

DEMOCRACY DOESN'T PAUSE: SECURING OUR NOVEMBER ELECTIONS

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before the Senate Standing Committee on Elections, the Senate Standing Committee on Local Government, the Assembly Standing Committee on Election Law, and the Assembly Standing Committee on Local Governments

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Good morning. I am Sarah Goff, Deputy Director of Common Cause New York. I would like to thank the Committee Chairs and leaders of the Senate and Assembly for convening this important hearing on how we can replicate what worked and improve upon what did not during the June primaries.

Common Cause New York is a nonpartisan citizens' lobby and a leading force in the battle for honest and accountable government. Common Cause fights to strengthen public participation and faith in our institutions of self-government and to ensure that government and political processes serve the general interest, and not simply the special interests. For 50 years, we have worked at both the state and municipal level to bring about honest, open and accountable government that serves the interests of all residents equally. Consonant with our overall mission we have consistently worked to improve accessibility, accuracy, transparency, and verifiability in our democratic process at the city, state and national level.

In March 2020, four days after Governor Cuomo issued the stay-at-home order, Common Cause released a plan on how to safely hold our elections during a pandemic. We are pleased the Governor adopted many of our recommendations including the consolidation of the presidential and state primaries and a measured expansion of absentee voting in lieu of a whole transition to vote by mail.

It is our position that while there were undoubtedly unforced errors along the way, that overall, the Boards of Elections did a credible job of navigating unprecedented circumstances and did their best to rapidly scale up a previously sleepy absentee voting program. However, there is much to improve looking ahead to November in what is arguably the most consequential election in recent history. In order for our elections to run smoothly in November, Common Cause New York recommends the following:

AN AGGRESSIVE PUBLIC INFORMATION & AWARENESS OUTREACH CAMPAIGN FOR VOTERS

New York must seriously invest in promoting the upcoming November election. There are a dizzying array of deadlines and new options for voters this year, and New Yorkers need to be aware of their

options. Instead of mailing an absentee ballot application to every voter, counties should instead mail a postcard with all the important deadlines for the upcoming election.

Early voting is still new to many New York voters and the June primary marked the second time its been used extensively. Over 833,000 New Yorkers opted to vote in-person in June and just 8% of them voted early. With 92% of the in-person voters showing up at the polls on Election Day, it was little surprise there were lines and confusion at some poll sites.

We must do more to educate New Yorkers about the nine additional days they now have to vote and where their early voting poll site is located. All too frequently, we heard from voters who didn't realize early voting was an option much less where to vote early.

- Dispersing in-person voters across 10 days, instead of the bulk showing up on Election Day, will allow our elections to run smoothly and safely while minimizing any attendant health risks for voters and poll workers.
- The state, counties and cities must fully utilize the vast public infrastructure at their disposal. Notifications could be posted on electronic highway signs or LinkNYC kiosks. We must be creative in reaching a broad swath of New Yorkers.

IMMEDIATE LEGISLATIVE FIXES THAT PROMOTE VOTER CONFIDENCE IN OUR ELECTIONS

The NYS Legislature was right to swiftly course correct for some of the longstanding problems with New York's absentee voting program a few weeks ago, however more work needs to be done. New York's historically sleepy absentee voting program, serving roughly 3-5% of voters each election cycle, rapidly scaled up over six weeks to serve anywhere from an estimated 30-60% in local elections. The problems we saw during the primary are, unfortunately, not new to our absentee voting program but still have the potential to undermine voter confidence in the safety and security of our elections.

Recent national polling of traditionally disenfranchised populations underscores the urgency to restore faith in New York's absentee voting program:

- 75% of voters indicated they would not want to vote in-person during the November election if there is no cure/vaccine for coronavirus.
 - 66% of voters prefer to vote by mail because it would be the safer option.
- Yet 47% are concerned voting by mail would result in lost or uncounted ballots.

Too many New Yorkers reported that they did not receive their absentee ballot in time for the June primary. We strongly recommend the election law be amended to harmonize the last date to request an absentee ballot with the first date of early voting- 10 days before the election. This will give local boards ample time to send out absentee ballots to ensure they are received before Election Day.

New York has disproportionately high rejection rates of absentee ballots. Therefore, it is vital the Legislature takes steps to improve voter confidence in our absentee voting program by:

- Eliminating the unduly punitive reasons absentee votes are invalidated including a missing date on the absentee ballot envelope, stray marks on the ballot, and “improperly sealed” ballot envelopes. This can be achieved through Senator Myrie’s bills [S8368](#) and [S8369](#).
- Expand the window of receipt in which absentee ballots that are missing a postmark can still be deemed valid. While we acknowledge the Legislature passed a partial fix last week, we hope to see more progress by the passage of Senator Myrie’s bill [S8367](#).

And, finally, while the prepaid return postage for absentee ballots did lead to the aforementioned postmark issue, it is vital that absentee ballots for November include return postage. The previously mentioned poll identifies lack of prepaid postage for absentee ballots as one of the top three barriers to voting by mail for historically disenfranchised communities. Senator Sanders has already introduced [S8004](#) that will rectify this immediately.

FUND OUR ELECTIONS

Our elections infrastructure, chronically underfunded and institutionally neglected, has hit a breaking point. Throwing money at a problem does not always help, but in this instance, it will preserve the progress local boards have made in the last few months and help to sustain them through November. Local boards have shouldered the additional costs of a pandemic election and a dramatically expanded absentee voting program by tapping into federal funding, but many municipalities have spent their allocations. Waiting for a federal bailout for our elections is unwise and the state must not wait and provide what is needed for November. Early voting and election day poll sites will still need personal protective equipment such as masks, gloves, hand sanitizer or acrylic barriers to protect voters and poll workers alike.

New York faces brutal budgetary choices this year due to dwindling tax revenues and a lack of new revenue streams. It is our hope the Governor and State Legislature prioritizes our November elections to ensure the success of our elections.

Thank you for your time, and Common Cause New York stands ready to assist in any way to secure our elections in November.

