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Too Political?
Obstacles to Voter Registration Drives
In New York City

A Report by Common Cause/New York
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This report is available online at:
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Introduction

The right to vote is one of the most basic and fundamental rights of American citizenship. Yet the battle over who is granted this right has been realized time and again in our country's history. African Americans fought for the right to vote during Reconstruction and again during the Civil Rights Movement. Women won the same right in 1920 after more than 70 years of struggle. All of the resulting changes—from the 15th and 19th Amendments' guarantees that voting could not be denied on the basis of race or sex, to the 1965 Voting Rights Act's ban of discriminatory practices like literacy tests for minorities, to the 26th Amendment establishing a uniform nationwide voting age at 18 years old—have served the purpose of increasing citizen representation through an electoral process in which every individual has an equal say.

But despite the great achievements of the 19th and 20th centuries, voting rights and the everyday citizen's ability to participate in the political process remain a matter of great concern. The United States is one of the only modern democracies that requires its citizens to initiate the process of registering to vote rather than registering citizens automatically or through canvassing. In this context, efforts by civil society and public interest organizations are essential to spread awareness and facilitate the process of voter registration. Non-partisan organizations like the League of Women Voters, Common Cause, Rock the Vote, and myriad others routinely set up tables in public places and provide citizens with the materials that they need to register to vote. Without such organizations, a citizen would need to seek out the registration form online or from government agencies such as the Board of Elections or a DMV.

In the past few years, however, it has become harder and harder for people to register to vote and cast their ballots on Election Day. Increasingly, states are requiring citizens to satisfy new ID requirements to vote under the guise of preventing "voter fraud." In reality, voter fraud is almost nonexistent and the laws disadvantage certain groups of voters over others. Other states, like Alabama and Florida, have enacted laws that make it harder both for an individual to register to vote and for an outside organization to register individuals, requiring proof of citizenship and setting time limits to submit forms after they have been filled out.

Due to these restrictions, along with a confluence of right-wing attacks on voter registration and manufactured fear of voter fraud, voter registration has been thrust into the political arena. In our own experience, we have seen third-party voter registration more and more often mistakenly viewed as a political or partisan act.

Based on this concerning trend, we decided to do more research to find out how easy or difficult it is for a third-party public interest group like CC/NY to register voters in our home city of New York. We selected a wide variety of public and private venues and locations throughout the five boroughs and contacted relevant staff to ask if we could do voter registration on the premises. The reactions we got varied greatly, from sharp denials to excited thanks for our efforts. In this report, we present the findings of our research and what these results may suggest as to the effect of recent restrictions and the politicization of voter registration the nonpartisan effort to register voters.

Background

Voter Registration Across the World

Compared to most other advanced countries around the world, voter registration procedures in the United States are markedly different. Of sixteen countries surveyed by a Brennan Center for Justice report, only the Bahamas, Belize, Burundi, and Mexico place the onus of registering to vote entirely on the individual like the U.S. does.¹ Everywhere else, election authorities bear some or the entire burden of creating and updating accurate voter rolls. In Canada, the central government agency responsible for administering federal elections routinely updates its voter database via information from 40 other agencies.² Departments of motor vehicles, provincial electoral agencies, the national postal service, and the federal tax authority all contribute to this pool of data.³ New voters do not even need to provide identification to election authorities. The Canadian system verifies a new voter's citizenship by comparing their names and addresses to those of existing registered families before adding them to the voter rolls. All registration is consensual (most Canadians give their consent on other forms like taxes before they are registered to vote), and same-day registration exists as a failsafe.⁴

Other countries that do similar types of data-sharing to register voters include Argentina, Australia, and France.⁵ These countries have registration rates much greater than that of the U.S.—routinely over 90%.⁶

Another example of government-initiated voter registration is Great Britain—there, election authorities hold a nationwide canvass every fall in which they mail registration forms to households.⁷ Registration rates in Britain currently hover around 91%.⁸

Other democracies, mostly throughout Latin America and Western Europe, achieve high rates of voter registration through centralized registries of all known citizens. By this system, registration rates in Belgium, Germany, Sweden, and Peru are all above 90% as well.⁹

