

## OPTION:

**Consolidate Federal and State Primary Elections**

Savings: \$10 million in even-numbered years

Prior to 2012, primary elections in New York State for both state and federal offices were held in September of even-numbered years. But a federal judge ruled in 2012 that New York State's scheduling of its Congressional primaries in September did not leave enough time to get absentee ballots to military personnel overseas before the general election in November. All federal primaries in New York State were therefore moved up to June, but elected officials in Albany have thus far refused calls to shift primaries for state offices to June as well.

As a result, New York City is now required to cover the cost of staging primary elections in both June and September of even-numbered years. In staging an election, the main costs to the city's Board of Elections—which is funded from the city's budget but outside the city's control—are per diem payments to poll workers, printing ballots, and transporting equipment to and from polling sites across the city

The cost of primary elections varies based on the number of federal and state offices with contested primaries; the Board of Elections estimates that the cost of holding the June 2016 federal and September 2016 state primary elections was about \$9 million and \$11 million, respectively. There are also police overtime costs associated with elections, with the most recent figures available from the police department indicating that these costs average about \$450,000 per primary election.

To implement this option the city would need the New York State Legislature to shift the biennial state primaries to the same dates as the federal primaries. This would allow the city to save about \$10 million every other year.

**PROPOSERS MIGHT ARGUE** that the staging of state and federal primaries on separate dates every two years is wasteful. They might also argue that expecting voters to trek to the polls for multiple primaries in the same year is unrealistic. This is particularly true in even-numbered years, which are also presidential election years, when yet another primary is held in the spring.

**OPPOSERS MIGHT ARGUE** that holding primaries for state legislative offices in June would be unfair to those incumbents facing primary challenges because the Legislature usually remains in session in Albany until near the end of that month. Incumbents facing primary challenges would therefore be at a disadvantage because they would have little time to campaign in their districts.

OPTION:

## State Reimbursement for Inmates in City Jails Awaiting Trial for More Than One Year

Savings: \$140 million annually

At any given time two-thirds of the inmates in Department of Correction (DOC) custody are pretrial detainees. A major determinant of the agency's workload and spending is therefore the swiftness with which the state court system processes criminal cases. Throughout the adjudication process, detention costs are almost exclusively borne by the city regardless of the length of time it takes criminal cases to reach disposition. The majority of long-term DOC detainees are eventually convicted and sentenced to multiyear terms in the state correctional system, with their period of incarceration upstate (at the state's expense) shortened by that period of time already spent in local jail custody at the city's expense. Consequently, the quicker the adjudication of court cases involving defendants detained in city jails and ultimately destined for state prison, the smaller the city's share of total incarceration costs.

Existing state court standards call for felony cases in New York State to be pending in Supreme Court for no more than six months at the time of disposition. In calendar year 2014, however, 1,660 convicted prisoners from the city had already spent more than a year in city jails as pretrial detainees.

If the state reimbursed the city only for local jail time in excess of one year at the city's average cost of \$260 per day, the city would realize annual revenue of about \$140 million. It should be stressed that the reimbursement being proposed in this option is separate from what the city has been seeking for several years from the state for other categories of already-convicted state inmates, such as parole violators, temporarily held in city jails. The reimbursement sought with this option is associated with excessive pretrial detention time served by inmates who are later convicted and sentenced to multiyear terms in the state prison system

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**PROPOSERS MIGHT ARGUE** that the city is unfairly bearing a cost that should be the state's, and that the city has little ability to affect the speedy adjudication of cases in the state court system. They could add that imposing what would amount to a penalty on the state for failure to meet state court guidelines might push the state to improve the speed with which cases are processed. In addition, the fact that pretrial detention time spent in city jails is ultimately subtracted from upstate prison sentences means that under the existing arrangement the state effectively saves money at the city's expense.

**OPPONENTS MIGHT ARGUE** that many of the causes of delay in processing criminal cases are due to factors out of the state court's direct control, including the speed with which local district attorneys bring cases and the availability of defense attorneys.