



## **Summary & Positions on Twelve Voting Proposals in the Executive Budget FY2019-2020**

Governor Cuomo's FY2019-2020 Executive Budget includes a freestanding [Good Government and Ethics](#) bill containing 24 different ethics (primarily lobbying-related reforms), campaign finance and voting proposals. Reinvent Albany evaluated every voting proposal in the Good Government and Ethics bill, and additional standalone bills establishing same-day registration and no-excuse absentee voting. We undertook this analysis to help the public and stakeholders understand what the Governor is proposing and offer our perspective as a watchdog group.

Reinvent Albany's priorities for the budget are:

- 1) Codifying the agreements reached between the Governor and Comptroller DiNapoli restoring the Comptroller's authority to pre-audit contracts before they are executed;
- 2) Establishing a Database of Deals revealing all business subsidies received from the state by companies and jobs produced in return; and
- 3) Establishing a public matching system for campaign contributions akin to New York City's.

The Governor's budget puts forth 12 proposals that change voting laws, six of which are very similar to recently signed voting legislation. Reinvent Albany supports 11 of these voting proposals, 7 with required or recommended amendments, and opposes the Election Day Holiday proposal - which is not actually a holiday. We think online voter registration and electronic poll books are the most important voting proposals issued by the Governor.

Below is an index of every proposal, and the page number in this document where Reinvent Albany has summarized the proposal, stated its position on the reform, and recommended changes to the bill.

<b>Part of Good Government and Ethics Bill</b>	<b>Name in Good Government and Ethics Bill</b>	<b>Page #</b>	<b>Reinvent Albany Position</b> 1. Support 2. Support And Recommend Improvements 3. Support <u>Only</u> with Amendments 4. Oppose
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[Reinvent Albany separately published its evaluation of ethics measures](#), and will soon publish its evaluation of campaign finance proposals in the Executive Budget.

### **Part C. Online Voter Registration**

#### **Reinvent Albany Position - Support Only with Amendments**

##### **Summary**

This bill requires the State Board of Elections create a voter registration website that allows New Yorkers to register completely online. Prospective registrants could provide a digital signature by uploading a picture of their signature or providing it via email, or it can be provided from the Department of Motor Vehicles (DMV) or a state agency.

#### **Reinvent Albany Position - Support Only with Amendments**

Reinvent Albany supports online voter registration. It simplifies the current multi-step process which requires New Yorkers to download and print a voter registration form from the Board of Election's website and mail it to the Board. New Yorkers could apply to be registered entirely online without any printing or mailing of the registration form.

Reinvent Albany played a key role in winning NYC legislation requiring the NYC Campaign Finance Board to create an online voter registration portal ([Local Law 238 of 2017](#)), by June 2019. The portal is on schedule to be completed in March 2019. Governor Cuomo administratively created online voter registration via the Department of Motor Vehicles (DMV) and a whopping 1 million people have registered through it since 2012.

### **Reinvent Albany Recommendations**

- Require the Board to ensure that the registration site is optimized for persons register through a smartphone (far more New Yorkers access the Internet through their phone than any other method).
- Require the Board to make available to state agencies under Election Law 5-211 (agency-based registration) and the public an Application Program Interface (API) that permits software approved by the board to directly transmit voter registration application form information to the board in a manner equivalent to the requirements in the bill. The goal is to enable state agencies, third parties (like the popular Turbovote) and campaigns to register persons to vote by replicating the portal electronically.
- Clarify the Board’s online voter registration portal does not preempt the creation of any other voter registration portal by any other governmental entity, including New York City.
- Allow persons registering to provide a signature via a stylus or touch interface (in addition to uploading a signature as the bill currently provides) provided it has a quality and likeness comparable to the person’s wet signature. In other words, people should be able to provide signature on the screen of their smartphone.
- Require the portal has functionality for smartphone users to confirm their voter registration was processed by looking it up on the [NYS Public Information Portal](#).
- Require the Board to annually report publicly the number of registrations received digitally, disaggregated by the portal and by state agencies and third parties through the API.

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<sup>1</sup> See: <https://voterlookup.elections.ny.gov/>

## **Part D. Early Voting Implementation**

### **Reinvent Albany Position: Support And Recommend Improvements**

#### **Summary/Reinvent Albany Position**

The legislature passed early voting on January 14, 2019 and the Governor signed it into law on January 24, 2019. We supported that early voting legislation. The most important action the Governor and legislature can take now is to adequately fund the early voting proposal which passed earlier this year. However, if it is going to revisit the early voting law, we recommend the amendments below provided adequate funding is allocated.

