

MEMORANDUM OF SUPPORT

Statewide Attorney Election Monitors

A4984 (Weprin) / S3405 (Parker)

The New York Democratic Lawyers Council (NYDLC) strongly supports the passage of A4984 / S3405. This bill amends the Election Law to allow New York licensed attorneys who are residents to serve as poll watchers throughout the State. This legislation passed the assembly in 2015 (139-7) and 2016 (124-19).

Poll watchers can serve an important role in helping elections run smoothly and can identify and thwart efforts to impede the democratic process. Properly trained monitors help prevent voters from being wrongfully turned away from the polls, alert the authorities of improper behavior that may impede voting, and utilize their training to assist voters who request help and inform poll site staff if elections are being administered in a way that negatively affects citizens' ability to cast their ballots. Since its inception in 2005, NYDLC has recruited and trained thousands of poll watchers (many of whom are attorneys) to ensure that all eligible voters are able to cast a ballot without difficulty.

However, New York has some of the most restrictive rules on poll watcher eligibility in the country. New York currently limits poll watcher eligibility to those who are registered voters of the city or county in which one wishes to monitor the polls. This limitation makes it very difficult for voting rights organizations to comprehensively protect voters and monitor elections in all parts of the state. This bill would carefully improve the ability of voting rights advocates and good government groups to monitor elections for fairness by authorizing New York-resident licensed attorneys to serve as pro-bono poll watchers throughout the state.

Why lawyers? New York State licensed lawyers are not only trained to “issue spot” infringement of civil rights and abuses of authority, they are regulated statewide by the NY Unified Court System and are subject to broad ethical obligations to uphold the law enshrined in the NYS Rules of Profession Conduct. Specifically, Rule 8.4 (b), (c), and (d) provides that “[a] lawyer or law firm shall not: (b) engage in illegal conduct that adversely reflects on the lawyer’s honesty, trustworthiness or fitness as a lawyer” or “(c) engage in conduct involving dishonesty, fraud, deceit or misrepresentation;” or, “(d) engage in conduct that is prejudicial to the administration of justice.” Attorneys who violate these rules may be penalized, suspended or disbarred, apart from ordinary criminal penalties.

This small change would greatly expand the ability of voter protection organizations to carry out their watchdog role, while addressing concerns that poll watcher credentials could be abused. **Because poll watchers serve an integral role in safeguarding the integrity of our electoral process, NYDLC strongly supports the enactment of A4984 / S3405.**