



December 5, 2022

Governor Kathy Hochul
Executive Chamber
Capitol Building
Albany, N.Y. 12234

Re: Signing into law S2951A/A8858A (reducing the voter registration cutoff to the Constitutional minimum of 10 days) and S284C/A642C (remedies the “Wrong Church suppression” technicality by counting eligible votes on affidavit ballots cast in the correct Assembly District, but at the incorrect poll site)

Dear Governor Hochul,

We the undersigned write to you today regarding S2951A/A8858A and S284C/A642C **and urge that you favorably review and sign both pieces of legislation without further delay.**

Our groups urge you to sign S2951A/A8858A, which would reduce the time for mailing and receipt of voter registration applications to the Constitutional minimum of 10 days. Reducing the voter registration deadline to 10 days would increase voter access, reduce a structural barrier to voting for all, and increase participation in our democracy. In the past few years, New York State has made significant progress on voting rights initiatives. However, barriers to voter registration still stand in the way for many New Yorkers, especially younger and poorer would-be voters who may move more frequently. The same is also true for would-be voters of color, and racial gaps in registration rates exacerbate underlying turnout gaps.¹

Today, there is no reason New York State needs to maintain its unnecessarily early and antiquated voter registration deadline. Reducing the cutoff for registration to 10 days will now coincide with the start of

the early voting period, creating a single “golden day” of same-day registration that would enable more New Yorkers to get out to the polls and improve equity within our election system. It is essential that this bill be signed into law to facilitate increased participation in democracy.

We also urge you to sign S284C/A642C. This bill would remedy an overbroad civil rights injustice known as the “wrong church” rule that disqualified more than 13,800 New Yorkers’ ballots in the 2020 General Election alone. This bill amends the Election Law to avoid disqualifying a registered voter’s entire ballot solely because it was inadvertently cast at a poll site that is different from the voter’s assigned polling place. If enacted, voters who are erroneously directed to cast an affidavit ballot instead of being redirected to their assigned site (as EL § 8-302(3)(e) requires), will still have their ballots counted for the many races they are entitled to vote (*i.e.*, all statewide, congressional, countywide, citywide, legislative and most local contests) instead of being summarily and unnecessarily voided. This will improve due process and ensure more accurate results.

Weighed against the avoidable impact, there is no State interest in maintaining the status quo, which punishes thousands of legitimate voters. There is no increased risk of invalid votes being counted—affidavit ballots are never scanned during voting hours. Moreover, before such ballots are canvassed, election officials cross-reference in-person voters, absentees and those who have recently moved, to prevent duplicate voting. Apart from the total suppression this harsh rule imposes on thousands of voters, the full disqualification policy also has a disproportionate impact on densely-populated counties and majority-minority NYC assembly districts, causing surprise and injustice, as voters cast these ballots under the mistaken belief their votes will count. This disproportionate impact on certain voters may be due to high mobility stemming from high rates of renters,ⁱⁱ frequent changes to polling sites, and counterintuitive polling site assignments, which have been shown to interact with a “wrong church” policy to produce discriminatory impacts elsewhere.ⁱⁱⁱ

Based upon the foregoing, the undersigned respectfully requests that you favorably review and sign S2951A/A8858A and S284C/A642C into law without further delay.

Sincerely,

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Jarret Berg,
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ⁱ Minnis, T. A., & Shah, N. (2020). Voter Registration in Today's Democracy: Barriers and Opportunities [Review of *Voter Registration in Today's Democracy: Barriers and Opportunities*]. *American Bar Association: Civil Rights and Social Justice*, 45(1). https://www.americanbar.org/groups/crsj/publications/human_rights_magazine_home/voting-rights/-use-it-or-lose-it---the-problem-of-purges-from-the-registration/

ⁱⁱ While renters make up two-thirds of New York City's residents, over 80 percent of the Bronx's residents are renters. Noah Manskar, Fewer New Yorkers Own Homes As Number Renting Grows, Figures Show, Patch, Jan. 25, 2018, <https://patch.com/new-york/new-york-city/two-thirds-new-yorkers-now-rent-their-apartments-datashow>. Less than nine percent of the Bronx's residents identify as white. The Bronx Neighborhood Profile, NYU Furman Center, accessed Dec. 5, 2022, <https://furmancenter.org/neighborhoods/view/the-bronx>.

ⁱⁱⁱ In 2020, the Ninth Circuit Court of Appeals found that an Arizona law that is similar to New York's "wrong church" rule had a racially discriminatory impact because of how it interacted with these factors, and struck the law down as a violation of the Voting Rights Act of 1965. See *Democratic Nat'l Comm. v. Hobbs*, 948 F.3d 989, 1001-05, 1045 (9th Cir. 2020). While the Supreme Court ultimately overturned the decision that the law violated the Voting Rights Act, finding among other things that the discriminatory impact was not severe enough to establish a violation, it did not discredit the factual findings of the lower courts about the effect on voters. *Brnovich v. Democratic Nat'l Comm.*, 141 S. Ct. 2321, 2346 (2021).