

January 29, 2012

Ms. Michelle Lichtenberg, Chair
The Procedure Committee
91 Greenacres Avenue
Scarsdale, NY 10583

Dear Ms. Lichtenberg,

The League of Women Voters of Scarsdale (the "League") would like to thank you and David Brodsky for taking the time to attend our membership meeting on December 5 to review the Citizens Nominating Committee ("CNC") election that took place on November 15. We appreciate your detailed report regarding the election. The League appreciates the outstanding dedication of the Chair ("Chair") and Vice Chair of the Procedure Committee (the "Committee") in carrying out their duties this year. In addition to the items mentioned throughout this letter, the League commends the Chair and Vice Chair for:

- Their leadership of the Committee and their success in obtaining the participation of almost every Committee member and in organizing subcommittees to handle various tasks.
- Their efforts to make the Committee more independent from the Town and Village Civic Club, such as obtaining its own Post Office box and fundraising so as to avoid the need to borrow funds.

We have highlighted below several important recommendations, followed by more detailed comments and recommendations.

Recommendations

- 1. Devise and implement strategies to better educate the community about the nonpartisan system and the role of the CNC.**
- 2. Develop more stringent guidelines for mail-in ballots to ensure voter privacy.**
- 3. Improve voter turnout by extending the deadline for mail-in ballots, educating residents about this option, and making ballots available as soon as possible.**
- 4. Endorsement of CNC Candidates.** The League plans to encourage the Scarsdale Neighborhood Association Presidents ("SNAP") to discuss the appropriate role for neighborhood associations in CNC elections. Also, the League strongly believes that all Committee members should forego personally endorsing candidates.

Detailed Comments and Recommendations

Education regarding the Nonpartisan System

The League commends the Chair's extensive efforts to increase awareness and understanding of the nonpartisan system, which included meeting with SNAP and staffing a nonpartisan system table at a newcomers reception sponsored by the Chamber of Commerce. The League understands that a representative of the Committee cannot be sent to PTA meetings since PTA bylaws prohibit promoting political causes.

A flyer explaining the nonpartisan system was developed by the Chair and the chair of the Administrative Committee, which is responsible for conducting the nonpartisan election of the members of the School Board Nominating Committee ("SBNC"). The League recommends that this flyer continue to be placed at Village Hall and the Scarsdale Public Library, and also be added to the Committee's website and to the packets distributed to newcomers by both the Village and the schools.

The League suggests that the Committee and the Administrative Committee continue to collaborate to develop additional education efforts. For example, possibly the schools could teach the nonpartisan system as part of the social studies curriculum. The Committee could use the video explaining the nonpartisan system made in the Middle School Choice program as another method for educating the public. The League further suggests that additional information on the nonpartisan system (such as the articles by Harriet Sobol and David Kroenlein described below) be made available on the Committee's website.

Call for Nominations

The League commends the Committee for placing notices in the Scarsdale Inquirer in August and September inviting the submission of nominating petitions, as required by the Non-Partisan Resolution (the "Resolution"). The first notice did not contain the names of all members of the Committee, as required by the Resolution. Presumably the Resolution calls for publicizing the names of Committee members so that individuals who might be interested in running can contact a member they know in order to find out more information. The League recommends that the Committee include the names of all Committee members in the August notice, and also list these names on the Committee's website.

Number of Candidates per Vacancy

The League commends the Committee for providing two candidates for each open position in each district. The League also commends the Committee for soliciting assistance in identifying candidates from a variety of community organizations. The League recognizes that the Committee expends enormous energies to present voters with a choice for each vacancy and that these efforts continued after the September 30 deadline established by the Resolution for submitting nominating petitions. If possible, it would be preferable to fill all the openings prior to September 30 with candidates who filed petitions. The League commends the Committee's decision to begin the search for candidates earlier in the year.

Pre-Election Email to Candidates

The League commends the Chair for sending a pre-election email to the candidates. The email commended all the candidates for participating and noted that running is a civic duty in itself. This email could be used as the basis for an article to be distributed to local media and posted on the Committee's website; possibly more residents would be willing to become candidates if they understood that all candidates have served our community and strengthened our nonpartisan system merely by their willingness to run in a contested election.

Notice to Vote Brochure

The League commends the Committee for preparing a very informative and clear Brochure. The Brochure contained a thorough explanation of the nonpartisan system. In some years, this explanation has been eliminated in order to reduce the cost of the Brochure. While recognizing the need to save money, the League believes that educating the community about the system is of vital importance. The League recommends that despite the possible increased cost, the nonpartisan system information should be included in the Brochure.

