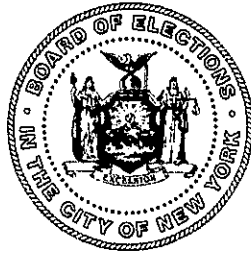


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BOARD OF ELECTIONS

IN
THE CITY OF NEW YORK
EXECUTIVE OFFICE
32 BROADWAY
NEW YORK, NY 10004-1609
TEL (212) 487-5300
FAX (212) 487-5349
www.vote.nyc

GEORGEA KONTZAMANIS
OPERATIONS MANAGER

MICHAEL D. CORBETT
ADMINISTRATIVE MANAGER

Testimony of Michael J. Ryan, Executive Director Board of Elections in the City of New York

Committee on Governmental Operations, State and Federal Legislation Council of the City of New York

Oversight Hearing – Evaluating the Board of Elections’ Performance in the 2024 General Election and Preparation for June 2025 Elections

December 4, 2024

Chair Restler, and members of the New York City Council's Committee on Governmental Operations, State and Federal Legislation, thank you for the opportunity to appear before you on behalf of the Board of Elections (Board). I am Michael J. Ryan, the Executive Director of the Board.

Joining me are Operations Manager Georgea Kontzamanis, Administrative Manager Michael Corbett, and Deputy General Counsel Raphael Savino.

Presidential Election – Early Voting

Early voting was conducted from Saturday, October 26, 2024 through Sunday, November 3, 2024. The Board utilized **155** early voting sites across the 5 boroughs. The Board led New York State with the highest number of early voting locations and the most amount of early voting hours (96).

A total of **13,127** individual pieces of early voting equipment were delivered and utilized. A total of **68** portable commercial generators were utilized to supply electrical power early voting sites. To meet the requirements of the Americans

with Disabilities Act (ADA), accessibility equipment was installed at **85** early voting locations (including temporary ramps and lifts). Fifty-five percent (55%) of the early voting locations require temporary measures to meet ADA requirements.

As the members of this Committee are aware, Early Voting was signed into law in 2019 and was implemented for the first time during the November 2019 General Election. At that time there was public discussion regarding rapid implementation across all five (5) boroughs. The Board encouraged patience and the importance of incrementally building an early voting system to ensure lasting voter confidence. The Board promised to increase the amount of early voting locations over the course of time, with a view toward long-term sustainability.

To date, the Board has fulfilled its promise and the wisdom of its efforts has been demonstrated. Below is a summary of early voting locations since inception:

November 5, 2019 – 61 sites
November 3, 2020 – 88 sites
November 2, 2021 – 106 sites

November 8, 2022 – 140 sites

November 7, 2023 – 140 sites

November 5, 2024 – 155 sites

A steady progression of increasing numbers of early voting locations has contributed to its success and is leading to increased early voter participation.

Early voting hours and poll site locations, including sample ballots, were posted on the Board's website at www.vote.nyc. Voters may access the website to track absentee ballots and check on voter wait times at early voting locations. In addition, the total number of check-ins for each day of early voting was posted after the close of polls.

Presidential Election – November 5, 2024

The general election was conducted on Tuesday, November 5, 2024. The Board utilized **1,211** election day poll sites. A total of **89,835** individual pieces of early voting equipment were delivered and utilized. To meet the requirements of the ADA, accessibility equipment was installed at **544** polling locations (including temporary ramps and lifts).

Forty-three percent (43%) of the election day polling locations require temporary measures to meet ADA requirements.

A total **36,545** poll workers were assigned to work on Election Day Upon the completion of poll worker payroll processing a final number will be available.

Election day voting hours and poll site locations, including sample ballots, were posted on the Board's website at www.vote.nyc. For the first time voters were able to access the website to track poll site wait times on election day. There were almost **800,000** "hits" on Find your Poll Site on election day and almost **100,000** "hits" to the newly implemented election day wait time map. In addition, **598,967** voters used either the physical fast pass tag or the virtual wallet fast past tag during early voting or election day to check in and vote. It is projected that such usage will continue to expand over time and contribute to expediting the voter check-in process.

Presidential Election Turnout – November 5, 2024

County	Turnout	Eligible Active Voters (10/27/2024)	Percentage
New York	666,599	990,178	67%
Bronx	367,346	721,330	51%
Kings	861,910	1,486,098	58%
Queens	721,937	1,238,126	58%
Richmond	201,584	313,349	64%
Total	2,819,376	4,749,081	59%

Presidential Election 2020 Comparison Data

County	Turnout	Eligible Active Voters	Percentage
New York	701,405	1,054,268	67%
Bronx	432,399	762,251	57%
Kings	920,380	1,555,251	59%
Queens	794,498	1,259,940	63%
Richmond	217,899	311,498	70%
Total	3,066,581	4,943,208	62%

Pre-election Preparation

The Board engaged in a comprehensive multi-media poll worker recruitment plan. These efforts resulted in the recruitment of **37,401** new individual applicants to the Board's pool of available poll workers. The Board processed a total of **46,798** during 2024. Eighty percent (80%) of the new applications were processed during the poll worker recruitment program. Poll worker trainings were conducted in-person and online.

Upon the completion of the poll worker recruitment program, the Board transitioned to a comprehensive multi-media voter information/education program. The Board leveraged available digital and social media platforms, print media and the statutorily required legal advertisements. In addition, the Board conducted a supplemental mailing to all registered voters during the month of October 2024 – to ensure that vital voting information (including an additional fast pass tag) was received proximate to early voting and election day, and assignments are ongoing for both election day and early voting.

