



CITIZENS UNION OF THE CITY OF NEW YORK
ISSUE BRIEF AND POSITION STATEMENT
Consolidating New York's Primary Elections into a Single June Primary
JUNE 2014

I. Introduction

In order to fully participate in this year's elections, voters registered in one of New York's two major political parties will need to turn out to vote in three separate elections: the June 24th federal primary, the September 9th state primary, and the November 4th general. In the last presidential election year, 2012, some voters could have voted in as many as four separate elections: the Republican nomination for president (April), congressional primaries (June), state legislative primaries (September) and the general (November).

These separate election dates were established beginning in 2012 due to the state legislature's failure to come to a compromise after the passage of the federal Military and Overseas Voter Empowerment (MOVE) Act, which requires more lead time for military voters to receive ballots so that they may be returned in sufficient time than the former September primary allowed. This inaction led to a federal court order that federal primaries be held in June. As the MOVE Act only related to federal offices, state legislative primaries remained at their usual recent date of September, which is also the case for this year.

This memo includes background information on the following topics:

- the problem of low voter turnout in New York's primary elections;
- the MOVE Act and the state's failure to comply with the law; and
- the argument for concurrent June primaries, including:
 - cost savings;
 - more efficient election administration; and
 - increased voter turnout.

Summary of Recommendations

Citizens Union believes that it is essential that the state consolidate future primary elections to create cost savings, aid in boosting voter participation, and increase efficiency for the state's boards of elections. Specifically, we recommend that:

- **New York hold concurrent state and federal primaries the fourth week of June, provided that the legislative session ends at least two weeks prior to the primary election.** Ending the legislative session earlier will provide incumbents more time to spend in their districts campaigning during the final stretch of the campaign, and avoid a scenario in which legislating and campaigning just before an election occur simultaneously.

II. Background

Low Turnout in Primary Elections

Turnout in New York State's primaries is chronically low. Between 2004 and 2010, average turnout for congressional primary elections was 13.87 percent. This already low turnout for congressional primaries plummeted in 2012 to 9.57 percent, a decline of 31 percent from the 2004- 2010 period. From just 2010, the last election in which primaries for state and federal office were concurrently, 2012's turnout of 9.57 percent was a decline of 41 percent, as the turnout was 16.21 percent in 2010. Unlike prior years, 2012 had three separate primaries, with congressional primaries held separately in June. The turnout for congressional primaries in 2012 likely declined in part because of the additional primary election in June for congressional primaries, which was held concurrently with primaries for state offices from 2004- 2010.¹

For particular races, turnout in Congressman Charles Rangel's 2010 primary in Congressional District 15 was 18 percent, while turnout in the 2012 primary dropped to 15 percent (note that the district became District 13 after redistricting). The lower turnout in 2012 in Congressional District 13 is particularly surprising given that Congressman Rangel had a more substantial challenger – State Senator Adriano Espaillat – in a district that had been redistricted to include more Latino voters. One district that saw minimal changes as a result of redistricting in 2012 was Congressional District 1, which has seen consistent Republican primaries for candidates seeking to challenge incumbent Timothy Bishop. In 2010 during the September congressional primary, turnout in the Republican primary was 16.61 percent, which dropped to 5.50 percent in 2012 during the June primary.

Why might frequent elections diminish voter turnout?

Frequent elections were found to have been problematic decades ago. Studies dating back to 1981 determined that oversaturation and voters' sense of fulfillment of duty are some of the reasons why holding multiple elections can drive down turnout. The divisive effect of political disagreements and long campaigns can dampen voters' political interest due to oversaturation. In other words, people begin to opt out of participating as campaign ads incessantly play on television sets over an extended period of time. Regarding the fulfillment of duty, once voters feel they have satisfied their civic obligation by voting in one election, it is thought that they feel that they can skip an election later in the year.²

Given the propensity for voters to tune out and not participate when there are multiple primary elections, it is crucial we enact policies to aid in boosting voter participation, rather than discourage turnout.

¹ While we acknowledge that there are other factors at play in primary turnout there is a strong case for causation when the past three Congressional primary elections had seen increasingly high turnout, which then plummeted in 2012 to the lowest it had been in four cycles. See election results from the Federal Election Commission: <http://www.fec.gov/pubrec/electionresults.shtml>. Data obtained from NYS Board of Elections for enrollment information; active voters used for the purposes of this analysis. <http://www.elections.ny.gov/EnrollmentCD.html>

² Richard W. Boyd, "Election Calendars and Voter Turnout," *American Politics Quarterly*, 14 (January-April, 1986), 89-104. Available at: <http://rboyd.web.wesleyan.edu/profile/Documents/Boyd%20Election%20Calendars%20and%20Voter%20Turnout%20%20400%20DPI.pdf>

The MOVE Act and State Legislative Failure to Act

The Uniformed and Overseas Citizens Absentee Voting Act (UOCAVA) was enacted by Congress in 1986. UOCAVA requires that the states and territories allow military and overseas voters to register and vote absentee in elections for federal offices. The law was amended in 2009 by the Military and Overseas Voter Empowerment (MOVE) Act, which created further requirements regarding the manner in which state officials provide applications and ballots to military and overseas voters, including a 45-day deadline for sending general election ballots to military voters.