Voter Registration in the United States

Registering to vote was not always necessary in America, though the practice did emerge in the early days of the republic. Starting around 1800, citizens began to be required to register to vote in their state of residence before casting their ballot.¹⁰ It is worth noting, though, that to this day North Dakota holds elections without voter registration and has had no issues with fraud or confusion.¹¹

Today, voter registration is still handled by states for all levels of elections. Most states require a citizen to fill out a form and either mail it or bring it to a local government agency. Through voter registration drives, third party groups can often handle the last few steps of the process. The specifics vary from state to state, often creating confusion among individuals and organizations that attempt to help with voter registration. The national organization Rock the Vote, for example, printed the wrong address on its New York voter registration forms after receiving the address from the federal Elections Assistance

Commission in 2008, causing some would-be voters to lose their chance.¹² Researchers estimate that only 76% of eligible citizens in the U.S. are registered to vote.¹³

Even when registrations are successful, voter rolls have been shown to be riddled with inaccuracy. A 2012 Pew Center on the States report estimates that 1 in 8 registrations are significantly inaccurate, that almost 3 million people are legally registered in more than one state, and that almost 2 million registered voters are deceased. The vast majority of these inaccuracies are not intentional or due to fraud. They are the product of many localized and independent registration systems attempting to cope with an increasingly mobile and changing citizenry.¹⁴ Some states are taking steps to make the registration process easier. Thirteen states have online voter registration, including Washington, whose Elections Division recently launched an app that allows citizens to register to vote through Facebook.¹⁵ As this report was being written, in fact, Governor Andrew Cuomo announced his intentions to make New York the fourteenth.¹⁶

But despite the comparatively low voter registration rate in the U.S., an increasing number of states are trying to make it harder to register. Florida, for example, had limited the amount of time that an organization had to submit completed applications to 48 hours before the law was struck down in court.¹⁷ Kansas and Alabama now require proof of citizenship (not just an ID) for anyone who wants to register,¹⁸ even though as many as 7% of American citizens do not have such proof.¹⁹ Maine, which has been one of the top states in voter turnout for decades partly due to their same-day registration laws, repealed those laws in June of 2011.²⁰ A people's veto was able to restore same-day registration to Maine in November of the same year.²¹

Each of these restrictions disproportionately affects certain groups. Laws like Florida's disadvantage young and minority voters—civic groups including the League of Women Voters and Rock the Vote, who focus on “reaching underrepresented groups such as young voters, minorities and first-time voters”²² and “building the political power of young people,”²³ were forced to shut down plans for registration drives while the 48-hours law was on the books for fear of fines.²⁴ Proof of citizenship laws disadvantage the poor and women—a survey by the Brennan Center found that “citizens earning less than \$25,000 per year are twice as likely to lack ready documentation of their citizenship as those earning more than \$25,000” and that “only 66% of voting-age women with ready access to any proof of citizenship have a document with current legal name.”²⁵ And eliminating same-day registration disadvantages younger voters—the Brennan Center writes that there is “evidence that EDR [Election Day Registration] specifically increases turnout among young voters.”²⁶

The Politicization of Voter Registration

In addition to new restrictions in the last few years, further attacks on voter registration have created a misimpression of partisanship surrounding an act integral to the everyday functioning of American democracy.

In the months leading up to the 2008 election, the U.S. Department of Veterans Affairs announced that it would not allow voter registration drives at federally run nursing homes, homeless shelters, or rehabilitation centers for veterans. Department officials based their decision on the Hatch Act, a law that bans federal employees from participating in “partisan political” acts.²⁷ After a strong backlash from the media and public opinion, the Department of Veterans Affairs lifted the ban in September.²⁸

Also in 2008, the campaign of Presidential Candidate John McCain tried to connect Barack Obama to the allegedly fraudulent registrations preformed by the national community organization Acorn. McCain even accused Acorn of “maybe perpetrating one of the greatest frauds in voter history in this country, maybe destroying the fabric of democracy.”²⁹ In reality, while there were documented cases of Acorn workers submitting fake registration forms so that they would be paid more, state and federal investigations found no concerted or coordinated effort on the part of the organization to influence the election.³⁰ Moreover, the likelihood that the fake voter registrations would result in real election fraud was statistically nonexistent. Lorraine Minnite, a political science professor at Barnard College who has researched voter fraud claims for most of the past decade, told ABC News:

“This stuff does not threaten the outcome of the election. How many illegal ballots have been cast by people who are fraudulently registered to vote? By my count, it's zero. I just don't know of any, I've been looking for years for this stuff.”³¹

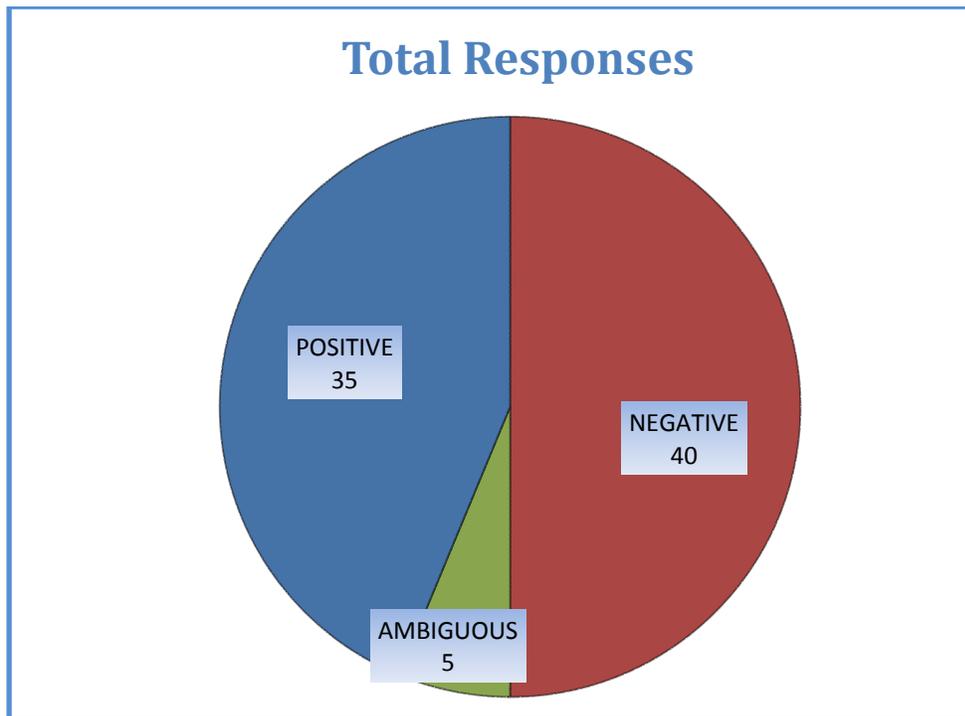
But despite the lack of confirmed cases of voter fraud, Republican lawmakers have renewed the fight against it leading up to the 2012 election. Thirty-three states have enacted new voter ID laws.³² New studies have shown just how rare voter fraud is. A national study by News 21 found that there have only been 10 documented cases of in-person voter fraud since 2000.³³ Further research on the subject found that in several contested elections, such as the closely-scrutinized 2004 election in Ohio, percentages of fraud were as low as 0.0004%—about the same as the rate of Americans struck and killed by lightning.³⁴

Most recently, the Romney Presidential Campaign tried to stop a Virginia nonprofit called the Voter Participation Center from mailing voter registration forms because some of the forms had the names of deceased citizens or pets on them. This happened because the Voter Participation Center bought their mailing list from a marketing company that had a few erroneous entries.³⁵ The Romney Campaign asked the Virginia Attorney General and State Board of Elections to investigate. The Board of Elections declined, though the VPC was forced to stop mailing registration forms already filled out with names.³⁶

Results

In determining sites to contact about voter registration our goal was not to be comprehensive; rather, we sought a diversity of venues and geographic locations within the city that we believed would be appropriate venues at which to register voters. We used Common Cause’s organizational experience to determine what types of venues would be useful for voter registration. From there, we attempted to contact different sites throughout the city for each of our categories: courts, libraries, city markets, parks, places of worship, public housing, public aid offices (soup kitchens, food pantries, and homeless shelters), private venues and malls, and miscellaneous government departments (including municipal buildings, DMVs, and police precincts).

