NYDLC 2020 PRO-VOTER LEGISLATIVE AGENDA

The New York Democratic Lawyers Council (NYDLC) strongly supports the enactment of legislation to further modernize our voter registration system and continue improving voter access.

Currently, nearly 2 million eligible New Yorkers are not even registered, and New York consistently ranks near the bottom in turnout (41st in 2018). We applaud the legislature for making election reform a priority in 2019, but additional change is still needed to update New York's election law.

Improve Access to the Ballot:
Reasonable Opportunities to Exercise Fundamental Rights

Ballot-Saving When Voters Appear at the Wrong District (A3304A (Carroll) / S3195 (Myrie)): Requires the board of elections to count the affidavit ballot of a voter if that voter appeared at a polling place in the correct county, but in the wrong election district, to the extent that the votes cast also apply to the voter's election district.

Mobile Early Voting Locations (NSA / S6926A (May)): The Senate has passed a bill that authorizes counties to establish, in addition to required early voting sites, mobile early voting locations that are operational for at least three consecutive days.

Require County Boards of Election to Designate College Campuses as Election Day Polling Sites (A5661 (Rozic) / S4378 (Parker)): The Senate passed this bill requiring any college campus with more than 300 registered voters to be designated a polling place. In 2020, the Assembly should also pass this bill and ensure that voting is always available to students on-campus.

Prevent Voter Suppression and Ensure Due Process

Universal Attorney Poll Watchers (A4044 (Weprin) / S4552 (Parker)): Permits attorneys licensed and residing in New York, who are already subject to statewide ethics oversight, to act as poll watchers in any New York locality in order to monitor for misconduct.

Restoring Voting Rights for Convicted Felons (NSA / S6821 (Parker)): Authorizes convicted felons who are incarcerated in state or local facilities to vote in elections based on the inmates' residence prior to incarceration.

Voting Rights Restoration and Registration for Citizens on Parole (A4987 (O'Donnell) / S1931 (Comrie)): Automatically restores the right to vote to individuals released on parole and adds a proactive voter registration component to the re-entry process.

Deceptive Practices and Voter Suppression Act (A7972 (Lavine) / S5758A (Stewart-Cousins)): Defines and penalizes deceptive election practices as well as voter suppressing and intimidating conduct that undermines our democracy. (Inspired by real events (www.nydailynews.com/archives/news/w-chester-dixie-article-1.628095).)

New York Voting Rights Act (NSA / S7528 (Myrie)): Requires, among other things, that changes to voting regulations in counties with large minority populations be approved by the Attorney General of New York.

Requiring Voter Challenges to be in Writing: Requires all challenges to voters be made in writing and logged in poll books.

Improve Election Security and Public Confidence in Election Results

Ban Hybrid Voting Machines (A8597 (Paulin) / S6733 (Myrie)): Prohibits certification of any voting machines that, as part of its intended functionality, allows a ballot to pass under a printer head after the voter has cast its ballot.

Give the State Board of Elections Discretion over Voting Machine Certification: Gives the State Board discretion to reject a machine that meets the statutory eligibility requirements, but otherwise appears unsecure. Currently, the Board must certify any machine that meets the statutory requirements.

Require Basic Security Measures for E-Poll Books: Requires certain minimum security requirements for e-poll books used during early voting and on election day in each polling site across the state in order to reduce the occurrence of hacking and to provide a backup of the records stored on the e-poll books in the event that the devices fail.

Eliminate Requirement for Full-Face Ballots: Repeals the requirement all of a race's candidates or all ballot questions be presented in a single display (i.e., candidates for a race cannot be split between pages). The "full face" provision of the law can be construed to severely hamper the State Board's choice in voting machines, particularly with respect to disabled voter machines.

Hand Recount of Votes in Close Elections (A8377 (Paulin) / S1833 (Gianaris) or A1668 (Abinati)): Allow for an automatic hand recount of the votes cast in very close elections, or a recount upon request in certain situations.

Risk-Limiting Audits to Ensure Accuracy: Requires a statistically-based risk-limiting audit or hand count of voter-verifiable records after an election to avoid certification of an incorrect outcome.

Making Ballot Images Available (NSA / S7237 (Myrie)): Require that the Board of Elections make copies of all ballots cast in an election public records.

Legislation to Reduce Barriers to Participation: Modernize and Streamline Voter Registration

NYS Automatic Voter Registration (NSA / S6457 (Gianaris)): Streamlines and modernizes voter registration by automatically registering or updating the registration of all eligible New Yorkers who interact with specified government agencies and public institutions. This bill passed the Senate in January 2020.

Reduce Voter Registration Deadline to Constitutional Minimum (A116 (Buchwald) / S2311 (Kavanagh)): Allows for eligible voters to register to vote up until the 10th day prior to an election, which is the maximum amount of time allowed by the state's constitution. The current deadline is 25 days prior to the election.