

## MEMORANDUM OF SUPPORT

### Consolidation of Federal and State Primaries A779 (Lavine) / S1103 (Stewart-Cousins)

The New York Democratic Lawyers Council (NYDLC) supports the enactment of A779 / S1103. This bill would require that primary elections for state and federal offices (excluding President and Vice President of the United States) be held on the same day. Consolidating the state and federal primary elections will make state law consistent with the federal statute and save taxpayers millions of dollars.

New York's present multiple primary schedule is rooted in a federal law that requires states to provide absentee ballots to military voters no later than 45 days before a federal election to ensure that their ballots are received by local boards of elections in a timely fashion (the "MOVE Act").<sup>1</sup>

Beginning in the 1970s, New York's federal and state primary elections occurred on the same day in September.<sup>2</sup> In 2009, however, New York was found to have violated the newly enacted MOVE Act because a September primary did not allow for enough time to mail the military ballots in advance of the November election date. A federal court ordered that New York's federal primary election must take place in June in order to comply with the MOVE Act. However, New York retained the September date for the state primary election, perpetuating the possibility that servicemembers, their families, and other overseas voters may not be able to receive and turn around their general election materials in time for November deadlines.

Apart from jeopardizing rights, it is estimated that the superfluous primary costs taxpayers an additional \$25 million statewide.<sup>3</sup> By consolidating the primaries, these precious election resources can be repurposed to fund measures that improve access.

Under the present election calendar, New Yorkers must come to the polls multiple times to participate in primaries, resulting in voter fatigue and diluted attention. Overall participation suffers when New Yorkers are required to show up to the polls several times a year to express their preferences, which is amplified when several contests may lack meaningful competition.

Consolidating New York State and Federal primary elections so that they are held on the same date in June will: (1) ensure that military personnel and Americans living abroad have a fair opportunity to vote; (2) result in greater, more streamlined voter participation, and (3) achieve significant costs savings.

**For these reasons, NYDLC supports the consolidation of New York's separate State and Federal primaries.**

---

<sup>1</sup> Military and Overseas Voter Empowerment Act, [H.R. 2647](#), [Pub.L. 111-84](#), 123 Stat. 2190; Federal Voting Assistance Program, "The Uniformed and Overseas Citizens Absentee Voting Act Overview," available at <https://www.fvap.gov/info/laws/uocava>.

<sup>2</sup> Phil Grommet, "New York needs to consolidate primaries," March 30, 2017, available at <http://www.pressconnects.com/story/opinion/2017/03/30/new-york-needs-consolidate-primaries/99833122/>.

<sup>3</sup> S1103 Sponsor Memo, <https://www.nysenate.gov/legislation/bills/2017/S3562>.