Our results are presented below. Full details are given in the tables. For most locations, we received one of four results: a *yes*, meaning that we would definitely be allowed to do voter registration there; a *no*, meaning that we would definitely not be allowed to do voter registration there; a *maybe*, which was something in between, or no response to our phone calls or emails. It was clear, however, that some *maybes* were more positive than others. For this reason we sorted all responses as *positive*, *negative* and *ambiguous*. A non-response was considered negative, as it would be impossible for an organization to organize a voter registration drive at a site without being able to contact them. Overall, the slight majority of our 80 responses were negative.

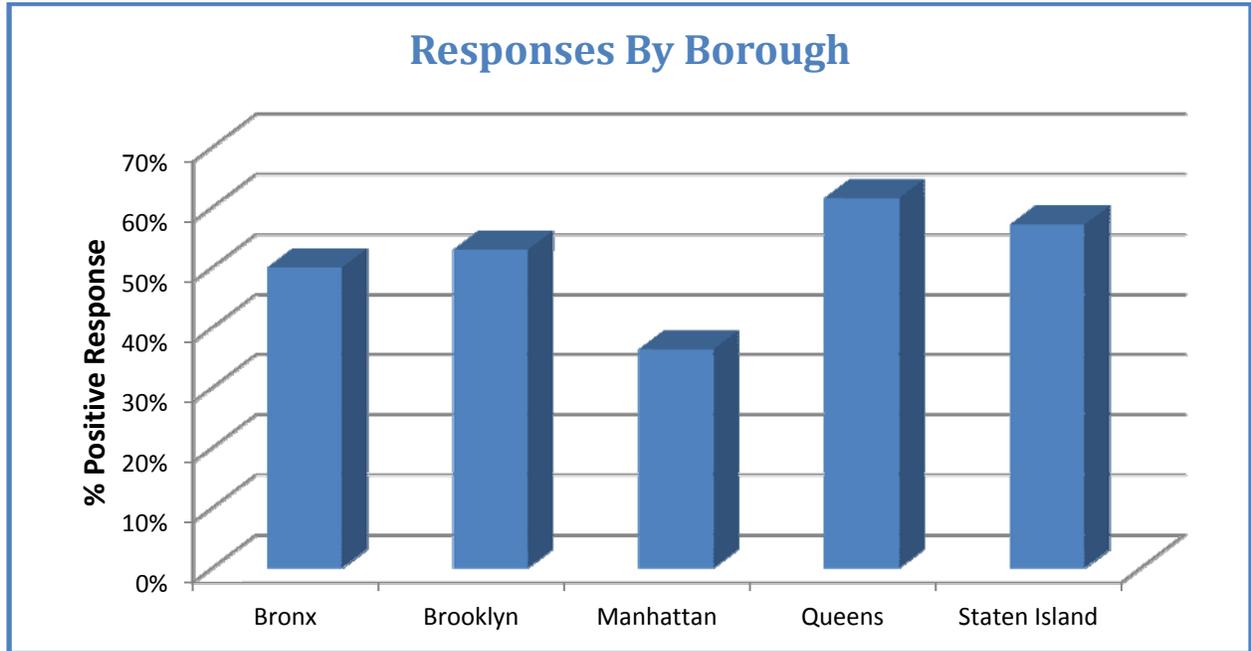


While we were performing our research, we were involved in several events during our voter registration efforts that, while not part of our data, prove relevant to this report. Both are examples of public misimpressions of where, when, and how voter registration drives can take place.

