

As Big Change in Voting Approaches, Election Board Lacks a Leader

by Hashim Rahman

Wednesday, March 24, 2010 12:00 AM



With New York facing the [biggest changes in voting](#) in decades, the city [Board of Elections](#), the agency entrusted with making sure everything goes smoothly, has no executive director.

The post has remained vacant since Marcus Cederqvist, the previous occupant, abruptly announced his departure in January and left shortly thereafter. Not only does the board not have a director but it has not revealed a timeframe for or method by which the next person will be selected.

All this comes as the city prepares to abandon its old lever machines and [replace](#) them with a new computer-based voting system by next fall's elections for governor, two senators, members of Congress and other political leaders. In the meantime, new technology must be tested and implemented, pollworkers have to be trained, and voters need to be educated.

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The situation at the board has alarmed watchdog groups and some public officials. "It's an injustice to the voters of New York, and the taxpayers of New York, to not conduct a meaningful, open public search, and to set out expectations, to have a contract, and to have performance criteria," said Neal Rosenstein, coordinator for the [New York Public Interest Research Group](#) .

Secret Search

The executive director oversees the voting operations for New York City. In theory, the appointee is responsible for overseeing poll worker training, voter registration and implementation of new technology and new policies.

It is "a position of great potential impact, and New Yorkers have a right to see that the best possible person is selected to run their election," said Lawrence Norden, senior counsel at the [Brennan Center for Justice](#) .

The board almost never elaborates on how it staffs positions. At present, its web site has no job posting or any indication that it even needs an executive director. City Councilmember [Gale Brewer](#) , who chairs the Committee on Governmental Operations, said, "I hope the Board of Elections will do an extensive search to identify the best person."

At previous Board of Elections commissioners' meetings, the board revealed it has two possible candidates, former Queens Councilmember [Anthony Como](#) and the board's current deputy executive director, [George Gonzalez](#) . But there is no public information on how the commissioners are conducting their search.

Although "both candidates have a lot of experience with the board itself," Rosenstein said, he expressed disappointment that the board is not conducting an open and wide-ranging search for the most qualified person.

Gotham Gazette asked board spokesperson Valerie Vazquez-Rivera about the executive director's responsibilities, how tasks were being handled during the vacancy and the search for a replacement. After two weeks, Vazquez did not reply to our inquiries. Individual

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commissioners also did not reply to requests for comment.

An Opaque Board

According to its critics, transparency has never been the board's forte. It does hold public meetings and communicate with public interest groups, but observers note that the board still does not truly reveal how it works.

"It's extraordinarily secretive, and that's a problem," said [Paul Newell](#), a Democrat who was recently elected as district leader for Part C of the 64th Assembly District. Newell said that the lack of transparency preserves status quo, and the status quo maintains existing problems.

Twelve public interest groups, including NYPIRG and [Citizens Union](#) (whose sister organization publishes Gotham Gazette) have called for "an open and public search" for the executive director position. The groups have been pressing the board to select someone who has strong experience with election administration, voting rights, and information technology.

A Bipartisan Patronage System

The city's Board of Elections is a bipartisan organization. Its 10 commissioners are split evenly between Republicans and Democrats, one of each party from each borough. The commissioners, who are selected by their respective parties, vote to appoint the executive director and other staff positions, which also must be evenly divided between Republicans and Democrats.

New York State adopted this bipartisan structure in 1894 as a way of having the two strongest political parties -- the Republicans and Democrats -- serve as a check on each another. But numerous critics have [charged](#) that this system has allowed political patronage to take hold since it places no checks and balances on how the parties bring their own candidates to the board.

"Virtually every single employee of the board, as well as the executive director, are hired through the patronage process," said Rosenstein, who explained that local party bosses hold influence over board's commissioners, who in turn select the executive director and other staff. It is a selection process, he said, based on a loyalty rather than merit with no nonpartisan

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oversight.

The last executive director, Marcus Cederqvist, had a long relationship with the Republican Party. According to a 2002 [biography](#) on the New York Republican County Committee's website, Cederqvist was chief of staff for former City Councilmember

[Andrew Eristoff](#)

for six years and Republican district leader for the 64th Assembly District between 1995 and 2002. Cederqvist told City Hall News in March 2008 that Republican John Ravitz, the board's previous executive director, had approached him about the position.

Nothing in Cederqvist's background suggests that he had any particular management or voting expertise. In fact a November 2008 editorial in the Daily News accused Cederqvist of having "less management experience than a street-corner hot dog vendor."

The board, which unanimously approved Cederqvist's selection, would not comment on why he was chosen.

When problems occurred at the polls during the 2008 presidential election, some blamed Cederqvist, but other watchdog groups considered that unfair, given his short tenure at the board and its long history of problems. Margaret Fung, executive director of [Asian American Legal Defense and Education Fund](#) said Cederqvist was attentive to suggestions and was simply not in the post long enough to be adequately judged on his leadership.

What the Board Needs

Yet with the election process in New York facing such huge changes, critics and public interest groups say the city cannot afford to take a complacent or wait-and-see approach to Cederqvist's successor, whoever it is. "We need the most qualified executive director, we don't need one who tows the party line or the party boss' line," said Rosenstein.

Fung said that any incoming executive director needs to understand the issues faced by the city's many groups.

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An understanding of new technology is especially important because the new voting system will use optical scanners to count ballots. In addition, the new machines will be able to display ballots in different languages, raising an increased possibility of translation mistakes.

In January, the board [awarded](#) the multimillion contract to [Election Systems & Software](#), Inc. One day after the contract was awarded, a lobbyist for Election Systems was [arrested](#) on accusations of bribing a Yonkers City Council member. Shortly thereafter, a rival vendor sued the board, alleging that it awarded Election Systems points during the bidding process for technology features that cannot legally be used in New York.

Even though a court has not decided on the rival vendor's allegations, Howard Stanislevic, founder of the [E-Voter Education Project](#), believes that the controversy underscores the kinds of problems that can arise if the board hires an executive director who is not proficient in voting technology, and the laws governing it.

"Election administration has become more of a [technology] job," said Stanislevic. "You need people with experience otherwise the vendors will control everything."