



CITIZENS UNION OF THE CITY OF NEW YORK PUBLIC COMMENT FOR VOTING RIGHTS ACT PRECLEARANCE

Preclearance Submission No. 701: Dates of elections and the election calendar – New York City Charter Revision Commission

Submitted to: Office of the New York State Attorney General, Civil Rights Bureau

Date: August 18, 2025

Executive summary

Citizens Union respectfully urges the Office of the Attorney General to grant preclearance for Preclearance Submission No. 701, a proposal to shift elections held for City office in New York City from odd years to even years, contingent upon a change to the New York State Constitution, which was adopted by the Charter Revision Commission to be voted on at a referendum held on November 4, 2025.

The shift is supported by the state's own actions on election timing, the Charter Commission's voting rights analysis, a substantial and growing academic literature showing that on-cycle elections increase turnout and reduce racial turnout gaps, and the experience of other municipalities and states showing durable turnout and representational gains when jurisdictions consolidate local elections with statewide or federal contests. Granting preclearance is consistent with the John R. Lewis New York Voting Rights Act's objective to protect the ability of protected-class voters to participate in and elect their preferred candidates.

I. Background on Citizens Union

Citizens Union of the City of New York is a nonpartisan civic organization founded in 1897 that has long worked to promote fair and open elections, honest and accountable government, and an informed and engaged public in New York City and State. Over its long history, Citizens Union has studied election and voting reforms and advocated to protect voting rights in New York, including past challenges to racially discriminatory district maps and advocacy for reforms that lower barriers to effective participation. Citizens Union has advised most recent efforts to revise the New York City Charter and provided nonpartisan recommendations, research, expert testimony to every Charter Revision Commission in the past century. Lastly, Citizens Union is a leading voice on election timing policy in New York State. It has published multiple studies on the topic, and worked with scholars, public officials, and community partners in and out of New York to understand the direct and indirect effects of moving local elections from odd-numbered to even-numbered years. This experience and expertise informs our comments on this proposed change.

II. Election Timing Reforms in New York and State Law

The proposal by the New York City Charter Revision Commission is in line with recent legislative developments across the state, which have acknowledged the relationship between the date and year of elections, voter turnout, and disenfranchisement.

Chapter 561 of the Laws of 2019 moved Buffalo school board elections from May to November, citing increasing voter participation as its stated goal.

In New York City, voters approved a 2019 City Charter amendment that abolished run-off elections and consolidated them into the primary election, by using Ranked Choice Voting, also known as Instant Run-off. A key reason for the proposed change, as cited by the 2019 Charter Revision Commission, was the drop in voter turnout caused by stand-alone, run-off election days, in which “the demographics of the voters who participates in the run-offs were less diverse in terms of race and ethnicity” (Charter Revision Commission 2019).

In 2023, the state passed Chapter 741 of the Laws of 2023, also known as the Even Year Election Law, which required all county local elections and nearly all town elections in the state to be held on even-years – a policy similar to the proposed in this submission. Notably, this law applies to most covered entities currently under the New York Voting Rights Act. The passage of this law was supported by dozens of voting rights, community-based, and civic groups, including those representing protected classes (Let NY Vote 2023).

Most importantly, the New York Voting Rights Act itself considers consolidating elections with higher-turnout contests as a safeguard against voter disenfranchisement. Election Law § 17-206(5) provides that one possible court-ordered remedy to ensure that voters of race, color, and language-minority groups have equitable access to fully participate in the electoral process is “moving the dates of regular elections to be concurrent with the primary or general election dates for state, county, or city office.”

III. Voting Rights Analysis Accompanying the Preclearance Submission

Citizens Union has reviewed the voting rights analysis prepared for the Charter Revision Commission accompanying Preclearance Submission No. 701, including Exhibit 4 (Lisa Handley, “The Voting Rights Implications of Changing the Election Cycle and Adopting Open Primaries and Top-Two General Elections”) and Exhibit 5 (Loretta Lynch, “Preclearance Analysis of New York City Charter Revision Commission Proposals Under New York Voting Rights Act”). The analysis compares voter turnout rates in New York City in even and odd years from 2000 to 2024, and concludes that moving municipal elections on-cycle will not diminish protected-class voters’ ability to participate in the political process or elect their preferred candidates, and in fact will improve those capacities through higher turnout.

In particular, the analysis finds that all minority voters – Black, Hispanic, and Asian voters – would benefit from changing the election calendar by substantially increasing their turnout, in rates higher than the increase for white voters. According to the report by Dr. Lisa Handley, in the surveyed time period, the average turnout rate of age-eligible Whites more than doubled between odd-year and presidential years (24.3% to 59.2%), but it tripled for the age-eligible Black population (15.5% to 46.5%) and Asians (7.5% to 23.5%), and increased almost five-fold for age-eligible Hispanics (6.3% to 30.0%).

Using slightly different methods, the Election Law Clinic at Harvard Law School recently undertook two analyses of local elections in New York and reached similar conclusions. In counties throughout the state,

odd-year elections result in severe racial disparities in participation and disproportionately depress minority turnout (Election Law Clinic, 2023). In New York City local elections, it found that although voters of every race turn out at significantly higher rates in presidential years compared to midterm and odd-year elections, the increase in turnout is especially dramatic for minority voters in odd-year elections (Election Law Clinic, 2024). A separate comparison of odd- and even-year elections conducted by Citizens Union found that the sharpest turnout gains occurred in minority-majority assembly districts, with Latino-majority districts seeing increases of up to 250% (Citizens Union 2022).