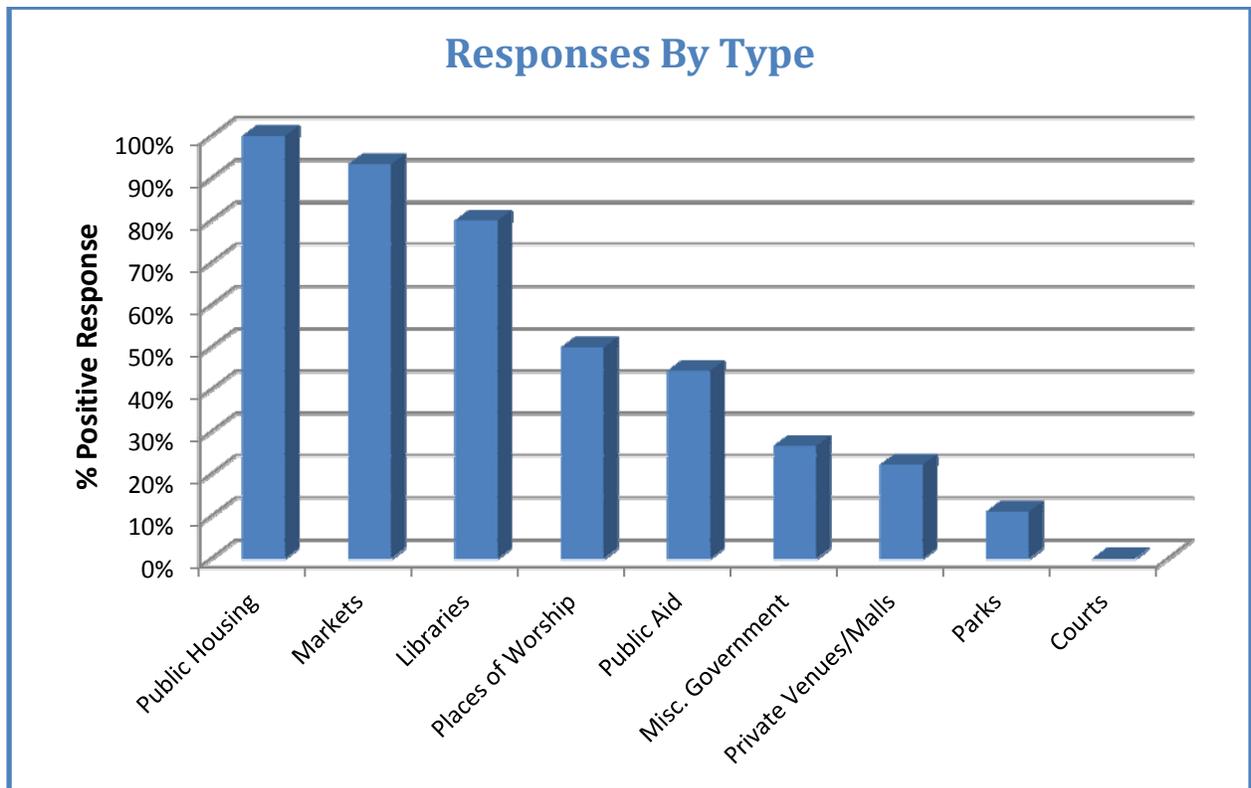
Party Pooper: At a Celebrate Brooklyn concert in Prospect Park, we were yelled at, asked to leave, and told that we could not table there despite having received prior approval.

Lonely Island: While doing voter registration with a group of teenage volunteers at the Staten Island Ferry Terminal, we were forced back to Manhattan by the Port Authority Police, who told us we weren't allowed. New York City law says we were.

By borough, the proportionate least amount of positive responses came from Manhattan, and the proportionate most came from Queens.



Public housing (NYCHA) and markets (including farmers' markets) gave the highest proportion of positive responses, and parks and courts gave the least.



Courts

It was generally difficult to contact staff at city courts that could provide a response on voter registration. When we finally reached the people who had that authority, our requests were mostly denied because of cited security issues—we were told that a voter registration table at a courthouse would need extra security that the courthouses were not willing to provide.

Venue	Borough	Response	Notes
Brooklyn Family Court	Brooklyn	Maybe	Ambiguous – written inquiry necessary
Manhattan Family Court	Manhattan	No	Security issues
NYC- Civil Court	Manhattan	No	Security issues
NYC Supreme Civil Court	Manhattan	No	Security issues
Queens Civil Court	Queens	No	Security issues

Libraries

For the most part, libraries were receptive to our requests. Most had either done voter registration drives before or already had the materials available. While the library staff was not always sure about the logistics of setting up voter registration, they were able to put us in touch with people who were more informed. Most responded efficiently, though the person we were directed to at the Bronx Library did not return our call. The Brooklyn Public Library event liaison was very agreeable to holding registrations at any of their branches.

