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## THE LEAGUE OF WOMEN VOTERS *of New York State*

### JOINT LEGISLATIVE PUBLIC HEARING ON 2017-2018 EXECUTIVE BUDGET PROPOSAL PUBLIC PROTECTION

#### TESTIMONY TO THE JOINT FISCAL COMMITTEES OF THE NEW YORK STATE SENATE AND NEW YORK STATE ASSEMBLY

*January 31<sup>st</sup>, 2017*

*Hearing Room B, Legislative Office Building, Albany, New York*

#### **Introduction**

The League of Women Voters is a nonpartisan political organization working to promote civic responsibility through informed and active participation of citizens in government. We have 51 local leagues throughout the state registering and educating voters, on local and state issues. The League does not support or oppose political candidates.

#### **I. Election Administration**

The League's mission from its inception is to promote the informed and active participation of voters in government by providing non-partisan information on the voting process. As such we have worked closely with the State Board of Elections. We are regular observers at the meetings of the State Board of Elections commissioners in Albany, and at the New York City Board of Elections. Our local leagues throughout the State work collaboratively with local boards of elections in implementing our similar missions.

The Board of Elections has responsibility for oversight of the county boards of elections compliance with the NYS Election Law and federal laws such as the National Voter Registration Act (NVRA, 1993), the Help America Vote Act (HAVA, 2002), and the Military and Overseas Voter Empowerment Act (MOVE, 2009). With the passage of these three federal acts, the State Board of Elections responsibilities have increased dramatically since 1974 when the agency was established.

The Board, among other things, administers several critical programs, including the statewide voter registration list (NYSVoter), all agency-based registration, the voting system certification program and campaign finance disclosure filings for state-level and local candidates. In addition to ensuring fair and broad ballot access for hundreds of candidates from throughout the State, the Board is committed to the active oversight and compliance with campaign financial disclosure filing requirements. We believe that the exercise of the

voting franchise is fundamental in a democracy, and a well-funded State Board of Elections will be better able to perform its mission to enforce the election law and educate voters.

**The League of Women Voters of New York State supports increased funding for the State Board of Elections so that the mission of the Agency can be fully realized.** The State Board of Elections has once again received flat funding in the proposed budget. Increased funding will allow this Agency to expand initiatives such as early voting by offering counties grant initiatives to explore how to implement the programs in their counties.

### ***Cyber Security***

In 2016, the Board of Elections faced new challenges related to cyber security. Although there were no successful security breaches, attempts to freeze the BOE's system were made by unknown actors on multiple occasions. The BOE has been vigilant in staying ahead of cyber security attacks but it is difficult for the agency to mitigate all attacks when their systems are on separate servers in the individual counties it serves. The Board of Elections has been working tirelessly to educate County Commissioners on the possible risks their systems face and the best ways to diminish the possibility of a cyber-attack. Unfortunately, these trainings require that the State Board of Elections shift from their normal activities and dedicate staff time to these sessions. The State Board of Elections needs additional funds for new staff and new permanent security programs that would reduce the risk of cyber-attacks.

Nationally, the US Department of Homeland Security has formally added election infrastructure to its list of critical infrastructure as a cyber security function. The Department of Homeland Security has developed resources to help states enhance their cyber security systems. The Board of Elections was quick to respond to DOHS but these resources will be limited and ultimately the state will need to allocate additional funding for the SBOE to ensure adequate security systems can be installed. Adding voting systems as critical infrastructure which will require more funding by New York State to assure our databases are protected.

### ***Early Voting***

The League strongly supports early in-person voting but does not believe the Governor's proposal goes far enough. A good early voting system would allow ample opportunities for voters to head to the polls and cast their ballot. Governor Cuomo's proposed early voting plan allows for up to 7 polling places per county, with at least one polling location for every 50,000 residents. Counties with less than 50,000 residents are only required to have a single polling location. Based on 2012 census data, 15 counties currently have populations of less than 50,000 residents. It is not equitable to only have one early voting polling location for each these counties. By contrast, the largest county, Kings County, has approximately 2,565,365 residents<sup>1</sup>. Based on the Governor's proposal of one polling site per 50,000 residents, Kings County should have 51 polling sites, but will only be mandated to have 7. The League believes that early in-person voting should be inclusive for all and should not be made challenging because of the geographic location of polling sites. The League's full recommendation on early voting is included in the attached joint policy statement on how to

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<sup>1</sup> "New York State counties' population estimates in 2012" American Community Survey.  
<http://data.newsday.com/long-island/data/census/county-population-estimates-2012/>

increase voter participation developed by the League, Citizens Union, Common Cause and the Brennan Center for Justice, for the Election Commissioners Association meeting in January.

