

## MEMORANDUM OF SUPPORT

### Same-Day Registration and Voting A4358 (Kavanagh)/S4790 (Squadron)

The New York Democratic Lawyers Council (NYDLC) strongly supports the enactment of A4358/S4790, which would permit eligible New Yorkers to conveniently register and cast a ballot at their poll site on any day of election.

This bill would amend the Election Law (and companion legislation **A2090A / S2478A** (Gianaris) would amend Article II of the NYS Constitution). Same-day registrants will be required to provide an acceptable form of identification showing proof of residence (as is already required for voter registration under the Federal Help America Vote Act of 2002 (HAVA)). Before being allowed to vote, same-day registrants must certify under penalty of perjury, the violation of which is a second-degree felony, that they are a qualified voter who has resided at their present residence for at least thirty days; that they are not disqualified on any legal grounds from voting; and, that they have not already voted in the same election.

If an otherwise qualified New Yorker cannot present the requisite HAVA-approved identification and proof of residence when they appear to same-day register and vote, this bill would allow them to complete an affidavit (provisional) ballot, which will not be counted until and unless the Board of Elections can verify the applicant's residence and voting eligibility.

Given the fundamental rights at stake, voter registration is intended to be a simple, clerical step to ensure orderly elections. It cannot be a barrier that disenfranchises otherwise-eligible New Yorkers. Currently, voters must register at least 25 days—nearly a full month—in advance of an election to participate. This draconian rule entrenches inconvenient two-step voting and raises a substantial hurdle to the ability of New Yorkers to exercise the franchise. Nationwide, 15 states plus Washington D.C. permit same-day registration.<sup>1</sup> In 2014 as many as 40% of voting-age New Yorkers were not registered.<sup>2</sup> Voter turnout is also abysmal—only 57% of adult residents actually voted in 2016 when New York ranked 41st.<sup>3</sup> By allowing one-stop voting during elections, busy New Yorkers who tune in during the final month will be able to participate. **For the foregoing reasons, NYDLC strongly supports enactment of same-day registration and voting.**

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<sup>1</sup> Same Day Voter Registration, Nat'l Conference of State Legislatures, Jan. 11, 2017, <http://bit.ly/10legHT>.

<sup>2</sup> Chisun Lee and Jennifer L. Clark, *As President Trump Compromises Access to the Ballot Box, N.Y. Must Widen Participation*, NY Daily News, March 15, 2017, <http://bit.ly/2rwqgFh>.

<sup>3</sup> Nonprofit VOTE & US Elections Project, *America Goes to the Polls 2016* 10, <http://bit.ly/2mXiJz3>.