Venue	Borough	Response	Notes
Bronx Library	Bronx	No response	
Brooklyn Central Library	Brooklyn	Yes	
Manhattan Library	Manhattan	Maybe	Positive – could distribute materials but we would need approval from government relations to do a drive
Queens Borough Public Library/ Flushing	Queens	Yes	Has materials and has done voter registration drives in the past
Staten Island Library	Staten Island	Maybe	Positive – seemed receptive but weren't sure of the logistics necessary

Markets

Markets were probably the most receptive of any type of venue we tried to contact. Most of the markets we contacted have different locations around the city, and we were thus able to get approval for many different locations with one phone call.

Venue	Borough	Response	Notes
Community Markets	Bronx	Yes	
	Brooklyn		
	Manhattan		
	Queens		
Fulton Stall Market	Manhattan	No response	
Green Market	Bronx	Yes	Can table by entrance
	Brooklyn		
	Manhattan		
	Queens		
	Staten Island		
Harvest Home	Bronx	Maybe	Positive –receptive over the phone, no response over email
	Brooklyn		
	Manhattan		
	Queens		
	Staten Island		

Miscellaneous Government

We contacted municipal buildings, DMV offices, and police precincts. The municipal buildings were all administered by the NY Department of Citywide Administrative Services (DCAS), who never returned our calls. It was difficult to find someone who could answer our questions at the DMVs, but we eventually spoke to the Deputy Commissioner for Operations & Customer Service of the New York State DMV. He told us that none of the DMVs allow voter registration drives because they would disrupt crowds. Police precincts were very receptive to voter registration, with the exception of the 34th Precinct. When we called, they told us that voter registration would be “too political” to do at National Night Out, a police-run community relations event where many organizations table.

Venue	Borough	Response	Notes
250 Broadway (DCAS)	Manhattan	No response	
Manhattan Municipal Building (DCAS)			
MTA Offices	Manhattan	Maybe	Negative—doubtful, “sounds political”
Bronx County DMV	Bronx	No	Would disrupt already large crowds
Brooklyn DMV: Atlantic Avenue	Brooklyn		
Brooklyn DMV: Coney Island	Brooklyn		
New York DMV: Herald Square	Manhattan		
New York DMV: Harlem	Manhattan		
Queens DMV: College Point	Queens		
Richmond County DMV	Staten Island		
60th Police Precinct	Brooklyn	Yes	
40th Police Precinct	Bronx	No response	
1st Police Precinct	Manhattan	Yes	
34th Police Precinct	Manhattan	No	Voter registration at National Night Out event would be “too political”
100th Police Precinct	Queens	Yes	Already do voter registration as well
122nd Police Precinct	Staten Island	Yes	

Parks

Most of the parks we tried to contact were either hard to reach or denied our requests. We left several messages at the Bronx Parks Permit Office (Van Cortlandt), Prospect Park, Astoria Park, and Flushing Meadows Corona Park, and never heard back from any of them. We were told by the Manhattan Parks Permit Office that we would have to apply for a permit if we wanted to table inside a Manhattan park, but that we would not be able to table inside Central Park, Bryant Park, or Union Square—we would be allowed to table on the sidewalk outside.. It is also worth noting that even if we were allowed to table inside a Manhattan park, we would have had to pay a \$25 permit request fee and wait three to four weeks for a response. Finally, State Parks (Gantry Plaza) told us that voter registration would likely be fine, but that they would need more specifics to be able to give us permission.

Venue	Borough	Response	Notes
Van Cortlandt Park	Bronx	No response	
McCarren Park	Brooklyn	No response	No working phone number
Prospect Park	Brooklyn	No response	
Central Park	Manhattan	No	Don't allow tabling inside park
Bryant Park	Manhattan		
Union Sq. Park	Manhattan		
Astoria Park	Queens	No response	
Flushing Meadows Corona Park	Queens	No response	
Gantry Plaza State Park (State Parks)	Queens	Maybe	Positive – likely but need specifics

Places of Worship

Our results for registration at places of worship were also inconsistent. In order to poll from a diverse group of faiths, we strayed from our model of attempting to call locations in different many boroughs. The Abyssinian Baptist Church already did voter registration but told us that we could provide additional help, and the Islamic Cultural Center told us that we could table outside. Other venues, however, were either nonresponsive, or in the case of St. Patrick's Cathedral, were confused as to what we wanted to do and denied us before we could fully explain ourselves.