Although the proposal would not take effect until 2018 and would allow the Board of Elections to alter the law, we believe that the State Board does not have enough funding to assist local boards to make these changes. Acquiring polling locations, paying for additional poll workers, and purchasing new polling machinery will be a hefty cost on the county boards. Early in-person voting will also present new challenges for county boards and poll workers. The voter rolls must be updated daily, poll workers must work extended hours, and the public must be made aware of the opportunity to vote early. We urge that sufficient funding be put in the 2018-2019 budget to ensure fair and equitable opportunities for all voters regardless of their county's population size.

### ***Automatic Voter Registration***

Governor Cuomo has proposed allowing all eligible voters who apply for or renew a driver's license or state ID be registered to vote. Not being registered to vote is one of the biggest barriers preventing people from voting on Election Day. A report by Demos showed that voter turnout among all eligible citizens in 2012 was only 62% but turnout among registered voters was 87%<sup>2</sup>. Citizens who are registered to vote are more engaged in the voting process and have far less barriers than those who are not registered at all. Considering that New York State voter turnout rates are 49<sup>th</sup> in the nation, we need to make it easier for New Yorkers to register to vote.

More states are turning to electronic systems instead of paper ones to streamline the voting process and using online voter registration portals. The League believes that automatic registration should be expanded to cover more citizens. Those who do not drive and those who do not currently have a state ID will not have the opportunity to be registered through the DMV. A more complete system would register citizens to vote any time they interacted with any governmental agency, whether they are applying for a marriage license or applying for Medicaid.

The League believes this proposal is a good first step in ensuring that all voters who are eligible to vote are also registered to vote, but the law should be expanded to include other agencies so no population is left out of the program and to ensure constructive coordination between agencies.

### ***Electronic Poll Books***

The League applauds Governor Cuomo for proposing several progressive voting measures but would like to draw your attention to an additional voting measure that would greatly increase voting accuracy and ease. Electronic poll books are a new technology that would address the issue of printing voter rolls. Twenty-seven states currently use electronic poll books in at least one county in their state. The poll books are expensive pieces of equipment but they offer greater accuracy, security, and speed when voting. The League strongly supports replacing printed poll books with electronic poll books to eliminate time and resources spent producing

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<sup>2</sup>Liz Kennedy, Lew Daly, & Brenda Wright "Automatic Voter Registration" Demos. [http://www.demos.org/sites/default/files/publications/AVR\\_0.pdf](http://www.demos.org/sites/default/files/publications/AVR_0.pdf)

poll books and updating voter information. In 2011 an electronic poll book pilot was launched in Orange County. Their local Board of Elections office reported much faster check-in, reduction of calls by inspectors to the Board of Elections, greater access to the county electors lists, and faster electronic uploads and processing of voter history and voter registration updates. Demonstration projects using electronic poll books were also conducted in Chautauqua and Onondaga Counties.

## **Fostering Efficient and Economical Election Administration**

Running elections in New York is expensive and challenging, given the varying needs of our diverse counties. Our collective pro-voter organizations support the below measures that will improve election administration by modernizing procedures and easing the burden on counties. We urge the Association to include support for these reforms in its 2017 Legislative Agenda, ensuring that the county boards of elections are positioned to effectively implement 21<sup>st</sup> century policies to promote voter participation and efficient, reliable election administration.

### **“Opt-Out” Voter Registration**

We recommend that New York State adopt an opt-out system of voter registration (also known as automatic voter registration). Opt-out registration would provide substantial cost savings and administrative benefits and ensure that all eligible New Yorkers are registered to vote. Under an opt-out registration system, county boards of elections automatically and electronically receive the information necessary to add citizens to the voter rolls when they interact with New York State government agencies. It is not mandatory registration: citizens are always provided the opportunity to “opt out,” and no information enters the registration rolls without approval.

Opt-out voter registration has three primary benefits: (1) it increases the accuracy of the rolls, because paperless systems leave less room for human error and because more up-to-date and frequent registration information from voters means outdated or duplicate records can be eliminated; (2) it saves states money because less is spent on staff time, paper processing, and mailing, among other expenses; and (3) it boosts registration rates and turnout.