#### **Reinvent Albany Recommendations - Support And Recommend Improvements**

- Establish Early Voting for 12 days as is done in the Governor's Early Voting proposal in Part D of the "Good Government and Ethics Bill." [According to the National Conference on State Legislatures \(NCSL\), early voting periods in other states range from 4 to 45 days and the average Early Voting period is 19 days.](#) The Senator Myrie/Assemblymember Lavine bill establishes early voting for 9 days which is shorter than the average period. We support the 12-day period put forth by the Governor.
- Include inactive voters in the mail notification currently sent to voters before the primary. This would remind inactive voters to vote. Inactive voters become active voters when they vote even if they are currently inactive. This would address well-intended, but confusing, communications by the de Blasio Administration in 2018 to get inactive voters to change their status and participate in our democracy.

## **Part E. Unified Primary Election Dates**

### **Reinvent Albany Position: Support and Recommend Improvements**

#### **Summary/Reinvent Albany Position**

The legislature passed on January 14, 2019, and the Governor signed into law on January 24, 2019, a consolidated primary to be held on the fourth Tuesday in June. We support that legislation.

## **Reinvent Albany Recommendations - Support And Recommend Improvements**

- Provide an exemption for the 2019 New York City Charter Revision Commission from the requirement that charter revision commissions must provide ballot measures to county boards of elections 90 days before a general election. Currently, the New York City 2019 Charter Revision Commission is required to provide ballot measures 36 days before a general election, according to the New York City Charter. However, this does not comply with the Military and Overseas Voting Empowerment (MOVE) Act, which requires provision by 45 days before a general election so military and overseas voters have an opportunity to vote. The Governor and legislature should consider a carveout for the 2019 Charter Revision Commission and instead require the 2019 Commission to provide the ballot petition by the 45th day before a general election since they began their work in July 2018 under a different schedule and timeframe for completing their work.

### **Part G. Agency-Based Automatic Voter Registration**

#### **Reinvent Albany Position - - Support And Recommend Improvements**

##### **Summary**

This bill changes agency-based voter registration so voter registration forms are integrated into digital and paper intake forms for agency services. It applies to all agencies currently subject to agency-based voter registration. Prospective registrants are “automatically” registered by completing intake forms, providing their handwritten or digital signature, and declining to check a box to refuse the opportunity to register to vote. Data requests for both voter registration and agency services are simplified so that information required for both registration and services is only asked once. The voter registration information and signature received by the agency through the “integrated personal voter registration application” is digitally provided to the state board of elections via an image or portable document format file and considered the original registration form. Protections are included to prevent prosecution of non-citizens who unknowingly register or register believing they are eligible to vote. The bill goes into effect in two years or sooner if the Board of Elections certifies the technology is ready for implementation.

Thirteen states offer or will offer automatic voter registration (AVR) including Michigan and Nevada which just adopted it. Most of these states offer automatic voter registration through the DMV.

## **Reinvent Albany Position - Support And Recommend Improvements**

Reinvent Albany supports this legislation, which adopts practices we recommended prior to its introduction, including that *Part B of the [Good Government and Ethics Bill, Executive Budget FY2018- 2019](#)* be expanded to include state agencies beyond the DMV that are currently required to offer voter registration forms under section 5-211 of the NYS Election Law. We also advocated for, and this bill includes, provisions for processing a registration if a voter registration applicant does not immediately provide a manual or digital signature.

Reinvent Albany supports a front-end approach to automatic voter registration as this bill prescribes to ensure registrants are not defaulted into being registered as “blanks” and unaffiliated with a party, which will reduce primary voting opportunities.

## **Reinvent Albany Recommendations**

- Create a mechanism to measure progress of the state agencies for inventorying all of their intake forms and establishing milestones for integrating the voter registration requests in their forms. Certification of the intake form or forms by the board of elections should be a necessary prerequisite before a state agency should be approved for AVR. This would also allow for a gradual process of making state agencies AVR compliant. The major challenge in including all the state agencies as part of an automatic voter registration program is many agencies have not even completed integrating voter registration in their many existing agency intake forms, paper or digital, as they were required to assess the feasibility of under Election Law 5-211(17) in 1996. This is critical for the program to be successful.
- Require each agency to report in the aggregate the number of voter registrations annually they have provided to the state board of elections under this law, the number of declinations received, and the number of registrations sent without signatures. This is done by New York City in compliance with the Pro-Voter Law which requires agency-based voter registration for local agencies beyond the state and local agencies required to do so by state law. This will measure agency compliance and spotlight agencies whose agency-based coordinators may be in need of training or enhanced marketing by the board of elections without revealing individuals who are seeking particular social services.