In order to reduce the need to edit biographies, the League recommends that the Committee provide the candidates with a sample of a completed biographical information form and instruct the candidates to comply with the space limitation and to submit their biographies on the standardized form provided.

The League commends the Committee for:

- Revamping the Brochure so that the page first viewed by recipients (the page with the resident's address) has graphic interest that makes clear that the purpose of the mailing is to notify citizens of the election and to get out the vote.
- Clarifying in the Brochure that each resident can vote only for candidates in his or her elementary school district.
- Mailing the Brochure on November 1, a week earlier than in 2010.

The Vote

Voter Turnout. The turnout of 533 voters represents only a small fraction (about 4%) of eligible voters. Since 1998, the tally of votes cast has fluctuated from a low of 353 voters in 2005 to a peak of 664 voters in 2009. As voter turnout represents approximately 3-6% of eligible voters, the League strongly recommends that the Committee continue its efforts to increase turnout by educating the public about the nonpartisan system, and by initiating a campaign to make residents aware of the availability of mail-in ballots.

The Ballots. The League commends the Committee for providing voters with a clear, color-coded and easy to understand candidate ballot, and with a second ballot that clearly and accurately presented the proposed amendments. The League notes that some voters were given only the candidate ballot when they signed in at the polling location, not both ballots; they had to ask for the amendments ballot. The League urges the Committee to educate the volunteers who staff the polls as to the importance of providing all voters with both ballots.

Hours, Parking, Signage and Choice of Day. The polls were open from 7-9:30am and 2-9pm. The League suggests that morning hours be extended by 30 minutes until 10am to allow voters with young children sufficient time to vote after "drop-off." "Voters

Only” parking was not made available on the upper level of the Village Hall parking lot this year. The League urges the Committee to reinstate this dedicated parking, if allowed by the Village. The League suggests that the Committee should also place large, in-ground “Vote Here” signs near both entrances to the Village Hall parking lot. The League commends the Committee for holding the election on a Tuesday, when Village Court is not in session.

Absentee Ballots in 2011

The League notes that 10.5% of the votes cast this year were by absentee ballot. The League commends the Committee for adopting procedures that were designed to eliminate suspected abuses during the 2010 CNC election. All absentee ballots were required to be mailed to a PO box; no ballots could be delivered in person to the Chair.

Amendments to the Resolution

The Committee undertook to address a variety of issues by drafting proposed amendments to the Resolution. The League commends the Committee’s decision to take on this complex, time-consuming task and commends the care with which the amendments were drafted and modified in response to comments from the community. The League further commends the Committee for publicizing the changes in the draft amendments and for including a sample amendments ballot in the Brochure that accurately and clearly described the proposed amendments and the reason for each.

Mail-in Ballots Beginning in 2012

The League commends the Committee for proposing an amendment to the Resolution that would replace the absentee ballot with a mail-in ballot, making voting more convenient for residents.

Deadline. The amendment provides that the ballot must be received by the Committee’s PO box by the day before the date of the election. The League recommends that the Resolution be amended to provide that ballots must be received at the Committee’s PO box by the date of the election. Since there will often be only a short period of time between the date the mail-in ballot becomes available and the date of the election, extending the deadline by one day provides additional time to the voters. The League suggests that the Committee educate the public about the likelihood that ballots brought to the post office on the date of the deadline will not be placed in the PO box until the day after the deadline and thus will not be counted. The League agrees with the Chair and Vice Chair that if the deadline was that ballots had to be postmarked (rather than received) by the date of the election, then it would be necessary to remove the ballot boxes from Village Hall for several days while the Committee waited for ballots to arrive in the PO box, which would delay the election results and, more importantly, could compromise the integrity of the election.

Ballot Availability. The League commends the Committee for drafting the amendment to provide that mail-in ballots will be made available on the Committee’s website and at Village Hall and the Scarsdale Public Library. The amendment provides that mail-in ballots will be made available on or about “the same date that the Committee notifies qualified voters of the names of the candidates for each vacancy”. This date could be interpreted to mean either the date that the Brochure is mailed to residents (which may be only one or two weeks before the election) or the date on

which the Committee announces the slate of candidates to the media (which may be a week or more before the Brochure is mailed). The League urges the Committee to make the mail-in ballots available as soon as possible.

