January 10, 2019

VIA EMAIL & CERTIFIED MAIL

New York State Senate

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Re: New York Voting Rights Consortium’s Legislative Priorities for 2019
Dear Senators and Assembly Members:

The New York Voting Rights Consortium,¹ a group of leading local and national voting-rights advocates, writes to strongly encourage the leadership of the New York State Legislature to adopt five voting-rights measures as legislative priorities for the 2019 session.

New York’s current voter registration deadlines and processes are needlessly restrictive and likely racially discriminatory in violation of the Voting Rights Act. For example, New York is part of a shrinking minority of states that do not offer any form of no-excuse absentee or early voting and do not offer automatic or same-day voter registration.² Because New York lacks these progressive election reforms, every election day, New York voters must contend with unacceptably long wait-times and confusion, which can lead to lost votes and lost wages, and contribute to New York’s having one of the lowest turnout rates in the nation.³ In New York the negative effects of the state’s antiquated election laws are felt most acutely by voters of color.⁴

Moreover, despite the tentative progress achieved through Executive Order 181,⁵ New York’s felony disenfranchisement law remains in force, depriving thousands of incarcerated individuals—more than 70% of whom are Black or Latinx⁶—of their voting rights for historically suspect reasons.⁷

Thus, to prevent outmoded and potentially discriminatory laws from continuing to deny or abridge the fundamental right to vote of eligible New Yorkers, we urge you to make the passage of the following measures your top priorities during the 2019 legislative session:

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¹ The New York Voting Rights Consortium is a non-partisan coalition consisting of the Asian American Legal Defense and Education Fund, Center for Law and Social Justice at Medgar Evers College, LatinoJustice PRLDEF, NAACP Legal Defense and Educational Fund, Inc., and others. The New York Voting Rights Consortium is committed to the full enforcement of federal and state laws that protect the voting rights of people of color.


• Early Voting
  o Pass legislation bringing New York into the mainstream of 37 states that permit eligible voters to cast in-person ballots in advance of election day through early voting.\(^8\) Ensure that such legislation includes adequate funding, and that the early-voting period thereby established includes at least two full weekends.

• No-Excuse Absentee Voting
  o Pass legislation making New York the 29\(^{th}\) state that allows its citizens to apply for and receive an absentee ballot\(^9\) without being required to state any reason, excuse, or justification for doing so.\(^10\)

• Automatic Voter Registration
  o Modernize New York’s voter registration system by passing legislation instituting automatic voter registration, to be accomplished through the systems of not only the Department of Motor Vehicles, but also other state agencies, as many New Yorkers do not interact with the DMV. Such legislation must adequately protect all New York State residents, including limited English proficient residents, from improperly being registered to vote.

• Same-Day Voter Registration
  o Pass legislation establishing a registration process that enables eligible New Yorkers to have their voter registrations go into effect on the same day that they apply for voter registration. Ensure that such legislation provides for same-day registration throughout the early voting period and on election day itself, so that eligible voters can register to vote and cast their ballots on the same day and in the same transaction.

• Voting Rights Restoration
  o Take legislative action to counteract the discriminatory effects of New York’s felony disenfranchisement law, N.Y. Elec. Law § 5-106,\(^{11}\) which disproportionately impacts Black and Latinx voters.\(^{12}\)

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\(^9\) The absentee ballot application must be translated into the required languages under the federal Voting Rights Act of 1965.


At minimum, such legislation should restore the voting rights of individuals on parole, thus codifying the benefits of Executive Order 181.

However, we encourage the Legislature to more fully remedy the harms of discriminatory disenfranchisement by passing legislation that repeals § 5-106 and enables all eligible New Yorkers, including incarcerated individuals, to register and vote regardless of their interaction with the criminal justice system and with no disenfranchisement attendant upon conviction or imprisonment.

The legislative reforms identified above should be implemented in New York as a package, as they will interact to improve the overall efficiency of the registration and voting processes and reduce bottle-necks, dysfunction, and system strain on election day. Many of these solutions have been in place for years or even decades in other states and have increased voter registration and turnout rates across the board, specifically amongst voters of color, and have proven practical for election administrators. We believe that these priorities can and should be achieved early in the 2019 legislative session, and we are eager to engage with you to consult, advise, and explain the importance of these measures.

If you have any questions or to arrange a meeting in person to advance these goals, please contact Leah Aden at 212-965-7715 or other members of the Consortium via their contact information below.

Sincerely,

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