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

**Testimony to the NYS Senate Elections Committee  
Senator Joseph Addabbo, Chairman  
New York City  
April 24, 2009**

Good Morning, Senator Addabbo and members of the New York State Senate Elections Committee.

My name is Jeanne Felker. I am a member of the New York City League of Women Voters. I am here today to present testimony prepared by Aimee Allaud, Elections Specialist for the League of Women Voters of New York State.

The League applauds your decision to hold public hearings around the state on some of the outstanding election reform issues which can be addressed through legislation.

The League of Women Voters is a multi-issue, nonpartisan political organization which encourages informed and active participation in government and influences public policy through advocacy and education. The League 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. From our early existence in 1922 when the League advocated for a system of Permanent Personal Registration, and later when we supported such proposals as simplification of the voter registration form, the widespread distribution of registration forms in state agencies, and the implementation of the National Voter Registration Act (NVRA), "Motor Voter," the League has continued to work on behalf of the voters of New York State.

We regard voting as the gateway to participation in a representative democracy. The League's nonpartisan arm, which we call Voter Services, provides citizens with the tools to exercise their franchise. For example, in 2008, the New York State League published First Vote, a primer for first time voters, and five distinct brochures for special populations under the general title of "Your Right to Vote in New York State." The individual titles

(available both in text version and as brochures) are College Students, Homeless Individuals, Individuals with Disabilities, Individuals with Mental Health Disabilities, Individuals with Criminal Convictions and Those Detained in Jail or Prison. Many other League publications on voting are available on the League's website: [www.lwvny.org](http://www.lwvny.org).

Regarding the NVRA, we call your attention to the attached letter of March 11, 2009, of LWVUS President, Mary G. Wilson, to Senator Charles Schumer, Chairman of the U.S. Senate Committee on Rules and Administration, which amplifies a current concern with the NVRA, namely, the failure of the states to fully implement Section 7 of the NVRA. I will quote from her letter:

*"The single most important issue in voter registration is the failure of the states to fully implement – and the failure of the U.S. Department of Justice to enforce – Section 7 of the National Voter Registration Act of 1993. Section 7 requires that states provide extensive voter registration opportunities at public assistance and disability agencies. Registration figures indicate, and investigations by outside organizations confirm, that most states are not implementing the law.*

*In the first years after enactment of the NVRA, registration from social service agencies was significant but not large. Since then, however, registration has dropped precipitously, resulting in the loss of millions of voters from the voter rolls according to work by Project Vote, Demos, and others.*

*...If states were simply to reinstate their earlier programs, it would result in the registration of millions of eligible citizens."*

In New York State we hear repeated complaints that state government agencies are not fulfilling their voter registration responsibilities. At each election our New York City League Telephone Information Service receives numerous calls from voters who registered at Motor Vehicle offices but found that their names were not in the poll books when they went to vote. In an April 7, 2009 letter to the State Board of Elections, the NYC BOE acknowledged this problem and asked the State BOE's assistance in working with the DMV to assure that all registrations are processed in accordance with the provisions of the Election law.

Two other issues which Ms. Wilson cites in her letter are of concern here in New York State: the statewide voter registration database and purging of voter lists. Again, I will quote from her letter:

*"Statewide databases should be designed to streamline communication among voter registration agencies and improve election administration. In many instances, however, "no match" rules, lack of clear statewide administration and other problems have undermined rather than enhanced voter registration. Properly implemented statewide databases should ensure that once registered, no eligible voter will be removed from the official list because he or she has moved within the state. ....Effective management of state*

*voter lists is the necessary starting point for any discussion of improvements in voter registration systems.*

*A closely related issue is the question of purging. Both HAVA and the NVRA have provisions to ensure that eligible voters are not dropped from the registration list. Anecdotal evidence suggests that these protections are not always followed. For example, many jurisdictions seemingly purge voters within 90 days of an election, which is prohibited.”*

The topic for today’s hearing is legislation which addresses expanding opportunities for eligible citizens to register to vote through several means: Election Day registration, reducing the election day registration deadline to 10 days before an election, reducing deadlines for changing party enrollment and providing additional opportunities for new registrants to enroll, educating incarcerated persons and convicted felons about their rights to vote, and making electronic voter registration more user-friendly.