## **Part H. Election Day Holiday**

## **Reinvent Albany Position - Oppose**

### **Summary**

This bill is mistitled “Election Day Holiday” when in reality it only expands existing law providing for a few hours off of work to go vote. New Yorkers can currently take 2 hours off from work to go vote at the beginning or end of their shift if they can’t do so outside of work hours for 4 consecutive hours when polls are open. They must provide their employer at least 2 days notice but no more than 10 days notice under current law. This proposal would expand the time off to 3 hours that an employee can take at the beginning or end of their shift.

## **Reinvent Albany Position - Oppose**

Reinvent Albany opposes this expansion and believes the current law should be phased out. With the passage of early voting which allows for voting on two weekends and two weekday nights, we no longer believe this law is necessary. Second passage of the constitutional amendment to establish no-excuse absentee voting makes this law even more unnecessary.

## **Part I. Upstate Primary Voting Hours**

### **Reinvent Albany Position - Support**

#### **Summary**

This bill requires counties other than NYC, Nassau, Suffolk, Westchester, Rockland, Orange, Putnam, Dutchess and Erie to expand their poll site hours on primary day to 6am-9pm from noon-9pm. Counties other than those listed already are open 6am-9pm on Election Day.

### **Reinvent Albany Position - Support**

Reinvent Albany supports this bill. Most people vote between 6am-9pm and 6pm-9pm. If counties want to save money because poll site traffic is less than more populated counties, or sparser during certain times of the day, they should deploy poll worker using split shifts and adjust their compensation accordingly, as permitted by Election Law 3-400(7).

## **Part J. Pre-registration of Minors**

### **Reinvent Albany Position - Support**



## **Summary**

The legislature passed on January 14, 2019, and the Governor signed into law on January 24, 2019, pre-registration for 16 and 17-year olds so they can automatically be registered when they turn 18 years old.

## **Reinvent Albany Position - Support And Recommend Improvements**

We support the pre-registration legislation signed into law. If there were to be further changes, we recommend the addition below.

## **Reinvent Albany Recommendations**

- Require the Board of Elections' annual report to provide a detailed description of the pre-registration program, as they are currently required to do for existing programs. This provision in the Governor's bill is a worthwhile addition, as it will require boards of elections to report their efforts to conduct pre-registration, helping to ensure a robust program is developed and implemented.

## **Part L. Registration Portability**

### **Reinvent Albany Position - Support**

## **Summary**

The legislature passed on January 14, 2019, and the Governor signed into law on January 24, 2019, to enable registered voters to move within New York State without having to change their address with the board of elections. Instead, the board of elections would check the national change of address registry and make the change automatically if a voter moved from one county to another. Twenty states and the District of Columbia already have some form of "universal transfer of voter registration records."

## **Reinvent Albany Position - Support**

We support the pre-registration legislation signed into law.

## **Part N. Electronic Poll Books**

### **Reinvent Albany Position - Support And Recommend Improvements**

## **Summary**

This bill allows for the use of electronic poll books in place of a paper registration poll record. It defines in Election Law a "computer generated registration list" as a printed or

electronic list of voters for a single election for a poll site or election district generated from a voter registration file to be used to determine a person's eligibility to vote on Election Day. It requires the board of elections create rules for minimum security standards for the computer generated registration list and any network or system it is connected to, which must address the risks generally associated with these devices and their networking. The board of elections is required to create an approved list of devices approved for use by county boards of elections. County boards may purchase a device not on the list but only if the state board has first certified it as meeting the minimum security standards.

The bill further amends numerous election procedures integrating the "computer generated registration list" including challenging the registration of voters and completing a challenge report, marking the list for party registration, preparing the list for election day, arranging the poll site, directing a voter to their correct poll site, voting via affidavit ballot, voting via court order, providing a signature in the registration poll record, voting without providing a signature due to an inability to sign, voters requiring assistance to vote, and inclusion of special federal voters. The law goes into effect the January after it becomes law.

### **Reinvent Albany Position - Support And Recommend Improvements**

Reinvent Albany supports enabling the boards of elections to use electronic poll books and believes it will greatly facilitate early voting by more easily tracking who has voted on early voting days, and keeping an updated record on subsequent early voting days and Election Day. It should also be helpful in providing more accurate and efficient record keeping, and in important procedures like directing voters to their correct poll site or election district if voters go to the wrong one, or recording name or address changes, or proof of identity provided at poll sites.

