

**REPORT ON LEGISLATION BY
THE ELECTION LAW COMMITTEE AND
THE GOVERNMENT ETHICS AND STATE AFFAIRS COMMITTEE**

S.7400-A

Sen. Kavanagh

AN ACT to amend the election law and the state finance law, in relation to establishing early voting and the New York state early voting fund

A.9608-B

M. of A. Lavine

AN ACT to amend the election law, in relation to early voting

EARLY VOTING

THESE BILLS ARE APPROVED

The Election Law Committee and Government Ethics and State Affairs Committee of the New York City Bar Association¹ strongly supports legislation that would provide for a flexible in-person early voting period presented. Early voting will help citizens participate in the democratic process while reducing pressure on election administrators.

New York's current voting system, which limits regular voting to a single 15-hour window in the middle of the work week, results in many voters being unable to vote. In 2016, with two New Yorkers at the top of the presidential ballot, our state still ranked 41st out of 50 in terms of turnout. Long lines, work responsibilities, extensive commutes to and from work, broken machines, impaired poll site access, child/elder care duties, and bad weather all can deter voters on election day.

Single-day elections are no longer the norm, with 37 states and the District of Columbia providing opportunities for early voting.² New Yorkers know this and support early voting. A January 16, 2018 Siena College Poll shows 65% (73% Democrats; 49% Republicans; 68%

¹ The Election Law Committee is comprised of City Bar members interested in, and often with decades of expertise concerning, New York State Election Law. The Committee has been active in commenting on proposed revisions of state election law and local election rules. It also regularly provides election law training for candidates and the public. The Government Ethics and State Affairs Committee seeks to shine a light broadly on issues of ethical conduct in public service at the city, state, and federal levels.

² State Laws Governing Early Voting, National Conference of State Legislatures, Aug. 17, 2017, <http://www.ncsl.org/research/elections-and-campaigns/early-voting-in-state-elections.aspx> (all websites last visited May 15, 2018).

Independents) are in favor of “Institut[ing] early voting in New York like it exists in dozens of other states.”³

It is time that New York joined the states that have already enacted early voting. This will enable more citizens to exercise this most important right, and will ease the systemic pressure placed on election administrators during high volume elections. Early voting can spread voter traffic across a number of days, which will ease long lines, give poll workers more time to do their jobs well, and give busy New Yorkers more opportunity to cast their ballots.⁴

Under two legislative proposals currently pending in the Legislature (S.7400-A and A.9608-B⁵), the Election Law would be amended to provide New Yorkers with 7 days of early voting. During that period, polling places would be required to be open to voters for at least eight hours per week day, for evening hours at least two days week and for at least five hours per day minimum on weekends and legal holidays. To implement early voting responsibly, we support the approach taken in S.7400-A to allocate \$7 million for this purpose. The state must include adequate funding in the budget to reduce the financial strain on the local boards of elections, which will need to develop new policies and procedures as well as undertake necessary staff training and public education. We prefer the dedicated funding stream proposed in S.7400-A over the approach of A.9608-B, which does not include a funding provision. However its effective date of January 1, 2019 would provide an opportunity for funding to be included in next year’s budget.

It will be important for the state to monitor the implementation of early voting to ensure the law as drafted provides sufficient polling places in populous counties. While we believe counties will seek to maximize the impact of early voting and afford voters adequate access, the state should make sure sufficient polling places are being provided to effectuate the purpose of this law and, to that end, it may become necessary to revisit the maximum requirement of seven sites per county.

Early voting would be facilitated by electronic poll books and we therefore support the enactment of A.5547/S.5547, which amend election law in relation to authorizing computer generated registration lists.

Now is the time for New York State to honor its hard working citizens by recognizing their desire to participate in the political process and giving them more time to do so, while simultaneously reducing the pressure on election administrators.

Election Law Committee
Martin E. Connor, Chair

Government Ethics & State Affairs Committee
Jennifer Rodgers, Chair

May 2018

³ Available at https://www.siena.edu/assets/files/news/SNY_January_16_2018_Poll_Release_--_FINAL.pdf.

⁴ The City Bar also supports a constitutional amendment which would provide for no-excuse absentee voting, which would further the goals reforms like early voting by allowing New Yorkers to exercise their basic democratic rights with fewer constraints. See Report in Support of A.7623/S.840, April 2018, <http://www.nycbar.org/member-and-career-services/committees/reports-listing/reports/detail/support-for-a-no-excuse-absentee-voting-constitutional-amendment>.

⁵ A.9608-B passed the Assembly by a vote of 98-36 on April 17, 2018.