Under New York law and the associated election schedule, the September 2010 Congressional Primary was too close to the November 2010 General Election for ballots to be mailed 45 days in advance. New York thus applied and was granted a waiver³ by the Department of Defense for 2010. While the waiver allowed the state to send military and overseas ballots by Oct. 1, 2010, more than 43,000 New York ballots were not sent by this deadline. It was reported on October 5, 2010 that UOCAVA ballots were not transmitted to voters in the City of New York, and the counties of Erie, Niagara, Putnam and Westchester.⁴ The U.S. Department of Justice filed a lawsuit in response which was resolved by a consent decree which extended the deadline for receiving ballots from UOCAVA voters to November 24th.⁵

Following inaction by the state legislature to move the federal primary date, a federal judge in January 2012 ordered congressional elections to be held on June 26th that year, and the fourth Tuesday in June in subsequent years. The order stated that the court had no choice due to failure of the state legislature to “find the political will” to change the date.⁶

Again in 2014, following further inaction by the state legislature, another court order was issued, retaining the June federal primary election date.⁷ The state primary elections were not affected by the order, as the MOVE Act only applied to federal elections; thus state primary elections will be again held in September for this year.

III. The Argument for a Concurrent June Primary

Concurrent elections are favored for the following reasons:

- A. cost savings;
- B. more efficient election administration for the boards of elections; and
- C. to increase voter turnout.

Each of these areas is discussed below, with supporting research and analysis.

³ To access the waiver and other relevant documents, visit: <http://www.fvap.gov/reference/laws/nywaiver.html>

⁴ Winter, Jana. “New York Violating MOVE Act.” Fox News. October 10, 2010. Available at: <http://www.foxnews.com/politics/2010/10/10/exclusive-new-york-violating-act/>

⁵ U.S. Department of Justice website: http://www.justice.gov/crt/about/vot/litigation/recent_uocava.php#ny_uocava10

⁶ Order of Judge Gary L. Sharpe, January 27, 2012. Available at: <http://blog.timesunion.com/capitol/archives/110310/judge-sharpe-sets-june-26-primary/>

⁷ Supplemental Remedial Order, U.S. District Court, Northern District. December 12, 2013. Available at: <http://www.elections.ny.gov/NYSBOE/law/2014FederalPoliticalCalendarCourtOrder12172013.pdf>

A. Cost Savings

The economic consequence of New York holding two separate primary elections for the congressional and state primaries in 2012 is considerable, with the additional primary election costing \$50 million; this cost was passed down to county governments.⁸ In total, New York's four separate elections in 2012 cost taxpayers more than \$125 million.⁹

The experience of other localities in consolidating elections has demonstrated that there can be significant savings beyond the obvious costs of not holding a separate election, as there is the potential for economies of scale. Although this issue has been studied at length for the possible consolidation of municipal elections with state and federal elections, Citizens Union believes that the information is applicable to the relationship between federal-state races in New York.

For example, many municipalities in California have consolidated municipal, state-wide, and federal primaries. Comparing Los Angeles and San Diego, one can directly see the savings in consolidated primary elections. Los Angeles, which does not have consolidated primaries, had a 2011 cost per vote of \$52.61. In contrast, San Diego's 2010 consolidated elections cost \$1.67 per voter.¹⁰ Although Los Angeles has approximately 2.5 times as many registered voters as San Diego, the city managed to spend ten times more per voter in its 2011 primary than San Diego did in its 2010 primary.¹¹ While the cost per vote is inflated in part due to the low turnout of voters in elections that contain solely municipal races, this analysis does demonstrate that there are costs and benefits associated with various policies that should be considered in determining election calendars.

B. More Efficient Election Administration

The Election Commissioners Association (ECA), an organization representing county election commissioners in New York, has supported a June primary for both federal and state primaries on the grounds that it will ensure both greater turnout and more efficient administration of elections.

August has also been considered as a possible date for holding concurrent federal and state primary elections, which was discounted by the ECA due to several reasons. The ECA stated in a letter to Assembly Speaker Silver that July and August are traditional vacation months for both voters *and* election workers. As such, they argue that June would both ensure a higher turnout as well as more poll workers to manage that turnout. In contracts, schools used as polling sites for elections are not generally open during the last two weeks of August, and the costs of custodians, janitors, and other staff required would increase during an August election.

