parties, additional costs in election administration because of duplication and overlap, and increased burdens on the courts, which must resolve candidate and party conflicts when poorly structured administrative processes become deadlocked.

The history of New York's constitutional provisions for election administration, and a review of the constitutions of other states, does not produce a convincing case for treating this subject in a state constitution. Moreover, other states' practices suggest alternative, statutory-based frameworks that might allow New York to achieve greater fairness in running its elections while both narrowing the influence that the major political parties have over the process and perhaps reducing the need for election litigation.

One reform study suggests that a "model election administration system" would "fix responsibility for general supervision of elections in a single officer of state government," and "clearly assign responsibility for conduct of elections to single county and city officers." It also recommends that the responsible state official should serve "...under the merit system of civil service for an indefinite term under the Secretary of State..." and should appoint single officials in counties or cities, also through the civil service, to register voters and conduct elections.<sup>48</sup>

The creation of such a system in New York would require constitutional amendment. Whether or not it follows these recommendations precisely, however, an alternative system in the state might seek to:

- \* establish an effective center of executive authority by law in the election administration agency;
- \* remove control of the process by regular party organization leaders in the two major political parties;
- \* provide for professional administration by persons selected on a competitive basis and accountable to an official appointed by a neutral authority (perhaps an *ex officio* board chaired by a judge of the state's high court) and serving for a relatively long term;
- \* allow for policy guidance for the administrator by that *ex officio* board; and
- \* establish a quasi-judicial forum to resolve election disputes and penalize election law offenses in a strictly neutral manner.

An alternative to the model outlined above would:

- \* give the executive director of the State Board and a single person in the counties and New York City statutory-based executive authority to manage these agencies;
- \* retain state and local election boards for policy making and quasi-judicial functions but enlarge them so that they are comprised of an odd number of members — perhaps

five as is now the case in Maryland, North Carolina, and South Carolina — and prohibit any party from having more than two members on a board.

While likely to improve management, opening the process to minority party interests and guaranteeing against stalemates, this alternative would retain partisan dominance of the state's electoral process.

the budget system governing this relationship a major problem. One consequence of these developments is that New York's credit rating is now ranked 49th among the states.

New York needs a "taxpayer's budget," one that imposes discipline and tightens accountability in state public financing and presents clearly the combined state and local impacts of budgetary decisions. New York needs an annual budgetary process that produces true balance, and a related planning process that requires consideration of current fiscal decisions on budgetary balance in the future. Toward these ends, the Commission recommends the creation of an Action Panel on Fiscal Integrity for New York to:

review the process of budget preparation, submission, adoption, and administration in New York State, as it applies to the operations and responsibilities of both state and local governments; and

recommend a package of legislative and constitutional changes to implement those recommendations.

More specifically, this panel should explore:

- \* whether the Constitution should require adoption of a balanced budget;
  - \* whether the comptroller's duties should be revised to include certification of projected revenues or certification of the adopted budget as balanced;
  - \* how the state budget process might be changed to make more likely the timely adoption of a balanced budget;
  - \* ways to build multiyear planning, and periodic adjustment of multiyear plans, into the constitutional budget process;
  - \* whether modifications should be made in the procedures for the issuance of state and state-related debt;
  - \* a consensus system of revenue estimating for New York, similar to that used by other states; and
  - \* methods for mandatory, comprehensive, combined reporting of actual and proposed state and local spending in core functional areas of government, so that taxpayers can see the total picture of what they are paying for and what they are actually getting for their money.
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Complexity of the local government system and in state/local relationships encourages shifting rather than reducing the cost of government, obscures accountability, and hampers the effective delivery of vital services. The "unfunded mandates" issue — the transfer of program responsibilities and costs to the localities by the state without money to pay for them — arises, in part, out of this complexity.

The Commission finds that New York's nineteenth-century system of local government is in need of comprehensive reform. Localities must be given clear authority to meet their responsibilities and raise the resources they need. Localities also need real protection against state interference in local matters and state imposition of costs upon them. The state must have the ability to restructure the system of local governments to enhance efficiency, effectiveness, and democratic accountability.

This Commission therefore proposes an Action Panel on State/Local Relations to:

examine all components of the state's system of local government and interlocal relationships;

recommend changes in state and local responsibilities necessary for effective, efficient, and accountable service delivery in the next century; and

propose a comprehensive package of legal and constitutional measures necessary to achieve these changes.

More specifically, this Commission recommends that this panel explore:

- \* requiring periodic votes in localities to consider governmental institutional arrangements, restructuring, and consolidation, similar to the periodic constitutional convention question at the state level;
- \* examining unfunded state mandates to localities and creating barriers for inappropriate unfunded mandates;
- \* strengthening the power of localities to manage their own fiscal affairs, including the right to raise sufficient resources to meet their responsibilities;
- \* creating a presumption in law in favor of local authority to act to perform local functions, while barring state legislation in these areas without local consent except in true emergencies;
- \* creating a state boundary commission with power to reduce local government layering; and
- \* providing incentives and removing barriers to regional or multi-jurisdictional approaches to service delivery.