It is very important Governor Cuomo and the state legislature provide funding for electronic poll books and early voting in the budget to ensure this long advocated for reform is successfully implemented.

### **Reinvent Albany Recommendations**

- Require the State Board of Elections to consider as part of its certification of electronic poll books how the poll book captures voter's signatures, and whether the signature recorded reflects the likeness and quality of a handwritten signature. This is important because it may impact a voter's ability to vote because inspectors are required to compare a voter's signature to the signature in

the poll registration book before allowing a voter to cast their ballot (see Election Law 8-304).

## **Part X. Automatic Voter Registration - DMV**

### **Reinvent Albany Position - Support And Recommend Improvements**

#### **Summary**

The NYS Department of Motor Vehicles (DMV) is the most advanced of state agencies in processing voter registrations. It already offers online voter registration for New Yorkers with a driver's license or non-driver's ID, and 1 million people have registered through it since 2012.

This bill will make the current DMV process even more seamless by “automatically” registering DMV customers completing intake forms at the agency. DMV customers will complete an integrated form containing requested information for both voter registration and DMV services, provide their handwritten or digital signature, and not check a box opting out of voter registration. Agency representatives will assist customers in completing the form if requested, and they will be trained by the State Board of Elections. An agency coordinator at the DMV will serve as a liaison to the Board. The legislation also clarifies that digital signatures and forms are valid and can be transmitted from the DMV to the county boards of elections in lieu of handwritten signatures and paper forms. The bill will take effect on April 1, 2020.

Thirteen states offer or will offer automatic voter registration (AVR) following the passage of ballot initiatives on Election Day 2018 establishing it in Michigan and Nevada. Most of these states offer automatic voter registration through the DMV. Governor Cuomo has proposed a more expansive automatic voter registration bill in Part G of this year's Good Government and Ethics bill which covers all state agencies. This proposal is a narrower version of Part G that only applies to the Department of Motor Vehicles (DMV) which he first proposed in last year's [Good Government and Ethics Bill in the FY 2019 Executive Budget](#).

### **Reinvent Albany Position - Support And Recommend Improvements**

- Expand this proposal to include state agencies beyond the DMV that are currently required to offer voter registration forms under section 5-211 of the NYS Election Law, as is done in Part G of the Good Government and Ethics bill. Reinvent Albany supports automatic voter registration because requiring an integrated form for agency services and voter registration, along with an opt-out

to not register, will result in more DMV customers registering and participating in our democracy. We favor the front-end approach in this bill which requires registrants register when transacting with the DMV, ensuring they have an opportunity to affiliate with a party.

**Standalone Bill: No-Excuse Absentee Voting**  
**Reinvent Albany Position - Support**

**Summary**

This bill amends section 2 of Article 2 of the state constitution to remove required excuses to vote absentee (including being absent from a county or city, physical disability or illness) and enables the state legislature to in general law to provide for qualified voters to cast their ballots at particular places and times.

**Reinvent Albany Position - Support**

The legislature completed first passage of a constitutional amendment allowing for no-excuse absentee voting on January 14, 2019. It will be referred for second passage to the legislature seated in 2021. We supported that constitutional amendment.

The Governor's proposal not only strikes the language in the constitution requiring an excuse to vote absentee, it explicitly authorizes the legislature through a general law to establish the parameters for voting in terms of time and place. While this explicit authorization is preferable it is not so essential that the no-excuse absentee constitutional amendment already passed warrants revisiting.

**Standalone Bill: Same-Day Registration**  
**Reinvent Albany Position - Support**

**Summary**

This bill amends section 5 of Article 2 of the state constitution eliminating the 10-day advance requirement to register to vote. It also entitles citizens to register to vote on any day before and including Election Day, and to vote on Election Day even if they registered on Election Day.

**Reinvent Albany Position - Support**

The legislature completed first passage of a constitutional amendment allowing for same-day registration on January 14, 2019. It will be referred for second passage to the legislature seated in 2021. We supported that constitutional amendment.

The bill passed by the legislature strikes the language in the constitution eliminating the 10-day advance requirement to register to vote. However, it does not provide an affirmative right to register at any time and vote on Election Day if eligible as the Governor's bill does. We think this difference is worth doing first passage of the Governor's constitutional amendment during the budget to supplant the previously passed constitutional amendment if the Governor and state legislature are inclined to do so.