Education. In order to ensure that the ballot remains a neutral tool for all residents and to maximize the number of voters, the League strongly urges the Committee to educate the community about the availability of mail-in ballots and the benefits thereof. The mail-in ballot is a significant departure from the existing absentee ballot procedure. Ideally all residents should be aware of the option to use the mail-in ballot, not just those who have been informed of this option by a particular candidate.

Role of Candidates. In order to ensure voter privacy, the League strongly recommends that the Resolution be amended to provide that the nominating petition will contain a statement to be signed by the candidate that neither the candidate nor to their knowledge anyone working on their behalf will assist in the completion of a mail-in ballot or handle any completed mail-in ballot, other than their own. Absent this provision, a candidate could bring ballots to their neighbors and friends, ask them to fill out the ballot while the candidate waits, then mail the completed ballots. Candidates should be advised that it is permissible for them to encourage residents to use mail-in ballots and to either provide residents with blank absentee ballots or to email the blank ballot form.

Brochure. The League urges the Committee to consider whether to include the mail-in ballot in the Brochure, particularly in 2012, the first year in which mail-in ballots will be used. Inclusion of the mail-in ballot in the Brochure may increase awareness of this option and increase the number of voters. However, the League understands that the Committee must consider the increased cost of printing the Brochure as well as the potential benefits of including the ballot.

Finances

The League notes that the Committee was successful in its efforts to fundraise to pay the costs of the November 2011 election. The Committee used \$3,150 from 2010 fundraising and \$920 in donations (primarily from Committee members) to cover its costs of \$3,858.

The League commends the Committee for its prompt efforts to raise funds for the 2012 CNC election. The League was pleased to see that the Brochure requested donations and that the Committee's website contains an explanation of the importance of donations; a link to PayPal; and a list of current donors. The Committee refreshed its mailing list of potential donors and in December 2011 sent annual appeal letters with personal notes.

The League appreciates the financial summary in the Chair's report to the League, and looks forward to receiving updated financial information after the fundraising effort has been completed.

Publicity

The League commends the Committee for making information about all aspects of the election available to the public in various media, including the Scarsdale Inquirer, online newsletters, and the Committee's website. The League further commends the Committee for arranging for two items to be written and distributed to local media: Harriet Sobol's article about what it's like to serve on the CNC, and former Mayor David Kroenlein's letter to the editor about the value of the nonpartisan system. The League suggests that the Committee consider posting these on the Committee's website.

Role of Neighborhood Associations

In an effort to get as many candidates as possible, the Committee asks many constituencies in the community, including the neighborhood associations (“NA”), to seek candidates. This year and in some past years, it appears that leaders of two of the NAs in Fox Meadow agreed to endorse one candidate from each of the two neighborhoods, and sent mass emails to members of both associations urging them to vote for these two candidates. A leader of one of these NAs, who is a currently a member of the Committee, sent one of the endorsement emails.

Endorsement of candidates by NAs could lead to a variety of problems. Endorsements encourage voters to make their decisions based upon the neighborhood in which the candidate resides, instead of voting for the candidates who are best suited to serving on the CNC. The nonpartisan system functions best when all CNC members act in the interests of the community as a whole, rather than representing their specific neighborhoods. Since the practice of cross-endorsements and the success of the endorsed candidates are well known in other areas of Fox Meadow, this makes it more difficult to recruit candidates from those areas due to the perception that candidates from other NAs rarely win. Furthermore, this practice may create a public perception that a small group of people exercises undue influence. In light of these potential problems, the League encourages SNAP to take up a discussion of the appropriate role for NAs in CNC elections.

The League strongly believes that Committee members should forego personally endorsing CNC candidates while sitting as a member of the Committee, so as to avoid any confusion in roles or appearance of conflict. The members of the Committee have a duty to encourage individuals to run for the CNC and to ensure a fair election. Endorsements make it difficult to fulfill these duties, since candidates who are not endorsed may feel undermined.

Conclusion. The League lauds the Committee’s dedication to the nonpartisan system. The League hopes the Committee will view this letter as a tool to facilitate discussion on strategies to improve the system and would like it to be shared with the incoming chair and Committee. The League commends the Committee’s ongoing commitment to the continuous improvement of the Village election system. Overall, the League congratulates the Committee on a successful election.

Sincerely,

Sara Werder
Chair, Village Election System
League of Women Voters of Scarsdale

Marylou Green
President
League of Women Voters of Scarsdale

cc: David Brodsky, Vice Chair, Procedure Committee