New York already has a system to electronically transfer voter registration information from the Department of Motor Vehicle offices (“DMV”) directly to election officials. Opt-out registration is the logical next step. It creates a process that is more convenient and less error-prone for voters, government-agency staff, and election officials.

We urge the New York State Election Commissioners Association to support bills that feature these reforms such as the **Voter Empowerment Act, S.2538-C/A.5972-A and automatic voter registration legislation A.6610/ S.5367.**

### **Implement Electronic Poll Books Statewide**

Our groups strongly support replacing printed poll books with electronic poll books to eliminate time and resources spent producing paper poll books and updating voter information, and to **speed up** the processing of voters at the polls on Election Day. In a recent poll, as relayed by the Presidential Commission on Election Administration, clerks and administrators put electronic poll books at the top of their election reform priority lists. State and county boards of elections should be guided by positive experiences of the 2014 electronic poll book **pilot projects in Chautauqua and Onondaga counties.** Our groups support designated state-funding for the necessary equipment purchase.

We urge the New York State Election Commissioners Association to support bills that allow counties to elect to use **computer generated registration lists, such as S6581/A8608-A.**



## **Implement Early Voting in New York State**

**New York is one of only fourteen states that does not allow early or no-excuse absentee voting, putting us woefully out of step with the rest of the country. Our groups strongly support no-excuse absentee voting and in-person early voting legislation along the following lines:**

- Early voting **should occur for two weeks** inclusive of two weekends, with at least some weekday voting hours scheduled before and after typical business hours.
- In advance of the first day of the early voting period, **each county should provide public notice** of the days, hours and locations for early voting in that county.
- **Revisions of election procedures** should be implemented to limit costs of early voting, and mechanisms should be implemented to ease administrative burdens, such as the **use of electronic poll books**.
- **There should be state funding** for early voting.
- A **uniform standard** incorporating the variables below should be used to **determine the minimum number of voting sites** for each county. **Counties should have flexibility** to add sites beyond the minimum and should consider the following factors in creating any additional sites:
  - The type of election (primary, general and special as well as the year in which the election is taking place)
  - The voting population or the number of active voters
  - The number of assembly districts, in part or whole, in a county
  - Population density, geography, and the methods and distance of travel for voters to reach potential locations

## **Revise New York's Laws to Make Ballots More Voter-Friendly**

**New York's arcane ballot design rules should be revised so that New York voters can vote on ballots that are easy to read and understand.** New York's rules are largely intended for old, retired lever voting machines and are unduly complicated for the way we vote today. Design standards will assist counties in designing ballots that deliver **clear instructions**, demarcate races and candidates effectively, and eliminate "split contests" where candidates for a single office spill over onto more than one row, increasing the risk of inadvertent overvotes. Absent changes to state law, counties should explore redesigning the ballot to increase font size to the extent possible and other administrative changes.

We urge the New York State Election Commissioners Association to support bills that feature these reforms such as the **Voter Friendly Ballot Act, A.3389-B**.

## **Upgrade Poll Workers Recruitment/Training and Websites**

**One of the most common challenges facing all boards of elections is the recruitment and training of poll workers. We strongly urge state and county boards of elections to work together to develop ways to increase and diversify the number of poll workers, and improve their training.** We urge county boards of elections to take advantage of the 2010 election law amendment allowing split shifts for poll workers. Urban county boards of election should develop programs for recruiting municipal workers – and high school and college students – to serve as poll workers. We recommend that poll workers be trained to assist voters with ballot marking devices so all voters can vote privately and independently.

We believe that all New York county boards of elections should have websites that are maintained all year and offer access to election information for county residents. We support budget lines to provide such online information.

**We believe that additional reform measures should be added to strengthen our voter registration system including the following:**

- **Make registration portable** so voters who submit required information to government officials **stay on the rolls** when they move within the state or change their names.
- **Create an Election Day fail-safe** to allow a voter who registers at a government agency, but whose name does not appear on the voter registration list, to cast a ballot that counts.
- **Shorten the deadline for registration** to ten days before an election.
- Allow **pre-registration of 16 and 17 year-olds to vote**; research indicates that this reform can help to create life-long voters.
- **Expand the current DMV program to permit all eligible voters to register over the internet.**
- **Provide state funding** for modernizing voter registration, including internet registration and electronic transmission by agencies, in the state budget.

**Our groups look forward to working in partnership with NYSECA to improve New York's elections and increase access to the polls.**

