

Memorandum in Support

VOTER PARTICIPATION

NYSBA #21

February 22, 2016

S. 6411, Part F

By: BUDGET

A. 9011, Part F

By: BUDGET

Senate Committee: Finance

Assembly Committee: Ways and Means

Governor Cuomo raised “Enhancing Voter Opportunities” as part of the proposed Executive Budget for 2016-17. (See Part F, Budget Bill Number S.6411/A.9011)

In 2012, the Association established our Special Committee on Voter Participation, to identify ways to increase voter participation. In bringing together the twenty-one lawyers who make up the Special Committee, we took care to assure that the Committee was balanced, especially as to possible perspectives on voting issues. The result is a Committee composed of ten Republicans, ten Democrats and one Independent. The Members were from all parts of New York State, six from New York City, eight from Westchester and Long Island and seven from upstate counties.

The Committee included a former State Senator, a former New York City Corporation Counsel, a former candidate for Governor, both large and small firm practitioners, and six women and minorities. The Committee Co-Chairs were a Republican and a Democrat and the Co-Chairs of the Committee’s principal subcommittees were also represented the two major parties in the state.

As the Report points out, voting in the United States is one of our most fundamental rights, ensuring our ability to participate in the electoral process. However, the rate of voter participation in New York State is frequently ranked among the lowest in the nation. Measures to remove barriers to registration and voting and to encourage participation, while maintaining the integrity of the process, could go a long way to improve civic engagement and enhance our democracy.

The Report’s primary conclusion is that the State of New York needs to modernize its system for registering voters. If implemented, such modernization would result in a significant increase in voter participation. Such a change would also promise increased efficiency and accuracy in the voter rolls and a reduction in cost. A complete copy of the Report may be viewed on the NYSBA website at the following link: www.nysba.org/voterparticipation.

The voter registration system in New York is a creation of the New York Constitution as well as statute. Over the years the Legislature has imposed numerous and detailed requirements for registration of voters. As a result more than 100 sections of the state Election Law – virtually all of which were written before the age of computers and the Internet – address issues relating to registration.

Further, as an important change in the voting process we recommend that a form of In-Person Early Voting be adopted. The practice of affording voters the option of voting in person earlier than Election Day has proved to be extremely popular in other states and we would expect it to be welcomed by those in New York. In-Person Early Voting makes it easier for many voters to get to the polls and, for some, it permits them more time on a non-working day to consider the ballot and then vote more carefully. Depending on how it is managed it can also reduce lines and waiting time.

We believe that, if implemented, the changes we recommend would have a very significant impact on voter participation, bringing New York's rates of registration and voter participation up to levels above 80% within a few years is an attainable goal if the changes we recommend are implemented.

As the budget process goes forward, we respectfully request that you consider the views expressed in the State Bar Report and that you work to enact meaningful change to New York State's Election Law.