Venue	Borough	Response	Notes
The Abyssinian Baptist Church	Manhattan	Yes	Already do voter registration
Islamic Cultural Center	Manhattan	Yes	Could do voter registration at gate on Fridays
Mahayana Buddhist Temple	Manhattan	No response	
St. Patrick's Cathedral	Manhattan	No	Told to speak to a priest, who was confused when contacted
The Cathedral Church of St. John the Divine	Manhattan	No response	
Congregation Shearith Israel	Manhattan	Maybe	Positive – receptionist was interested, but we had trouble contacting the Executive Director
Gufu Shiv Bhagat Baba Balak Nath Inc	Queens	No Response	

Private Venues/Malls

In general, private venues and malls were very hard to get approval from. Large concert halls had many layers of bureaucracy, and malls required lots of paperwork to set up a table. Getting permission for voter registration at these sites would have been a lengthy and complicated task (though not necessarily an impossible one). Smaller venues produced more mixed results—the Brooklyn Bowl already does voter registration with another group, while Webster Hall said that allowing us to do voter registration drives would cost too much. Several of the malls we reached out to also seemed uninformed to the nature of voter registration—one person, when asked whether Common Cause could set up a table to register people to vote—responded “vote for what?” And while the Queens Center Mall was receptive, an official at the Staten Island Mall management office would have required us to pay \$1,700 for the day in order to use the space to register voters.

Venue	Borough	Response	Notes
Atlantic Mall (Brooklyn)	Brooklyn	No response	
Manhattan Mall	Manhattan	No response	
Queens Center Mall	Queens	Maybe	Positive – got a contact and was told to email her specific dates
Trump Tower (Manhattan)	Manhattan	No response	
South Street Seaport (Manhattan)	Manhattan	Maybe	Ambiguous – would need to submit forms to marketing
Staten Island Mall	Staten Island	Maybe	Negative – could only table in the mall or outside of it if we paid \$1,700 a day
Brooklyn Bowl	Brooklyn	Yes	Already works with Head Count to do voter registration
BAM	Brooklyn	No response	
Webster Hall	Manhattan	No	Would “cost too much”
Madison Square Garden	Manhattan	Maybe	Negative – would need to contact legal division

Public Aid

As a whole, responses from soup kitchens and homeless shelters were inconsistent. We got three absolute *yes*'s, and the Providence House in Brooklyn was definitely interested. New Forever USA did not understand what voter registration was, and quickly denied us. Harlem United Community AIDS Center and the WIC (Woman, Infants, Children program) already did voter registration, and both did not want our help. The WIC told us that anything that takes away from their own internal voter registration would reduce their federal funding, while Harlem United told us that it would be a “conflict of interest.”

Venue	Borough	Response	Notes
Bethel Gospel Assembly Shelter	Bronx	Maybe	Negative – receptionist thought it was unlikely and we never received a response over email
Providence House (Shelter)	Brooklyn	Maybe	Positive – interested but had to check internally and never got back to us
New Forever USA for Men and Women (Shelter)	Brooklyn	No	Did not understand our request
Harlem United Community AIDS Center	Manhattan	Other	Already do voter registration and believe more would be “conflict of interest”
Food Bank NYC	Manhattan	Yes	
NYC Coalition Against Hunger	Manhattan	No response	
Homeless Outreach and Advocacy Program Mission (Soup Kitchen)	Manhattan	No response	Phone number did not work
NYC Rescue Mission (Soup Kitchen)	Manhattan	Maybe	Negative – told us we could not do voter registration because they were doing construction and “had a lot on their plate”
WIC (Soup Kitchen)	Queens	Other	Already do voter registration that is monitored federally and cannot receive outside help
Trinity Human Services Corp. (Soup Kitchen)	Brooklyn	Yes	
NYC Department of Homeless Services	Manhattan	Yes	

Public Housing

Though the New York City Housing Authority (NYCHA) was hard to reach, we were eventually met with a positive response. We were told that while we could not get blanket approval to do voter registration at public housing complexes, we could contact the individual building tenant association presidents to ask about tabling. We were also told that it was likely we would be able to table during the “family days”—public events that housing projects have with food and games.