IV. Empirical Scholarship: How Election Timing Affects Participation and Representation

The New York City-specific findings described above are consistent with current empirical scholarship on moving election calendars. A robust and growing literature treats election timing as an institutional mechanism with direct, measurable consequences for turnout, the demographic composition of the electorate, as well as representative and policy outcomes.

Multiple quantitative studies - using before/after comparisons, differences-in-differences designs, and large cross-jurisdiction datasets - find that holding municipal or other local elections on the same day as high-profile state or federal contests substantially increases turnout relative to off-cycle elections. Studies report doubling or large proportional increases in participation for local contests moved on-cycle, even after accounting for ballot drop-off, and they are observable across states and municipal contexts. (Hajnal, Kogan, & Markarian, 2024; De Benedictis-Kessner & Warshaw, 2024; Hajnal, Kogan, & Markarian, 2022; Dynes, Hartney, & Hayes, 2021; Marschall & Lappie, 2018; Kogan, Lavertu, & Peskowitz, 2018; Payson, 2017; Hajnal, 2010; Berry & Gersen, 2010; Caren, 2007; Hajnal & Lewis, 2003)

Importantly for preclearance requirement, a consistent finding across academic analyses is that the additional voters who participate in on-cycle contests are disproportionately non-white and younger relative to the already-voting population in off-cycle contests. As a result, consolidation tends to bring the electorate into closer alignment with the jurisdiction's demographic composition, narrowing the gap between the racial and age composition of voters and that of the population as a whole. In other words, the largest turnout benefit from the shift to on-cycle elections is seen with young and minority voters.

For example, one study of California's roughly 500 cities through an eight-year period in which the state passed a law moving localities to even year elections, found that when cities shift to on-cycle elections, the non-Hispanic white share of voters declined, while the shares of racial and ethnic minorities increased substantially, producing a more representative electorate compared with off-cycle elections. Latinos and Asian Americans—the two largest minority groups in California—gained the most, and the Black share of voters was substantively unaffected by timing change (Hajnal, Kogan, & Markarian, 2022).

A broader study reviewing datasets of thousands of mayoral, city council, and county legislative elections in 1990-2022 across hundreds of medium and large cities and counties made similar findings. It found that switching to on-cycle elections increases the share of minority voters, with effects remaining relatively stable across time (De Benedictis-Kessner & Warshaw, 2024).

These trends are true even further down the ballot. Evidence from 10,000 school district elections in California, Ohio, Texas, and Wisconsin during the period 2000–2015 found that less habitual voters, who tend to be younger, less white, and poorer, appear to participate more during presidential election years but sit out local democracy most other times (Kogan, Lavertu, & Peskowitz, 2018).

Moving local elections to even years has been shown not only to increase the ability of protected classes to participate in elections but could also contribute to the election of more candidates of color. Uneven voter turnout impacts minority representation on local governing bodies, with lower turnout contributing to substantial reductions in the representation in large cities across the country (Hajnal & Trounstein, 2005). For example, a study of California cities found that municipalities that aligned their local elections with federal elections saw more Latinos run for local offices, and elected more Latinos to their city councils, with these effects largest when local elections align with presidential elections. (Hajnal, Kogan, & Markarian, 2024).

V. Comparative Experience of Other Cities

New York City will not be the first jurisdiction to switch from odd-year to even year local elections. Dropping participation rates have led many urban centers to consider moving their election calendar to boost voter turnout and draw a more representative electorate.

Dozens of cities and four states have approved such changes, either through state action or local referenda. Among them are cities with protected classes consisting of a large share of voters, such as Baltimore, Los Angeles, Phoenix, El Paso, and Las Vegas. In all cases, voter turnout increased substantially after the switch in rates between double and six-fold that of the last odd-year election (Citizens Union 2022, Hajnal & Green 2024). There were no foreseeable issues related to the switch, and no organized demand to revert to previous election calendar.

In fact, voters have supported this election change in high margins: 35 of 36 known ballot questions on consolidating local elections have passed, with average support in those referenda of 72 percent, with relatively little variation in support across states. (Citizens Union 2025).

Elsewhere around the country, advocates and litigants have challenged cities that have kept their off-cycle municipal election calendars as having disparate impacts on communities of color. A high-profile recent case, *Citizens Project v. City of Colorado Springs*, alleged that Colorado Springs's April odd-year election schedule disproportionately suppressed participation by Hispanic and Black voters in violation of Section 2 of the federal Voting Rights Act. The litigation and associated filings document substantial disparities in turnout between April off-cycle elections and November general elections and exemplify the legal theory that the timing of an election can be an actionable voting practice under federal civil rights law. Although the case was dismissed on procedural grounds, the factual and legal questions raised remain directly relevant to preclearance review under the NYVRA.

Conclusion

For the reasons summarized above, Citizens Union respectfully requests that the Attorney General's office grant preclearance for Preclearance Submission No. 701.

Respectfully submitted,

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