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Board of Exasperations

The frustrations of an Albany County Legislature candidate shed light on problems with the county election system

Anton Konev was annoyed after the Albany board of elections told him that they had lost his first Freedom of Information Act request to see the ballots he had received in his race for the Albany County Legislature in the 32nd District. He was angered when he put in a second request and was told he would have to FOIL that request if he wanted a copy of it. But what finally exasperated Konev was being told by election commissioners that hundreds of students from the University at Albany that he had registered to vote would not be listed on the eligible-voter list because they did not give their PO box on campus.

According to Konev, he had spent a great deal of time registering more than 100 students on the UAlbany campus to vote, only to have a number of students not added to valid voter lists because they gave their physical address on campus and not their PO box. (All students living on campus are assigned a PO box when they enroll.)

“They told me some of them would not be registered because they think if they send the mail to students that it will come back to them, which is not true because students are in the database, and the university will process them as long as they have a quad,” said Konev. “There is no reason to disenfranchise those voters.”

Albany County Republican Board of Elections commissioner John Graziano said that the problem with registering UAlbany students is one that has existed for years.

“In the SUNY Albany mail system, if you don’t put the box number on there, they don’t get their mail,” he said. “There are two different election districts on campus: One is Guilderland and one in the city. So they need to have a box number to get their mail. It has been a seven-year problem. We’ve talked to SUNY. We’ve talked to everybody.”

Konev has rallied students, politicians and members of a number of activist organizations to draw attention to what he sees as a violation of students’ rights, a violation he said should have been addressed years ago. He insisted that other transient populations are allowed to register, such as nursing-home patients. Konev wonders if the “problem” has been allowed to exist to keep student registration low in the district. Konev has also received a letter from Diane Cardone of the UAlbany Services Department that states that mail can be delivered to students who do not list a PO box number, but that it would take more time than usual.

Graziano, however, insisted the problem is one of logistics: “They are a transient population. It is hard for us to keep up with them. It is hard for the SUNY system to keep up, let alone us and the post office. We want them all to be able to register if they want to.”

In a separate issue, Konev, a Republican and the Citizens for Change candidate for Albany County Legislature, watched as the ballots were counted for the Independent and Conservative lines after the September primaries. When presented with the final tallies, he had clearly lost on those lines. However, the number of votes tallied by the Albany County Board of Elections was less than the number he had counted himself. So he requested to reinspect the ballots.

Konev was informed that he would have to file a Freedom of Information Law request, and he did. Seven business days later, Konev inquired about his FOIL request and was told it had been lost.

He was instructed to fill out a second request for the same information. After his last experience with the board, he realized that he should ask for a copy of the request; he was told that to get a copy of his second FOIL request, he would have to fill out a third FOIL request.

"I spoke to the commissioner, and he told me they had already packed away the ballots in the back and I can't see them, I can't examine them, and it will take them months to make copies of them for me," said Konev, exasperated. "But there are only around 50 ballots."

Graziano told a different story.

"He was here when they were looked at," he said. "Now he wants to FOIL 'em. I told him, 'Why don't you just come look at them again?' It would be very difficult for us to go and get them, to pull them out by district as he crosses many election districts. It is very difficult for us to photocopy and give them to him. We will give him anything he wants, but everyone wants instant gratification."

—David King

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