



The League of Women Voters of New York State
62 Grand Street, Albany, New York 12207
Phone: 518-465-4162 Fax: 518-465-0812
www.lwvny.org E-Mail: lwvny@lwvny.org

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

**Testimony before the New York State Assembly Standing Committee on
Election Law
Subcommittee on Election Day Operations and
Voter Disenfranchisement**

Thursday, December 10, 2015

10:30 a.m.

Assembly Hearing Room 1923, 19th floor
250 Broadway, New York, NY

Good Morning. My name is Kate Doran and I am the Elections Specialist of the League of Women Voters of the City of New York. I am testifying this morning on behalf of both the City and State Leagues. Thank you for having this hearing and inviting us to speak.

The League of Women Voters is a non-partisan political organization working to promote civic responsibility through informed and active participation of citizens in government. For almost a century, voter education, voter service, and improving election administration have been priorities for the League. We have 50 local leagues throughout the state registering New Yorkers to vote and educating voters on local and state issues. 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 other local leagues throughout the State work collaboratively with local boards of elections in implementing our similar missions as well.

Underlying all League policy positions and advocacy is a philosophy that emphasizes equitable participation and transparency in the electoral process. As such, election reform is always on the minds of League members and our legislative agendas have consistently included the following items:

- Improving election processes to extend, encourage and protect voting, including paperless and Election Day registration, and early voting
- Better ballot design
- A single June primary

We also work with election administrators to improve polling place management and poll worker training. We included some aspects of our recommendations in that area in our November 18 testimony before the Assembly Elections Committee in Albany and will go into more detail this morning.

Improving the Voting Process in New York State

The League believes that the voting process should be as easy and accessible as possible, so that all eligible citizens are able to register and cast their ballots. As we described in our testimony in Albany on November 18, we believe that New York's paper-based registration system, and other outdated practices, are obstacles that must be changed to make the voting process more efficient and accessible. Our previous comments in support of making voting more accessible to all New Yorkers are equally applicable to this hearing.

- **Voter registration modernization**

- **Paperless forms of voter registration** have decreased costs and increased accuracy of the voter rolls in a number of other states. Online voter registration systems should not be contingent upon an individual's possession of a driver's license or state-issued ID, or easy access to the Internet. Expansion of online voter registration is one of the key recommendations of the 2014 Presidential Commission on Election Administration report. Jurisdictions that electronically transmit voter information are less likely to have forms fall through the cracks, resulting in fewer provisional ballots and less of an administrative burden on election officials.
- While it is clear that there are significant upfront costs with implementing **electronic poll books**, they would eliminate the substantial time and resources necessary to produce printed poll books, and the manual updating of voter information. The Presidential Commission also recommended that jurisdictions transition to electronic poll books.
Equipping poll workers with electronic poll books will help speed up the processing of voters on election days and facilitate shortening the deadline for registration to 10 days before an election. Poll workers could easily redirect voters who go to the wrong polling place. Electronic poll books shorten waiting times and lines on Election Day by enabling all poll workers to process voters and eliminating the need for poll workers to search through pages of printed poll books. We believe that statewide transition to electronic poll books should be guided by findings of the 2014 electronic poll book pilot projects in Chautauqua, Orange and Onondaga counties, with implementation fully supported in the state budget.
- **Election Day registration**, registering and voting on the same day, is a proven method of increasing voter participation. In addition, voter registration amongst young people is much lower than for any other age groups. Preregistration of 16 and 17 year olds will help make their voting participation routine before they attend college or enter the workforce.

- **Early in-person voting and no-excuse absentee voting**

In person early voting helps ensure that every citizen has the opportunity to cast a ballot and participate in our democracy. **In 2012 approximately 31% of all votes were cast prior to Election Day.** While 33 other states have some form of in-person early voting, New York only allows voters to cast their ballots on one day, except in the limited circumstances in which voters are allowed to vote via absentee ballot. Consequently, in the 2012 presidential elections, New Yorkers faced long lines lasting up to several hours at many poll sites across the state on Election Day, discouraging voters from exercising

their right to vote. The League supports legislative action to implement early voting in the state in a manner that will allow equal access to the polls for all voters, including expanding early voting to weekends and hours that are outside of a normal workday. We also believe, as in the case of electronic poll books, that early voting should be supported in the state budget.

We also support a constitutional amendment to the state constitution to allow for no-excuse absentee voting. Expanding opportunities to vote before Election Day is another recommendation of the Presidential Commission and will go a long way toward reducing long lines at New York polling places, particularly in a Presidential year

- **Better ballot design**

New York State voters now use a paper ballot and optical scan voting machine system but the ballot requirements in New York State Election Law are based on obsolete lever voting machine standards. Our election year surveys have shown that a significant number of voters had problems using the paper ballot and wanted an improved ballot design, which would enable them to mark their ballots with greater ease and accuracy. A ballot that is clear and simple to read makes voting easier and more accurate for voters to register their choices. The League supports the Voter Friendly Ballot Act, which would improve the ballot layout so voters will be able to mark their ballots more accurately and easily. Specifically, improvements to ballot design would include: (1) a clear delineation between offices with a bold vertical bar between offices and a fine line between the candidates (2) a larger font with an absolute minimum size and (3) fill-in circles in black instead of gray.

