

## MEMORANDUM OF SUPPORT

### Early Voting

A780 (Lavine) / S1102 (Myrie)

The New York Democratic Lawyers Council (NYDLC) strongly supports the enactment of an Election Period to reform and modernize New York's antiquated single Election Day. This legislation creates a flexible in-person "Early Voting" period, providing all eligible New Yorkers with reasonable and convenient opportunities to participate in our elections.

The proposal would amend the Election Law to provide registered voters with **nine days** to vote early in any general, primary, or special election, beginning the second Saturday prior to Election Day and ending on the Sunday prior to Election Day Tuesday (inclusive). The bill guarantees a minimum of eight operating hours per day on weekdays (between 7:00 am and 8:00 pm, with at least one site for all voters remaining open until 8PM on two week days), and five hours per day minimum on weekend days or holidays (between 9:00 am and 6:00 pm). Counties must provide at least one early voting site for every 50,000 registered voters, with a maximum requirement of seven sites for larger counties and a minimum of one. Boards are expressly permitted to offer additional early voting locations or operating hours.

This framework provides New York's diverse 62 counties with the flexibility to distribute resources in a manner tailored to constituent needs, while ensuring a basic level of early voting to ensure access to the ballot.<sup>1</sup> Board of Elections safeguards will prevent early voters from casting multiple ballots in the same election. Ballots cast during the early voting period will not be canvassed until the final hour prior to the close of the polls on Election Day and no election results or unofficial tabulations may be released or viewed prior to the close of polls.

38 states provide voters with some form of in-person early voting.<sup>2</sup> New York's current voting system, which restricts regular balloting for millions of people to a single Election Day, results in unconscionably long wait times, thousands of lost votes, infringed rights, and a dismal civic experience for the public.<sup>3</sup> The state has an obligation to provide all eligible New Yorkers with a reasonable opportunity to exercise their fundamental civil rights. Expanded access is particularly important for working families, commuters, those with special needs, busy work or school schedules, or child/elder care duties. Citizens who are unable to vote on a single Tuesday should not be excluded from participating in our democracy, nor should those who attempt to vote be prevented from doing so by a poorly designed process.

From an administrative standpoint, an election period better distributes the systemic pressure placed on the board of elections, lowering the impact of disruptions such as broken machines, missing staff or supplies, late poll site openings, impaired access, severe weather (e.g. Superstorm Sandy), or intentionally caused disruptions (false fire alarms or threats).

**NYDLC strongly supports the enactment of a reasonable early voting period and the provision of appropriate state funding to ensure responsible implementation.**

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<sup>1</sup> The maximum number of required sites may be reduced for primary or special elections if a majority of the local Board determines a lesser number is sufficient to meet the needs of early voters.

<sup>2</sup> National Conference of State Legislatures, *Absentee and Early Voting*, Jan. 3, 2019, <http://bit.ly/1ldSpXK>.

<sup>3</sup> Diana Kasdan, *Early Voting: What Works*, Brennan Cntr. for Justice 5 (2013), <http://bit.ly/2q1Czaz>.