⁸ This figure was provided by State Board of Elections Commissioner Doug Kellner. See Saul, Michael Howard. "Bloomberg Opposes Earlier Primary Elections." *The Wall Street Journal*. October 15, 2012. Available at: <http://blogs.wsj.com/metropolis/2012/10/15/bloomberg-opposes-earlier-primary-elections/>

⁹ Pew Center for the States. "Election Costs in New York." June 2012. Available at: <http://www.pewstates.org/research/analysis/election-costs-in-new-york-85899397815>

¹⁰ Both costs are for the general election. Hernandez, "Research Brief: Odd-Year vs. Even-Year Consolidated Elections in California." Available at: <http://greenlining.org/wp-content/uploads/2013/10/Research-Brief-Odd-Year-vs-Even-Year-Consolidated-Elections-in-California.pdf>

¹¹ Hernandez, Page 6.

While September, like June, would allow for schools to be more easily used as polling sites, it should be noted that the administrative burden of holding two primary elections rather than one is obvious. In addition to the direct costs of holding a separate primary election, which was estimated at \$50 million in 2012, there are also indirect costs because the boards of elections tied up with the responsibility for administering an additional election are unable to spend more time and energy devoted to other activities like voter registration and education, a core function of the boards of elections which has not been fulfilled.

C. To Increase Voter Turnout

There are numerous studies at the municipal and statewide level that use regression modeling to show that concurrent elections boost voter turnout. Some of the studies provided in this document examined combining municipal elections with statewide elections; however, we believe that the findings are cross-applicable to that of hosting federal and state-wide primaries concurrently in New York State.

The political scientists Zoltan Hajnal and Paul Lewis, in their exhaustive 2003 study, "Municipal Institutions and Voter Turnout in Local Elections," find that hosting elections concurrently boosts turnout.¹² Surveying 250 cities in California in 2000, they examine what institutional remedies best mitigate low turnout in local elections. Ultimately, Hajnal and Lewis conclude that holding statewide, federal and local primaries concurrently best boosts Election Day turnout. They find that presidential elections drive turnout in city elections; specifically, turnout is 36 percent *higher* in concurrent elections as opposed to when those local elections are held off-cycle. Presidential primaries increase registered voter turnout by 25 percent, and Congressional elections increase it by 26 percent for municipal elections. Overall, regression modeling shows that 51 percent of the difference in turnout among these California cities is explained by timing alone.¹³

The political scientist Richard W. Boyd, in his 1981 paper – one of the first academics to examine this issue – "Election Calendars and Voter Turnout," also argues that concurrent elections increase voter turnout. His research finds that holding concurrent gubernatorial elections increase the likelihood of someone voting in the Presidential election by six percentage points. On the flip side, hosting elections with increasing frequency diminishes likelihood that citizens will vote for a variety of reasons, as described previously in this memo, including oversaturation and a sense that voters have already fulfilled their civic duty by participating in one election.¹⁴ Thus, jurisdictions which conduct elections concurrently could both increase electoral participation and save taxpayer dollars.

Regarding holding primary elections in June versus another month, Citizens Union, having consulted with election experts, is aware of no comparative study conducted of the differences in turnout among states with different primary dates. The lack of research may be due to the idiosyncratic nature of primary elections; for example, turnout is highly influenced by whether there is a high-profile statewide race, thus it is difficult to isolate the cause of changes in turnout

¹² Zoltan L. Hajnal, Paul G. Lewis & Hugh Louch, "Municipal Elections in California: Turnout, Timing, and Competition." Available at: http://www.ppic.org/content/pubs/report/r_302zhr.pdf

¹³ Hajnal and Lewis, 656.

¹⁴ Boyd 89-90.

to solely the month in which an election is held. Overall, it appears that turnout is generally poor in primary elections, regardless of which month they are held.

IV. Conclusion

Robust democratic participation best ensures that policy outcomes reflect the true desires of voters, as it can be argued that there is not strong consent among the governed when there is woefully low voter turnout. Turnout is particularly low in New York's elections, which is further exacerbated by an election calendar that includes separate primary elections. The high cost of these separate elections simply is not an efficient use of the state's limited resources. **Citizens Union therefore supports holding a concurrent primary for federal and state races during the fourth week of June, provided that the legislative calendar is altered so that the legislative session ends at least two weeks prior to the primary election.** Ending the legislative session earlier will provide incumbents more time to spend in their districts campaigning during the final stretch of the campaign, and avoid a scenario in which legislating and campaigning just before an election occur simultaneously.