- **Single June Primary**

In addition to the above listed reforms, it is imperative that the Legislature act to establish a single June primary. This move would both eliminate the unnecessary costs of multiple primary elections and maximize voter participation. The cost to New York State counties is approximately \$50 million to hold a separate primary for congressional races in order to comply with the MOVE Act. The League believes that a single primary is the best way to ensure voter turnout does not suffer and that our military men and women are not disenfranchised. A September primary makes it almost impossible for boards of elections to provide military and overseas voters their right to vote on a timely basis. This is unacceptable. Overseas personnel should not be disenfranchised and New Yorkers do not need the added costs and confusion of an unnecessary third primary date.

In addition to these legislative recommendations, we would like to touch upon some of our election administration recommendations that are particularly applicable to this hearing considering options for easing voting lines and speeding voter check-in

- **Poll Worker training**

Although the League's Election Surveys have indicated a high degree of satisfaction with the performance of poll workers there have been enough exceptions to warrant examining how the process can be improved.

- We have been pointing out for years that poor voter service translates into

lower voter turnout. Workers should be recruited with appropriate commonsense skills, and trained in procedures that emphasize customer service. The Presidential Commission agrees and says that the poll worker job is a “customer service job.”

- **Ballot marking device training and education:** Use of the ballot marking devices could be greatly increased if poll workers received adequate training on this equipment and voters were made aware of its availability. To further this process, counties should be required to report to the NYSBOE their outreach efforts to the public about accessible voting equipment. In addition, remaining HAVA funds for voter education should be utilized for accessibility training

- **Recruiting Poll Workers**

Lack of poll workers on Election Day continues to be an issue for many districts throughout the state. Having a single time and date for voting makes it difficult to recruit poll workers. Most workers are not given Election Day off and cannot afford to take a day off to work the polls. In 2010 the Election Law was amended to allow split shifts for poll workers, but counties have not utilized the change to recruit potential poll workers. Split shifts require the recruitment of more inspectors than traditional shifts, which may be why counties are hesitant to implement the new policy. The State Board of Elections should work with the counties to develop ways that counties can utilize this positive change to expand the pool of election workers

The Election Assistance Commission recommends two additional changes that could increase the number of poll workers on Election Day.

- **Recruiting High School Students:** Several cities and states have created their own programs aimed at getting high school students to participate on Election Day. San Francisco, Chicago, Alaska, Arkansas, Colorado, North Carolina, Michigan, Kentucky, Louisiana, Pennsylvania, and Ohio all have programs for 16 and 17 year old students. Not only do these programs engage young people in voting, they help to reduce the shortage of poll workers on Election Day.
- **Recruiting Public and Private Sector Employees:** Typically jurisdictions rely on retired workers to staff the polls on Election Day. The Commission recommends providing incentives for employers by recognizing them for allowing their employees to participate on Election Day. Two states have mandated by law that employers allow their employees the opportunity to participate without penalties.

- **Voter education**

Increasingly the public expects to find information on any topic through the web. All boards of elections should have a voter-friendly website which provides basic information on registration, voting, voting machines, and is current with the election schedule throughout the year. Requiring a sample ballot online is another important means of providing timely information to voters.

- **Improving Emergency Voting Protocols**

Hurricanes Sandy left thousands displaced from their homes while others were left stranded because of gasoline shortages. One week after the disaster, the Presidential election took place. Officials had to quickly devise a plan to relocate polling sites for those forced out of their communities. In New York and New Jersey more than 250 polling places had to be relocated to alternative locations. Voters were allowed to cast ballots at any polling location and in total, rates of participation were not drastically lower than other years. New York needs to develop better protocols to improve voting in unforeseen circumstances like natural disasters. Other states have already adopted commonsense reforms that could be easily adaptable for our state.

- **Emergency Mail Ballot:** As noted earlier, a no-excuse absentee ballot system gives voters a greater opportunity to cast their vote. This process would be especially useful in the event of a natural disaster. Voters who knew that they could be affected would be able to cast their vote ahead of time without needing to identify their specific reasoning for voting via absentee ballot. In addition to allowing absentee voting, the deadline for receiving absentee ballots could be extended in extenuating circumstances so more people will be able to cast their vote.
- **Developing a Contingency Plan:** A contingency plan would help guide local election officials in the event of an emergency. The plans would include information on how to proceed in specific circumstances such as power outages or bomb threats, where polling places could be relocated, what to do in the event of a poll worker shortage, and how to alert the public of these changes. Strong contingency plans focus on procedural readiness, a close partnership with the government, and effective outreach to the general public.

Conclusion

An accessible voting process that makes it easier for all citizens to exercise their right to vote is crucial to a vibrant democracy. However, despite being widely recognized as one of the most progressive states in the nation, New York is lamentably behind most of the country when it comes to making it easier and more convenient for its residents to vote.

Reforms such as voter registration modernization, early voting and a single June primary will help make that change. We repeat our call that the time has come to act on these reforms, which have worked so well elsewhere. Legislation has been introduced in prior legislative sessions on these issues but has not been enacted owing to legislative apathy. The Governor and Legislature must take the lead to ensure that participation in the democratic process will increase. The League looks forward to working with you and elections administrators to increase participation, reduce barriers to voting, and further improve the voting experience for all New York voters.