



CITIZENS UNION OF THE CITY OF NEW YORK
Testimony to the New York City Council Governmental Operations Committee
on Agency-Based Voter Registration, and Intros 356 and 493
October 23, 2014

Good morning, Chair Kallos and members of the Governmental Operations committee. My name is Rachael Fauss, and I am the Director of Public Policy Citizens Union, a nonpartisan good government group dedicated to making democracy work for all New Yorkers. We serve as a civic watchdog, combating corruption and fighting for political reform.

We are pleased that the City Council is holding this hearing to discuss both compliance with the city's Pro-Voter Law, §1057-A of the New York City Charter (also called Local Law 29 of 2000) as well as possible legislative solutions to update the law and ensure that it lives up to its goal of ensuring that eligible voters who receive city services are given the full opportunity to register to vote.

Unfortunately the Pro-Voter Law has not been fully implemented, as noted in *A Broken Promise: Agency-Based Voter Registration in New York City*.¹ In this report, Citizens Union and our partners the Center for Popular Democracy, the Asian American Legal Defense and Education Fund, the Brennan Center for Justice at NYU Law School and the New York Public Interest Group found widespread agency failure to implement the law. Citizens Union's investigators who participated in the project in some cases visited agencies where not only were voter registration forms not available at all – either with a clerk or at an information table – agency staff was also not trained regarding how to implement the law.

Expanding and easing voter registration is a crucial component of ensuring a health democracy. Participation in elections in New York State and City is abysmal. Only 10% of registered voters turned out in the September 9th primaries this year, and New York is consistently at the bottom of the list nationally in turnout of eligible voters. New York was 48th in the nation in turnout of eligible voters in 2010, the most recent comparable election to the one occurring this fall on November 4th, and 43rd in the nation in 2012, a presidential election year.² In the Democratic Primary for mayor in 2013, only 21.5% of registered voters turned out to vote.

While we are encouraged by Mayor Bill de Blasio's issuance of Directive Number 1, which requires 17 of the 19 agencies under the jurisdiction of §1057-A of the City Charter to develop specific agency plans to implement the law, the staggeringly low voter participation rates indicate that we can and must do better as a city to address the lack of voter participation in our democracy.

¹ Report available at: <http://populardemocracy.org/news/broken-promise-agency-based-voter-registration-new-york-city>

² Data from United States Election Project, <http://www.electproject.org/>

Citizens Union and our colleagues have outlined a path forward with our report to address the lack of compliance with the law, as well as means to legislatively improve the city's agency-based registration program. It is our hope that these recommendations will help inform administrative action as well as a City Council response to update and codify our recommendations to ensure that New York City's program is a national model. The two bills on the agenda for today also embody important components of a comprehensively improved program:

- **Intro 356 (Williams)** – Requires greater accountability and transparency through coding of agency voter registration forms, to allow for tracking by agency of compliance with the law. It is our belief that this legislation will be best implemented through the printing of coded forms by the city agencies themselves, with the City Board of Elections providing the templates for printing; and
- **Intro 493 (Kallos)** – Expands agency-based registration to additional city agencies, and makes the law more robust by requiring agency staff to assist in completing voter registration forms, and requiring transmittal of forms by agencies to the board of elections of forms, upon request.

My colleagues on this panel have addressed many important components of our recommendations from our report, and I will be focusing on the accountability measures we recommend to ensure compliance and provide public transparency of the city's efforts. Our chief recommendations in this area are for the city to:

- **Adopt a comprehensive monitoring program** that includes regular data collection on the number of voter registration forms distributed by each agency, the number of voter registration forms completed by agency clients, the number of registration forms transmitted to the Board, tracking of voter registration application rates, and agency staff evaluation.
- **Require agencies to use coded voter registration forms specific to each agency**, and solicit quarterly reports by the Board of Elections on the numbers of forms submitted by city agencies (a model protocol is proposed in Intro 356, as noted above).

Citizens Union will also like to note that another integral component of our recommendations is the centralized administration of the program, with citywide coordinators at each agency. Something to be considered around this effort is the legislative establishment of minimum standards for development of agency plans for training, data tracking, and reporting of compliance to ensure consistency between agencies.

The National Voter Registration Act (NVRA) and the implementing statutes at the state level also require an additional level of data tracking that should be examined for the city's program: requiring agency staff to record when potential voters decline to register to vote (declinations).³ Some of the city's own agencies are implementing this tracking, such as the Human Resources Administration, given that they fall under the mandates of the NVRA, so we recommend that the city examine expansion of this data collection to the Local Law 29 agencies.

I thank you for holding this hearing today to consider ways to improve the city's Pro-Voter Law, and welcome any questions you may have.

³ See NYS Election Law §5-211.