

ELECTION LAW

ACTION TAKEN UNDER LWVUS POSITIONS

The League of Women Voters of the United States believes that voting is a fundamental citizen right that must be guaranteed. Statement of Position on Voting Rights, as Announced by National Board, March 1982, (LWVUS *Impact on Issues*, 2014-2016, p. 9.)

The League of Women Voters believes that voting is a fundamental citizen right that must be guaranteed; therefore, its basic mandate is to protect, extend and encourage the use of the franchise. Underlying all League positions is a philosophy that emphasizes participation in the electoral process.

Many of the New York State League's positions on election law are based on positions taken by the National League. These positions will be referenced in text by indicating the specific page they appear on in the LWVUS *Impact on Issues*, 2014-2016 edition.

The first election law reform advocated by the League of Women Voters of New York State was the one which gave birth to its founding as an organization—the women's suffrage amendment. Since the 1920s, the League has been in the forefront as a grassroots advocate on behalf of all voters. Its steadfast dedication to the issues and its history as a responsible presence in Albany has earned the League the respect of legislators, governors, boards of election and the public. Many areas of the election law have come under League scrutiny and have been subject to its campaigns for reform.

REGISTRATION PROCEDURES

Recent Activity

During the 2016 legislative session, the League advocated for many of our long standing election law positions. In the beginning of the session we worked with a Voter Coalition network consisting of several good government and voting groups from around the state. We co-sponsored a forum at the Rockefeller Institute for NYS legislators that brought election administrators from Colorado, a state where they have successfully increased their voter turnout by implementing common sense reforms like early voting that make voting participation easier and more convenient for the voter. Our objective was to show that higher turnout can be achieved without increasing fraud and loss of ballot integrity. We advocated for many of our election law bills and were pleased to see passage of early voting, the Voter Friendly Ballot Act, an amendment for no excuse absentee voting, and a bill to allow for electronic poll books in all counties in the Assembly. Unfortunately, these bills were not considered by the Senate.

In 2015 there were multiple bills regarding voting rights which the League supported. No excuse absentee ballots, early voter registration for 16 and 17 year olds, the Voter Friendly Ballot Act, and allowing email addresses on voter registration were all positions the League had lobbied for in 2014 and 2015 (LWVUS *Impact on Issues*, 2014-2016, p. 13-14). The Voter Friendly Ballot

Act and optional email address legislation passed the Assembly but action was not taken in the Senate. Unfortunately, the other legislation proposed by the assembly failed to advance.

The Voter Empowerment Act (VEA) was of particular interest to the League in the 2015 session. The legislation would improve New York's inadequate voter registration system by digitalizing the process. The VEA would modernize New York's voter registration system by providing convenient and secure options for voters to become and stay registered in a way that largely eliminates the errors and frustrations that plague the current system. Not only would this save the state money, it would enhance registration accuracy and reliability, and increase the number of eligible voters who are registered. (This position aligns with the US LWV position regarding access and accessibility for voter registration, LWVUS Impact on Issues, 2014-2016, p. 11)

A second important piece of legislation supported by the League was the Voter Friendly Ballot Act. This act would improve the ballot layout so voters can easily read and mark their ballots with greater accuracy. The League's support of this legislation stemmed from a statewide survey conducted by the League in 2010 and 2012. The League surveyed over 1,000 voters who used the paper ballot optical scan voting machines. A significant number of voters participating in both surveys indicated they had problems using the paper ballot and wanted an improved ballot design. The Voter Friendly Ballot act would force New York State to conform with guidelines created by the United States Election Assistance Commission (EAC). These guidelines for ballots would improve readability, usability, and result in more accurate voting. (This position aligns with the US League's position regarding the Help America Vote Act which would provide an enhanced voting system and improve ballot design. LWVUS Impact on Issues, 2014-2016, p. 12)

Past League Activity

In addition, the League has continued to actively support the implementation of the National Voter Registration Act of 1995 (NVRA) in New York State. The law mandates that the agencies use a combined form for voter registration and that the agency staff assist in helping register voters. The League opposed any cuts in the funds necessary to provide the proper training, monitoring and oversight of agency employees. The League actively monitored the various agencies across the state for compliance. In **April 2009**, the League provided testimony to the NYS Senate Elections Committee in NYC on the record of NYS implementation of the NVRA. LWVUS President Mary Wilson in a letter of March 2009 to the US Senate Committee on Rules and Administration alerted that Committee to the failure of states to fully implement the requirements of the NVRA. The US DOJ was also cited for its failure to enforce provisions of the 1993 NVRA. The League urged the Senate to investigate the track record of the NYS BOE in fulfilling the NVRA mandate through the DMV and other state agencies and to assure that voter registrations are processed in accordance with the provisions of the NYS Election Law. (NVRA. LWVUS Impact on Issues, 2014-2016, p. 11)

The League has also continued its support of same day voter registration. Between the years of 1991 and 2006 there was no action on same day voter registration. The League continued to advocate for this, but during the administration of Governor George Pataki no legislation was introduced to address this issue. In January 2007, following the election of Governor Eliot

