



CITIZENS UNION OF THE CITY OF NEW YORK
Testimony before the City Council Committee on Governmental Operations
New York City's Pro-Voter Law (Agency-Based Voter Registration)

Remote Oversight Hearing
February 28, 2022

Good morning members of the New York City Council Committee on Governmental Operations. My name is Ben Weinberg, and I am the Director of Public Policy at Citizens Union. Citizens Union is a nonpartisan good government group dedicated to making democracy work for all New Yorkers. For 125 years, we have served as a civic watchdog, combating corruption and fighting for political reform in city and state government.

We thank the committee for the opportunity to provide comments today, and commend Chair Sandra Ung and committee members for dedicating the first oversight hearing to election and voting issues. The voter registration law discussed today has not been addressed at the Council in almost eight years.

Citizens Union has long been active on the issue of voter registration. In 2014, we worked with four other groups to publish a review of the city's compliance with the Pro Voter Law, Local Law 29 of 2000 (agency-based voter registration), which revealed widespread agency failure to implement the law¹. As a result of our findings, the city improved the program in several ways. Mayoral Directive One of 2014 required agencies to submit semi-annual reports on implementation to the mayor's office of operations. This was later codified into law in Local Law 61 of 2014. Local Law 63 of 2014 added seven more agencies to the program, expanded language access, and required agencies to assist clients in completing their voter registration forms and submitting them to the Board of Elections.

Progress following the 2014 reforms

Data from the Board of Elections' annual reports suggest that **the 2014 reforms led to an increase in voter registration originating from city agencies**, marked as "Code 9" registration forms. In the five years before the reforms were implemented (2010-2014), city agencies submitted 15,431 applications to the Board of Elections. In the five years that followed the reforms, that number more than tripled: city agencies submitted 49,298 applications in 2015-2019.²

¹ A Broken Promise: Agency-Based Voter Registration in New York City. October 2014.

<https://citizensunion.org/wp-content/uploads/2018/06/CivicGroupsBrokenPromisesVoterRegOct2014.pdf>

² Numbers drawn from NYC BOE annual reports, under "Total Number of Registrations Received in General Office Registrations"

The effectiveness of the program also increased. Between 2010-2014, only 1.36% of the voter registration forms distributed to designated city agencies (Code 9 forms) were returned completed to the BOE. Between 2015-2019, the share of completed applications increased to 3.84%. However, this number still constitutes a small percentage of the total forms distributed to agencies.

Overall, the agency-based voter registration program contributed to voter registration rates in New York City. In some years, code 9 registrations amounted to 4-5% of registration received by the BOE. Together with CUNY-based registrations, marked as Code D, they accounted for 8-11% of voter registration.³

In this context, it is important to note that the city government has taken important steps to raise voter registration rates across New York City in the last few years. These steps included funding for voter registration drives, the establishment of the DemocracyNYC office, the work of the Campaign Finance Board and the Voter Assistance Advisory Committee, and a new civics program in public schools (Civics for All). This resulted in an impressive increase of over one million registered voters within five years, according to BOE data.

Service provided by specific city agencies

According to data collected by the Mayor's Office of Operations, there were 100,348 completed voter registration forms collected by city agencies and transmitted to the Board of Elections since reporting began in 2015.⁴

The numbers reported by city agencies indicate that **the program benefits underserved populations and New Yorkers who need it most**. The three agencies that submitted the largest number of completed voter registration forms are the Human Resources Administration (HRA), which serves low-income and vulnerable New Yorkers; the Department of Youth & Community Development (DYCD), which serves young adults, an age-group with the lowest turnout in the city; and the Department of Correction (DOC), where people in custody face substantial hardships in accessing the ballot.

Not all agencies provide the same type of service for eligible voters. We note that the Department of Parks and Recreation, which serves over three million people every year and distributes over 150,000 voter registration forms annually, does not submit any voter registration forms to the BOE.

In fact, **only a fraction of voter registration forms distributed to agency clients are completed and submitted to the BOE.**⁵ To rectify this, Citizens Union recommends examining the procedures used by the agencies with the highest return rate: The Department for the Aging, Department of Records and Information Services (DORIS), the Civilian Complaint Review Board, and the Fire Department. We acknowledge that agency compliance largely depends on collaboration and commitment from the dedicated coordinator in every agency.

³ For example, in 2016 NYC BOE reported receiving 37,317 voter registration applications from designated city agencies and from CUNY (19,013 Code 9 forms and 18,204 Code D forms) out of 454,306 registrations overall, or 8.2%. In 2019, NYC BOE reported receiving 14,803 voter registration applications from both sources (6,895 Code 9 forms and 7,908 Code D forms) out of 130,710 registrations overall, or 11.3%.

⁴ Agency Voter Registration Activity, dataset provided by Mayor's Office of Operations (OPS), found on NYC OpenData <https://data.cityofnewyork.us/City-Government/Agency-Voter-Registration-Activity/kkum-y97z>

⁵ Our analysis of semi-annual agency reports shows that only 1.24% of the forms distributed to clients between 2015 and June 2021 were submitted to the BOE.

