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MAKING VOTES COUNT

The Shame of New York

In this presidential year, the election systems of swing states like Florida are being subjected to considerable scrutiny. Other states' systems, which may be just as troubled but unlikely to produce a crisis in the presidential vote count, are being ignored. New York, in particular, has one of the nation's most dysfunctional, opaque and patronage-ridden structures for running elections. It needs an overhaul, starting with the New York State Board of Elections, which should be dismantled.

The State Board of Elections is a case of noble intentions gone terribly awry. In an effort to put elections above politics, it was made bipartisan, with two Republican commissioners and two Democrats. But this has simply led to a constant war to subvert the structure and gain partisan advantage.

Gov. George Pataki recently waited eight months before reappointing one Democratic commissioner, a step that should be automatic. In the interim, his party had the upper hand. The board's top two staff positions are supposed to be split by the two parties. But the position of executive director has been kept vacant for a year, allowing the deputy executive director, a Republican, to run the agency. Democrats have not been blameless in this feud. They have tried to take advantage of a peculiar glitch in the law that allows Democratic chairmen of the board to hold their positions more than twice as long as Republicans.

When everybody's in place and the board has been truly bipartisan, the result has been deadlock. The four commissioners, bitterly divided along party lines, have been unable to adopt even basic policies. Under federal law, for instance, New York must adopt a list of acceptable forms of voter identification, but three months before the presidential election, the Democrats and Republicans on the board are still fighting over it. Local election officials, who have already started preparing election materials and training poll workers for November, are rightfully unhappy. There is a very real possibility that eligible voters will be turned away this year because of all the confusion.

The board cannot be held accountable by the public. In Florida, where Secretary of State Glenda Hood has done some outrageous things this year, the news media and the public have been able to apply pressure on her personally, with some success. Ms. Hood was forced last month to abandon her state's flawed felon-purge list. New York's election policies are made by little-known bureaucrats who answer only to the political bosses who put them in place. Earlier this year, when we tried to determine whether

New York voters had been improperly removed from the rolls in a Florida-style purge, the board's chief spokesman simply hung up the phone.

At the local level, New York's elections offices are just as bad. In the name of bipartisanship, even low-level positions are assigned to the two parties and filled by party leaders. In New York City, there are Democratic voting-machine repairmen, and Republican ones. This system has turned election offices into patronage mills, where political connections trump the ability to do the job. Rather than removing politics, this structure puts it front and center. New York City's chief voter registration official, a key position in election management, is the mother of a Republican congressman.

As with most problems in state government, the governor and the Legislature deserve a good part of the blame. There is a large pot of federal money available to New York, and all states, to replace antiquated voting machines, but the Legislature has failed to adopt machine standards. Since federal law requires that the machines be ready by 2006, the delay makes it likely that there will be significant problems, and added expense, when the machines are rushed into place. The state has been equally negligent about starting work on a statewide computerized voter database, which must also be in place by 2006. If voter registration records in the state are a mess in two years, this will be why.

There is no ideal way to administer elections, but New York's system combines the worst parts of all systems. The public would be better served by transferring responsibility for elections to the attorney general's office, which could be expected to professionalize election management and could be held responsible by the voters for failing to do the job right. The attorney general, who is elected with a party endorsement, should then appoint, as some secretaries of state now do, a member of the opposite party as director of the elections division.

At the local level, election staff positions should be converted into civil service posts. In New York City, elections officials are right to complain that salaries are too low to attract competent staff, especially the skilled computer experts who will be needed to maintain the next generation of voting machines. But salary increases should be tied to a switch to merit-based hiring.

As for the governor and Legislature, the public should make it clear that in these days of increasing concern about the government's ability to run fair elections, their failure to do basic things like adopting timely and adequate voting-machine standards is unacceptable. When new voting machines are put in place in 2006, the voters may want to use them to drive this point home.