



TESTIMONY OF SUSAN LERNER
EXECUTIVE DIRECTOR, COMMON CAUSE/NY
BEFORE THE ELECTIONS COMMITTEE OF THE NEW YORK STATE SENATE
April 24, 2009

Thank you for the opportunity to address you today. I am Susan Lerner, Executive Director of Common Cause/New York. Common Cause is a national nonpartisan, nonprofit public advocacy organization founded in New York in 1970 by John Gardner as a vehicle for citizens to make their voices heard in the political process and to hold their elected leaders accountable to the public interest. With nearly 400,000 members and supporters and 36 state organizations, Common Cause is committed to honest, open and accountable government and to encourage citizen participation in democracy. Since its inception, the New York chapter has always been and continues to be one of the most active state organizations in the country, representing tens of thousands of New Yorkers throughout the state.

Consistent with our overall mission we have consistently worked for election reform advocacy, working to improve accessibility, accuracy, transparency, and verifiability in our democratic process at the city, state and national level. For a number of years, our research arm, Common Cause Education Fund, has conducted comprehensive studies of how we conduct elections, which studies look at voting issues across the country and also examine different reforms as actually implemented in various states as well as in other countries. Here in New York, Common Cause is a co-facilitator of the state coalition of groups that monitor election activities, now called the New York State Citizens' Coalition for Voter Participation and Fair Elections.

First, I would like to commend the committee for holding these series of hearings. We believe that it is essential that the people of New York have an opportunity to comment on specific bills and to share their thoughts on improving the election process. These hearings are an opportunity for them to do so, and we hope that many take advantage of this opportunity. We have urged our members to attend and to participate.

Certainly, the topic elections is of substantial interest not only to the public, but also to our legislators, who so far this session have introduced over 250 bills that relate to the conduct of elections.

In looking at registration and other issues that relate to activities in advance of election day, we believe that it is essential to start from the premise that voting is a right, not a privilege or luxury that can be withheld from those deemed unworthy (i.e., persons with felony convictions) or those who cannot overcome arbitrary obstacles. Our current

system of registration does indeed set up a series of obstacles that must be overcome to be able to vote. This should change.

The ultimate goal should be **universal voter registration**, where all citizens are automatically and permanently enrolled to vote. And indeed, there is a bill that would do just that that has been introduced in the Assembly, A5265, sponsored by Assembly member Ginaris. The bill would institute what it terms “automatic voter registration” based on DMV and tax records. This is one plausible way of instituting universal voter registration. We believe that the topic is one that should receive serious discussion and consideration.

While the details of instituting universal registration are worked out – an area where Congress may act and pre-empt the state’s action – there are things that can be done to remove obstacles from the potential voter’s path to the voting booth.

Common Cause/ New York believes that New York State should allow voters to register through the Internet. Electronic or Internet Voter Registration provides significant benefits. Such a procedure provides eligible potential voters a more safe and secure way to register to vote by allowing them to complete the entire process online, as many already do when, for example, filing a tax return. Two other states have already implemented online voter registration systems - Arizona in 2002 and Washington State in 2008. Since implementation, Arizona has seen a dramatic increase in the number of people registering to vote, as well as significant cost savings. Allowing people to register to vote online provides a simple, convenient and secure registration process which in 2007, over 70% of people registering to vote used. In 2006 in the largest county in Arizona, cost savings were equivalent to the salaries of eight full time employees since data entry needs are reduced. It will also allow for easier matching of duplicate records, and other issues that arise when a voter moves from one county to another. An additional benefit is a decrease in incorrect information on the voter rolls. Washington has also already seen a large number of potential voters registering online. A third state, California, joined the ranks of states permitting online voter registration systems this past fall. However, any internet registration system adopted by New York State will have to be structured somewhat differently than in the western state that have adopted it

A bill pending in the Assembly, A4799 (Bing) would institute a similar system for internet voting, linking the on-line registration to the DMV’s records. However, while we strongly support Internet voter registration, we believe that New York will have to improve on the system already in use elsewhere before it can be adopted here, because of the relatively lower percentage of New York City residents who have drivers licenses. We are concerned that simply adopting an internet registration system tied to the DMV records here in New York will result in even greater under-representation and lack of engagement by potential voters in communities that traditionally have a low rate of voter registration, including communities of color and the economically disadvantaged. While these details are being worked out, we support A2961, which

would allow voter registration forms to be delivered to the Boards of Elections electronically, including by fax and email.