Spitzer, same day voter registration again became a priority. Governor Eliot Spitzer's Transition Team on Government Reform recommended same day voter registration and early in the 2007 legislative session, the Governor introduced a program bill to address this issue. By the end of the 2007 legislative session, neither house of the legislature had introduced the Governor's program bill. (This position aligns with the Nation League's position on the Help America Vote Act. LWVUS Impact on Issues, 2014-2016, p. 12)

Permanent Personal Registration (PPR) became mandatory in 1967, primarily due to the unflagging pressure of the League of Women Voters. In 1926 the League began a long campaign to attain a system of permanent personal registration for New York State. Although the 1938 Constitutional Convention authorized such a system, it was not until 1954 that the legislature provided for optional PPR. By 1965 as a result of the work of local Leagues, eighty percent of New York's counties had provided for PPR, with the remainder falling into line when PPR became mandatory in 1967. The system was further improved in 1969 when the mandatory house-to-house check of registrants was eliminated and replaced with verification by postcard. In 1970 another successful League effort led to a statewide, uniform final day of local registration.

In 1973 the League reached consensus for a simple and accessible voter registration system, including registration by mail. A system of mail verification passed the legislature in 1975 and survived a 1976 challenge to its constitutionality in the state Court of Appeals. After 11 years of League prodding, in 1985 the legislature approved and the governor signed a bill providing for the printing, purchase and distribution of a standard voter registration form by the state Board of Elections.

It is a continuing goal of the League of Women Voters to simplify and clarify the Application for Registration Form by eliminating irrelevant questions that serve to intimidate or turn away prospective voters. The passage of legislation to remove the questions relating to employment on the application form was a long-sought victory for the League and other good-government groups who have continuously lobbied for its demise.

In the process of lobbying for a simplified registration system, the League has clearly supported safeguards against fraud, such as the signature check, the mail verification and periodic purging of the rolls. In 1967, the League accepted the two-year Purge that was written into the New York State Election Law; it was formally adopted by LWVNYS consensus in 1973. A review of that consensus in 1975 reversed League position and returned to the pre-1967 position advocating a four-year purge. In 1979 the legislature added primaries and special elections to general elections as voting opportunities where participation would maintain a voter's active status. In 1989 the LWVUS in its Advocacy for the Voter Campaign, came out in favor of repealing the purge of voter registration rolls; the LWVNYS removed its 1975 position by consensus in 1991, affirming the LWVUS position against purging.

The League has always supported the widespread availability of registration forms; therefore, it responded positively to a Governor's Executive Order in 1984 to place the forms in some state agency offices. This order withstood a court challenge, with League support as an amicus curiae,

and was declared legal in 1985. The League joined good government groups backing the Governor's Program Bill of 1991 that mandated state agencies to make voting registration forms and assistance available, as of April 1, 1992. League has been lobbying for the extension of agencies distributing the registration forms, for monitoring the visibility of and publicity for agency-based registration forms, and for the goal of trained assistance for those wishing information about registration. The LWVNYS was represented on the ad hoc Advisory Task Force on Implementation of the National Voter Registration Act of 1993, a committee appointed by the New York State Board of Elections, to ensure New York State compliance with federal law.

The National Voter Registration Act (NVRA) became effective January 1, 1995. This federal legislation requires the state to have "motor-voter" registration, "agency based" registration and "mail in" registration. It also forbids the state to purge voters from the registration list because they have not voted.

Since its adoption in 1976, registration by mail has become widely accepted throughout New York State. For the 1990 general election, the New York State Board of Election figures show 89% of statewide registrations were made by mail and only 7% were made at local registration days. The League worked for the abolishment of local registration days because of the costs involved for few registrants. With the 1991 passage of legislation making local registration days optional to the locality, the position on abolishment of local registration days was dropped (as accomplished) at LWVNYS convention in June 1995.

The League promotes election-day registration at polling places, within strict guidelines to prevent fraud. The 1991 passage of legislation permitting in-person registration at a board of election on any day except a day of election and reducing mail registration deadlines was a welcome step.

In 2013, legislation was introduced that would allow 16-17-year-olds to pre-register to vote (A.2042A/S.1992A). The League advocated for the passage of this legislation, but, although the bill was endorsed by the Governor, it did not pass out of committee and come to the floor of the chambers for a vote.

LWVNYS Election Law Legislative Priorities for 2014 included: requiring that a single primary election be held in June; improving the paper ballot for readability and clarity, "the Voter Friendly Ballot Act"; allowing 16 and 17 year olds to pre-register to vote; and introducing Early Voting options for New Yorkers. Memos of support for these bills were issued to the appropriate Election Law committees in the Senate and Assembly. These positions align with the US League's position on increasing access and accessibility for voter registration, the High School Voter Registration Project, and the Help America Vote Act.

In addition, since NYS has complied with the Help America Vote Act mandate to provide accessible voting for New Yorkers, the LWVNYS has opposed the continued use of lever voting machines as an option for local elections, such as school districts, improvement districts, fire district elections, village and town elections. The League has advocated for a single, statewide

system of accessible, accurate and recountable voting. Lever voting machines cannot meet those criteria. The LWVNYS opposed A.9321-A Schimel which would permit the use of lever machines for certain elections for a one-year period but the bill passed both houses and was signed into law by Governor Cuomo