Total voter registration forms distributed to clients and returned to the BOE, 01/01/2015 - 6/30/2021, based on agency reporting			
	Applications Distributed	Applications Returned to the BOE	Applications returned to BOE by percentage
Aging	993	477	48.0%
DORIS	96	43	44.8%
Civilian Complaint Review Board	6264	2483	39.6%
Fire	166	64	38.6%
Small Business Services	3098	622	20.1%
Business Integrity Commission	18	2	11.1%
Citywide Administrative Services	14595	1158	7.9%
Correction	87214	3997	4.6%
Youth and Community Development	360024	13295	3.7%
Children's Services	25085	681	2.7%
Health and Mental Hygiene	13917	280	2.0%
Homeless Services	50619	720	1.4%
HRA	5957265	75140	1.3%
Human Rights Commission	10182	86	0.8%
Environmental Protection	101784	790	0.8%
Consumer Affairs	385728	384	0.1%
Transportation	129248	114	0.1%
Finance	201883	12	0.0%
City Planning	7678	0	0.0%
Cultural Affairs	92	0	0.0%
HPD	8000	0	0.0%
Parks and Recreation	604181	0	0.0%
Probation	6476	0	0.0%
Taxi and Limousine	98009	0	0.0%

Data discrepancies

There are significant discrepancies between the data reported by city agencies in their semi-annual reports and the numbers published by the NYC BOE. These gaps make it difficult to track the effectiveness of the program.

For example, between 2015 and 2020 the NYC BOE reported that it distributed a total of 1.2 million Code 9 voter registration forms to designated city agencies. In contrast, city agencies reported distributing 7.6 million forms to their clients. Agencies reported that they submitted 96,328 completed forms to the BOE between 2015 and 2020, while the BOE reported that they processed only 50,388 code

9 forms in the same period.⁶ City Charter requires agencies to use the coded voter registration forms that the BOE issues.⁷

Some of the difference in numbers is bound to be because the HRA uses forms that are not marked as code 9 because the agency falls under the requirements of the National Voter Registration Act (NVRA). Yet, that does not explain all the discrepancies found in the two datasets.

Upcoming introduction of Automatic Voter Registration and Online Voter Registration

Over the next two years, the voter registration environment in New York State will change drastically, following the introduction of Automatic Voter Registration and Online Voter Registration. When fully implemented, these two new laws will impact how agency-based voter registration is conducted.

First, state law⁸ includes DSS/HRA and NYCHA as designated agencies for the purpose of Automatic Voter Registration. Other agencies could be added in the future. Applications for services from those agencies will automatically “trigger” a voter registration request to the BOE. HRA is currently covered by the City Charter.

Second, Online Voter Registration will reduce the reliance of agencies on postage paid voter registration forms. Instead, their clients will be able to use the electronic voter registration transmittal system⁹.

The Council and city government should **prepare to incorporate those new systems into the Pro Voter Law framework, while maintaining reporting requirements under current city law.** Relevant city agencies, such as the CFB, should work with the State Board of Elections to **update trainings and ensure compliance with participating agencies.** In addition, the city should work with SBOE and NYC BOE to **ensure that online voter registration applications that originate from participating city agencies are coded (Code 9),** as they are today with paper forms. Council Members should consider amending city law to **clarify that participating agencies are required to provide assistance with the electronic voter registration system and the electronic signature.** The city can use the experience gathered during the online voter registration pilot program managed by the Campaign Finance Board and the Chief Technology Officer and attempted in agencies like DCAS, to develop new procedures for online voter registration assistance.

Schools and pre-registration

One of the agencies with the most potential to effect voter registration is the Department of Education (DOE). A high traffic agency that serves hundreds of thousands of city families each year, **the DOE can provide parents with materials on voter registration and assist eligible voters in completing forms.**

In addition, although high schools are required under city law to make voter registration materials available to students and must provide postage-paid voter registration materials to graduating seniors¹⁰, there is no tracking mechanism to measure the effectiveness of that program.

⁶ NYC BOE data is based on NYC BOE annual reports. For reporting from participating city agencies, see footnote 3. For full database, contact at Citizens Union.

⁷ NYC Charter section 1057-a (3)(b)

⁸ Election Law Section 5-900

⁹ Election Law Section 5-800

¹⁰ NYC Administrative Code, Section 3-209

Lack of data also makes it difficult to examine how many 16- and 17-year-olds pre-register to vote in New York. This important program was introduced in 2020 yet has progressed slowly due to the pandemic and school closures. A report by the Civics Center found that only 13,499 16- and 17-year-olds were preregistered to vote as of April 2021¹¹. Clearly, the program has yet to reach its full potential. No public data has been published by the SBOE or NYC BOE on pre-registration.

Engaging young voters is particularly important because when young people register and make a habit of voting early in life, they are more likely to continue to be civically engaged throughout their lives. Newly registered voters made up 3.0% of registered voters in 2020, according to the Campaign Finance Board.¹²

Citizens Union recommends the Council amends the Pro Voter Law to **include the DOE as a participating agency and require the BOE to assign a unique code for registration forms originating from schools**, like it does for CUNY. The Council should also work **to ensure the NYC BOE publishes the number of pre-registrations processed in its annual report**.

It would be most effective for those reforms to be made before 2024. Presidential election years have been proven to be the best time to register new voters and convert them into first-time voters.

Citizens Union looks forward to working together on these issues.

¹¹ <https://thecivicscenter.org/blog/2021/5/3/new-york-expanded-voter-preregistration-to-age-16-a-year-later-and-with-a-mayoral-election-on-the-horizon-most-people-havent-noticed>

¹² NYC CFB, Voter Analysis Report for 2020-2021. According to the CFB, newly registered voters may include voters who just turned 18, new American citizens, or people who recently moved to New York.