Common Cause/NY also strongly supports adoption of election day registration of voters in the meantime. As described above, one of the great challenges, among many, facing our Boards of Elections is handling the volume of registration forms in time for election day. Election Day Registration helps with this processing challenge, by completing the registration process while the voter is present and then allowing them to immediately vote. It also helps resolve problems with voter status and identification, as the voter is present and able to answer questions and, if necessary, has the opportunity to provide additional identification, short-circuiting a lengthy process when done by mail.

Accordingly, we support S1616, which would amend the State Constitution to remove the requirement that voters must complete their registration at least 10 days before the election. We also support implementing legislation that would institute a system of election day registration. However, we do not see the need to restrict election day registration to first time voters, as is done in S3372, as well as in bills on the same subject in the Assembly. All voters who need to register or re-register should be able to do so on election day. Based on the experience of other states, most particularly North Carolina, we hope that Election Day Registration would be adopted in tandem with Early Voting. We look forward to discussing the advantages of Early Voting at the June hearings. As the constitutional amendment process is underway, we support S3996, which would move the registration deadline closer to election day.

Common Cause/NY strongly opposes felon disenfranchisement. We believe that it is an anachronistic vestige of an earlier era of overt racial discrimination which continues to have undue and highly negative impact on communities of color and should be repealed. As we work for the wholesale repeal of felon disenfranchisement, as would be accomplished by A1414, we support the well-thought out measures which the voting rights notification and registration act, S1266, would effect.

One area in which New York is strikingly behind other states is in providing voters with meaningful information in a timely and relevant way. A major contributing factor to long lines at polling places, particularly in New York City, is the fact that voters do not know their election districts or assembly districts and must stand on line to be assisted at the information desk before they can present themselves at (or line up for) the appropriate table to sign the roll book and vote. The vast majority of calls to voter help lines, whether run by non-governmental agencies such as CommonCause/NY or Election Protection or official help lines run by BoEs, seek information on where the caller's polling place is and what the polling hours are. Further, voters must take

additional time in the voting booth to familiarize themselves with the candidates and any initiatives or referenda on the ballot.

Our current law requires that Boards of Elections send out one notice in the summer, informing voters in a general way that there will be elections that year. The notices that go out that far in advance of the election may or may not contain the voter's actual polling location. Many states provide notification of an up-coming election and the location of the voter's polling place in much closer proximity to election day, and provide such notices before each election. We believe that New York's law should similarly provide for voter notifications in advance of each election.

Many states provide voters guides, which identify candidates and any propositions or referenda that are on the ballot to all voters by mail in advanced of election day. New York should do the same. Pending bills A957 and A1641 would provide voters pamphlets, although A957 would not provide candidate related information, only general election details and information about any ballot proposals. We believe that voters guides should contain information about everything that will be on the ballot, including candidates. We believe that the resources which would be dedicated to sending the notices contemplated by S3995 to urge individuals to register for a party might more productively be spent on general voter guides or more frequent notices to voters in proximity to the election about the fact of the up-coming election and their polling place location. A less expensive and perhaps equally effective approach to encourage participation in primaries would be to amend current law relating to enrollment changes to permit such changes to be made closer to the election and become effective 25 days after receipt as contemplated by A408.

Finally, we support S4035, which is a commonsense solution to a situation this past election cycle which should not have occurred.

We look forward to the future hearings and further opportunities to discuss additional reforms which will, we hope, bring New York's election administration into the 21st Century.