

Resolution #10 of 2014
Town of Olive
Resolution in Support of Proposed County Resolution No. 224 of July 15, 2014,
Authorizing Ulster County to Pay for the Cost of Election Expenses

WHEREAS, Ulster County Resolution No. 410 of December 6, 2006 authorized the County of Ulster to charge back the towns and the City of Kingston for the cost of elections; and

WHEREAS, the Help America Vote Act, or HAVA, mandated that all states and localities upgrade many of their election procedures, including their voting machines, registration processes and poll worker training; and

WHEREAS, the increased costs associated with elections have proven to be a substantial expense and burden on the Town of Olive; and

WHEREAS, the financial burden is expected to escalate, as future costs associated with repair and/or replacement of the new electronic voting machines could be cumbersome; and

WHEREAS, pursuant to New York State Election Law, Article 4, Section 4-136, "...the expenses of providing polling places, voting booths, supplies thereof, ballot boxes and other furniture for the polling place for any election, including the storage, transportation and maintenance of voting machines, appliances and equipment or ballot counting devices, and the compensation of the election officers in each election district, shall be a charge upon the county in which such election district is situated...;" and

WHEREAS, New York State Election Law, Article 3, Section 3-226 states that "All voting machines, and appliances and equipment relating to or used in the conduct of elections shall be in the care, custody and control of the board of elections," and therefore, not the responsibility of the local municipalities; and

WHEREAS, the Town of Olive has no say in the increases in the chargeback pricing rates; and

WHEREAS, the Town of Olive has no ultimate authority as to who is hired by the county to be local election workers; and

WHEREAS, the Town of Olive has no authority for election worker compensation rates;

WHEREAS, in a reasoned September 23, 1992 opinion to Broome County, the New York State Comptroller said, in part, "there is no requirement that the chargeback should appear in a city, town, or village budget," and

WHEREAS, the county does not charge back for services it renders from the Sheriff's Office, Weights and Measures, Emergency Services, District Attorney's Office, or the other county departments, and

WHEREAS, the Town has become a "middleman" in the election process rather than an active participant with any authority of home rule; and

WHEREAS, this chargeback is no less than an unfunded mandate from the County to the Town of Olive; and

WHEREAS, County Resolution No. 224, currently pending, would direct the cost of election expenses be borne by Ulster County, and not billed to its municipalities, effective January 1, 2015; and

WHEREAS, the Town of Olive Town Board supports the passage of said Resolution; now, therefore, be it

RESOLVED that the Town of Olive Town Board hereby supports the passage of said Resolution and respectfully requests that the Ulster County Legislature pass the proposed resolution; and be it further

RESOLVED that the Town Clerk send a certified copy of this resolution to the Ulster County Legislature and Ulster County Executive within five (5) days.