The League, among many other public interest organizations, supports election day registration. According to a Parade magazine news report of November 30, 2008, another way that the 2008 election made history was that Americans had an easier time casting ballots thanks to expanded use of methods such as early voting and same day voter registration. Wendy Weiser of NYU’s Brennan Center for Justice noted that “we must modernize the overall voter-registration system. It’s the biggest obstacle to voters and the biggest source of errors.” In addition to those states which already have instituted same day registration (Wisconsin, Minnesota, Maine, North Dakota, South Dakota, Idaho, Montana, New Hampshire, and Wyoming) Massachusetts, Hawaii and Connecticut have taken steps toward adopting it. It is estimated that states with election day registration experience 10-12% points higher voter turnout than states without it.

The New York State Board of Elections website statistic for the number of voters registered in the state as of November 1, 2008, was an all time high, 12,031, 312 voters and the turnout in the November election was 7,674,784, indicating that 64% of registered voters actually voted. Although the number of registered voters increased over 2004 (11,245,218) and voter turnout in the 2004 election was 7,448,266, the actual percentage turnout was less (66%). Clearly, New York must do better, both in registering eligible citizens and educating them about the voting process so that they will be able to vote.

A NYPIRG report of May, 2005, “Expanding the Franchise, How Election Day Registration Would Increase Turnout and Votes Counted in New York,” sets forth the evidence of the experience of other states which have adopted election day registration. The League of Women Voters of NYS, Citizens Union, Common Cause/New York and Demos have endorsed the report and its call for election day registration. The NYPIRG report compares statistics for Minnesota, Wisconsin and Maine with New York. These three states ranked highest in voter turnout in 2004.

An additional benefit is that these states use far fewer provisional (affidavit) ballots, of great importance to New York because New Yorkers cast the second highest number of provisional ballots in the nation, and of those ballots more than half were invalidated. This caused New York to have the highest percentage of invalidated provisional ballots in the nation (2004 figures).

The NYPIRG report also found that states with voter registration deadlines closer to Election Day also have higher voter turnouts than New York which has a 25-day pre-Election Day voter registration deadline.

The League of Women Voters of New York State believes that the three Senate bills which propose changes in the voter registration deadlines would have a positive effect on voter participation. We support their passage.

The Senate bills which would expand opportunities for voters to affiliate with political parties are consistent with general enfranchisement goals which the League supports.

With the establishment of NysVoter, the interactive statewide voter registration database, a tool has been created which prospective voters should be able to use to maximize their ability to accurately register with their county board of elections. Therefore, the League can support the Senate bill which requires the NYS Board of Elections to add features to NysVoter which would enable registrants to obtain a preprinted voter registration form with the name and address of their county board of elections.

The League also supports the provisions of the “voting rights notification and registration act” which expand the number of state agencies mandated to inform and assist eligible citizens with voter registration to those with jurisdiction over and contact with convicted felons who will be eligible to register and vote when they complete their sentences and parole.

Although the announcement of the Senate hearings identified seven bills specifically for comment, the League would like to ask your consideration of another election reform measure which is needed in order to clarify the definition of residence and qualification to register and vote. Legislation has been routinely introduced in the Assembly which would change the definition of residence in the election law to conform to that set forth in *Ramey v. Rockefeller* to clarify the meaning of “gaining or losing a residence,” and to make more specific the criteria by which a board of elections may determine a voter’s qualification to vote in a particular election district. Of particular concern to the League is that under the current law residency requirements for voter registration are applied arbitrarily and often in a discriminatory fashion specifically in dealing with college students. The eighteen to twenty-four year age group is a mobile population in transition; however, they should not be selectively targeted by local boards of election in applying different residency standards than other applicants. This population age group has the lowest participation rate of any demographic group and removing restrictive practices which deter their participation is

necessary. We urge the Senate Elections Committee members to introduce such legislation in your house.

We thank you for the opportunity to comment.

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Attachments

Letter to Senator Charles Schumer from Mary Wilson, LWVUS President  
*LWVNYS Your Right to Vote Brochures (5)*