Venue	Borough	Response	Notes
Cypress Hill (NYCHA)	Brooklyn	Maybe	Positive—likely but would need to contact tenant association presidents about specifics
Butler (NYCHA)	Bronx		
Castle Hill (NYCHA)	Bronx		
Baruch (NYCHA)	Manhattan		
Astoria (NYCHA)	Queens		

Conclusions

Clearly, it is far more difficult than it should be for a group like Common Cause to do voter registration in New York City. Of the 82 locations that we attempted to contact, over half gave us negative or ambiguous responses. Of those, 17 gave us no response at all. Only a few more (21) gave us an absolute “yes.” We believe that there were several reasons for the impediments we encountered.

Systemic Issues and Organizational Bureaucracy

Any system in which a voter must initiate the process of registering to vote is inherently problematic. Inevitably, some citizens will be confused as to how to register, when to register, or that they need to register at all. In addition, the American system of voter registration fails to recognize the impossibility of keeping voter rolls consisting of 150 million people³⁷ up to date based solely on a voter-initiated process. Not surprisingly, one out of every eight registrations on the books is significantly inaccurate.³⁸

Because the process is voter-initiated, a third-party group that wants to do a voter registration drive must deal with other third-party venues in order to be effective. For this reason, the U.S. system introduces organizational bureaucracy into the process of voter registration. Over 20% of those we contacted did not respond at all. We got significantly less positive responses from the venues we contacted in Manhattan, the most populated borough with the largest and most layered organizations. And in general, we got the largest percentages of positive responses from organizations run locally, like libraries and parks.

In addition to having difficulty getting responses from organizations, many of the people we did reach were uninformed as to what voter registration was or how it worked. An employee at one of the malls we contacted asked us *vote for what?* when we requested permission to register people to vote at the mall.

A modernized, government-initiated voter registration system would solve these problems. Canada, a country with a decentralized, federal system similar to that of the U.S. achieves a 93% registration rate by sharing data across local and federal government agencies.³⁹ The Brennan Center’s research suggests that it would neither be overwhelmingly difficult nor costly to bring a similar system to the U.S. It cost Canada \$19.2 million (Canadian dollars) to move to a data-sharing registration system in the late 1990s; since then, the country has saved over \$30 million each election cycle due to the new system.⁴⁰

The Politicization of Voter Registration, Revisited

Among the venues that denied our requests but did get back to us, we received a variety of responses. We were told by courts that doing voter registration would cause security issues, by DMVs that it would disrupt crowds, and by Manhattan parks that tabling was not allowed. At times, groups that try to facilitate the voter registration process will inevitably be met by venues who deny them in order to avoid the effort. However, we fear that a deeper issue is at least partly behind the difficulties we encountered.

Because restrictions on voting, registering to vote, and helping others to register to vote have recently been cast as political issues, we believe that voter registration *itself* is becoming seen by venues, government officials, and ordinary citizens as a political act. One police precinct told us that we could not do voter registration at their event because it would be “too political”; a worker at the MTA told us that voter registration “sounded political.”

The right to participate in politics—to vote—should not be a political issue. And the prerequisite for utilizing that right in the U.S.—voter registration—should not even approach the realm of partisanship. Voter registration is not a tactic or a ploy. It is not a means of increasing turnout for a particular party or candidate. It is an act that we as Americans have chosen to make central to the free political process.

Accordingly, we believe that state governments should have a consistent policy as to where, when, and how third party registration is allowed, especially in municipally-administered venues. Those who are charged with overseeing the political process should make it clear that third-party registration is a positive good in order to make up for the short-comings of a relatively inefficient and ineffective system. Government should not tolerate and enable impediments to voter registration, but rather should encourage citizens to register and vote. The health of our democracy depends on it.

ENDNOTES

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⁷ *Id.*, 15.

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¹⁶ Governor Andrew M. Cuomo’s Office, “Governor Cuomo Announces Reforms to Expand Access to Voter Registration,” August 16, 2012. <http://www.governor.ny.gov/press/08162012-voter-registration-reform>

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