

2021 LEGISLATIVE PRIORITIES

New York's elections have undergone a seismic shift because of the pandemic. COVID has forced New York to quickly adapt through the expansion and modernization of absentee voting and encouraged the widespread adoption of early voting as millions of New Yorkers voted early for the first time and during a presidential election.

The pandemic has also continued to highlight our elections shortcomings as new voter registration dropped precipitously, as there is no online voter registration, and enthusiastic early voters were met with hours long lines. However, there is much the New York State Legislature can do to quickly enact pro-voter laws and build on the progress made when the Legislature reconvenes in January 2021.

FIX NEW YORK'S ELECTIONS

Champion Pro-Voter Reforms

It is incredibly important for New Yorkers to have confidence in our elections and that every eligible vote is counted. Therefore, we recommend the State Legislature immediately pass legislation that addresses the following:

- **Strengthen early voting**
Over 2.2 million New Yorkers voted early during the presidential election which represented 37% of the in-person electorate statewide. While as advocates we were thrilled to see so many voters take advantage of the nine extra days to vote, we believe that procedures must be improved to minimize hours long lines in the future.
 - [Early Voting Discussion](#)

- **Make absentee voting easier for all voters**
New Yorkers heartily embraced their expanded absentee voting opportunities and over a million absentee votes were cast in November. Simplifying and increasing access to absentee voting positions the state for an easier transition to no excuse absentee voting once the constitutional amendment is approved by voters.¹ The State Legislature must continue to modernize absentee voting and:
 - **Provide return postage guaranteed envelope with absentee ballots.** [S909](#) (Sanders)/A1004 (Dinowitz)

 - **Mandate on-site absentee ballot drop boxes at all early voting and election day poll sites.**

 - **Ensure every properly cast absentee ballot is counted**
 - [S253](#) (Myrie)/A1144 (Paulin): protects ballots where each voter's intent is unambiguous
 - [S327](#) (Myrie)/no same as: deals with methods for sealing absentee ballots

¹ This could happen as soon as November 2021.

- [S466](#) (Myrie)/no same as: deals with absentee ballot postmarking issues. We recommend that the bill be amended to require the Boards of Elections to use the USPS Full Service Intelligent Mail, which allows tracking of the absentee ballots through the postal service. Use of intelligent Mail would eliminate the possibility that a late-mailed ballot would be counted.
 - Make providing a phone number or email for quick contact mandatory on voter registration forms
 - Restrict court jurisdiction for impounding absentee ballots and removing an absentee canvass from public observation.
 - Require notice to voters of any legal challenge to counting their absentee or affidavit ballots and provide legal standing to defend their absentee or affidavit ballot in court challenges.
 - **Provide funding for, and require state development of mandatory uniform absentee ballot tracking procedures and an online portal which counties would be required to include on their BOE websites**
 - County boards should be required to follow a uniform procedure using barcode technology to track absentee ballot processing which would automatically populate an absentee ballot webpage where voters can request and then track their absentee ballots from request through casting or invalidation, including tracking through the USPS Intelligent Mail.
 - **Conduct hearings and convene a working group made up of election administrators, voting rights advocates and legislative staff to make recommendations regarding the timing of the absentee ballot canvass and to provide practical input on other proposed procedural reforms.**
 - Changes to the timing of the absentee ballot canvass requirements should not be considered on a piecemeal basis and without consideration of retaining or eliminating the ability of voters to vote in person after requesting or returning their absentee ballot.
- **Grant voting rights for people on parole**

There are currently over 35,000 New Yorkers on parole. New York must make the restoration of voting rights for justice involved New Yorkers automatic and a simple process.
- **Nonpartisan poll monitoring**

Nonpartisan election observers promote transparency, integrity and efficiency in our elections. Without a stake in the political outcome, impartial observers help provide reliable feedback regarding what procedures were properly followed, how elections can be improved, and can provide help to voters. According to the National Conference of State Legislatures,² 11 states and the District of Columbia provide explicitly in statute for nonpartisan citizen election observers, while an additional 9 permit the public broad access including to polling places on election day. New York should adopt a formal accreditation/appointment process for nonpartisan citizen observers and create a new category of poll monitor to authorize and regulate nonpartisan citizen observers.
- **Require Secure Voting Equipment Be Used**

² Policies for Election Observers, 10/13/2020, https://www.ncsl.org/research/elections-and-campaigns/policies-for-election-observers.aspx#citizen_nonpartisan



- [A9852](#) (Cruz): requires voting machines permit the voter to review their marked paper ballot and requires that a voter’s hand marked paper ballot will be the one counted, except when certain accessibility issues apply.
- **Revise the certification and procurement process for voting machines or systems**
 - [S331](#) (Myrie)/no same as: Certification of a voting machine or system would be upon the request of the New York State Board of Elections and not the vendor.
- **Reform the Boards of Elections**

Common Cause New York has long supported substantive reform to our state and local boards of elections. As New York begins this vital, necessary work the voice of the people must be incorporated in this process. At a minimum, virtual hearings should be held to solicit public input and testimony as New York reimagines voting and elections. Reforms which should be considered include:

 - Professionalizing election administration staff
 - Prohibit county chairs from serving on, or being employed by, BOEs
 - Eliminate statutorily required duplication of staff positions according to party affiliation
 - Set term for administration management personnel
 - Change in appointment process of election commissioners
 - Specify commissioners’ areas of responsibility, authorizing broad authority for professional staff over day-to-day and administrative operations.
 - Oversight and accountability of election authorities, at the state and county level and within New York City.
 - Standardization and uniformity of policies statewide and enforcement of the same.
 - County/City Council legislative approval process for equipment purchases and large expenditures

Finish the Work We Started

The 2019-2020 legislative session started with huge wins for New York voters. Now the Legislature must make good on its promise and:

- **Immediately take up second passage of no excuse absentee voting³ and same day registration⁴ legislation.** This will be the final legislative step before both constitutional amendments can proceed to voter approval in November 2021 as a ballot proposal.
- **Fund New York’s elections.** New York does not provide local boards of elections any financial support. The chronic disinvestment in our democracy’s infrastructure has led to the middling outcomes experienced by New York voters.
- **The State Board of Elections must receive additional funding to support the implementation of pro-voter reforms.** This includes the development and launch of a statewide online voter registration portal. The pandemic has exacerbated the need for an online registration process as many New Yorkers have

³ [SB 1049/A778](#)

⁴ [SB 1048/A777](#)

limited access to traditional voter registration opportunities and will lay the necessary foundation for the implementation of Automatic Voter Registration (AVR).

We remain hopeful that the New York State Legislature will take up these reforms and move quickly to pass these bills in January.

REDISTRICTING

Common Cause/NY supports the second passage of the constitutional amendment simplifying and clarifying the state constitutional provision governing redistricting.