Conclusion

The Board is dedicated to collaborating closely with government partners and interested parties to effectively serve New York City voters and welcomes the opportunity to address the New York City Council and the Governmental Operations Committee. Please feel free to reach out for any questions or additional information.



New York City Campaign Finance Board
100 Church Street, 12th Floor, New York, NY 10007
212.409.1800 | www.nyccfb.info

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Testimony of Paul Seamus Ryan

Executive Director

New York City Campaign Finance Board

New York City Council Governmental Operations Committee

December 4, 2024

Thank you, Chair Restler and Committee on Governmental Operations, State & Federal Legislation members, for the opportunity to appear before you today. I am Paul Seamus Ryan, Executive Director of the New York City Campaign Finance Board (CFB).

The CFB is an independent, nonpartisan City agency dedicated to strengthening local democracy. The CFB combats the influence of big money in politics by amplifying the power of small-dollar contributions from everyday New Yorkers through our matching funds program, which serves as a model nationwide. We work to eliminate barriers to participation by equipping New Yorkers with the information and resources they need to vote and run for office. Through the NYC Votes initiative, the CFB engages directly with voters and provides resources to make voting more accessible. Our mission is to foster a democracy that is open, transparent, and equitable.

I am honored to deliver testimony alongside the Board of Elections at this hearing focused on election preparedness for 2025. This hearing provides us with the opportunity to highlight our new agency-wide Strategic Plan and other initiatives we are developing for next year's elections and beyond. Along with other CFB colleagues, I am joined today by Amanda Melillo, who I am excited to share has been promoted to become the agency's First Deputy Executive Director. In this role, Amanda leads our new Strategy, Products & Innovation Division, which includes implementing our new strategic plan and, more generally, turning vision into reality as we build the necessary tools to ensure the CFB's successful future.

Our new 7-year strategic plan will take us through the 2029 election, which we expect to be the biggest in CFB history. Under our strategic plan timeline, we'll work hard to improve systems, programs, and processes between now and 2029 so that administration of the public matching funds program and voter education initiatives go as smoothly as possible—and have the greatest possible impact.

In service of our vision, mission, and core values of access, accountability, equity, and transparency, we are reaching for the following North Star Goals by 2030:

- 90% of audits completed within 1 year of election for candidates who do not request and receive extensions, with minimal increased risk;
- 90%+ candidates express high satisfaction with CFB programs and services;
- 90% of voters find our information and materials relevant, helpful, and accessible;
- 10% of eligible NYC donors make a contribution in an election cycle; and
- 90%+ CFB employees express high engagement with employment at the CFB.

Our staff has been hard at work developing concrete shorter-term goals to move us toward these longer-term North Star goals. For example, with respect to auditing, we've committed to a benchmark of completing 50% of audits within 1 year of the 2025 election and will be starting post-election audits immediately after the June primary of candidates who are not in the general election.

Before I address each bill under consideration today, I would like to highlight some of our planned initiatives, many of which are already underway for the 2025 election. Our agency is committed to providing comprehensive voter-facing education on the matching funds program to highlight its benefits. New Yorkers should know their support for local candidates can make a real difference in races thanks to the matching funds program's 8-to-1 match. That means \$10 from your neighbor becomes \$90 for you to spend on a campaign about the issues that matter. The more everyday New Yorkers decide to run for office, the more choices voters will have in selecting leaders whose priorities align with theirs.

Our outreach and education efforts in 2025 will also focus on ranked choice voting (RCV). As in 2021 and 2023, we look forward to collaborating closely with the Board of Elections and our community partners in all five boroughs to make sure all New Yorkers understand how to vote a ranked choice ballot. Some highlights of our plans include the Voter Guide, printed and digital educational materials, and a targeted multi-media advertising campaign.

The Voter Guide – which is mailed to all registered voters and published online – will include information explaining RCV to voters, as well as a mockup of a sample ballot. This information will be communicated in all 13 mandated languages: Arabic, Bengali, simplified Chinese, traditional Chinese, Korean, French, Haitian Creole, Hindi, Polish, Punjabi, Russian, Spanish and Urdu. We will also have a video voter guide with ASL interpretation and closed captioning available on our website.

Our other 2025 printed materials – which include a standard and large-print fact sheet with a sample RCV ballot – will also be created and distributed in all 13 languages. Our digital materials will be distributed in all mandated languages too, including videos explaining RCV on social media and web channels and explanatory graphics that direct viewers to the information on the NYC Votes website.

A targeted advertising campaign will kick off in April 2025, as most New Yorkers are starting to tune in to the campaign, and run through the Primary Election on June 24th. The campaign will target all New Yorkers, but have particular focus on our priority communities and languages, which I'll describe in a moment. This campaign will span all digital channels and include out-of-home placements throughout

the City, including but not limited to bus shelters, radio, and subway ads. Advertisements will also be published in community and ethnic media outlets.

Every New Yorker should be able to engage meaningfully in our local democracy. Language access – providing information, services, and systems to enable New Yorkers with limited English language proficiency to effectively navigate voting and elections – is essential to making that vision a reality in 2025. New Yorkers have the right to vote in their language. It’s our job to ensure they can access that right and build a democracy that is truly inclusive of and designed for all language speakers. By dismantling language barriers, we can help ensure that people who speak a language other than English have just as much power at the ballot box as those who speak English comfortably.

Guided by our Charter mandate, the CFB periodically analyzes quantitative and qualitative data to identify communities – both demographic and geographic – that are underrepresented in the electoral process in terms of voter engagement, registration, and participation. In our [2022 Voter Analysis Report](#), we identified five priority demographics: voters under the age of 30, immigrant voters, voters who primarily speak a language other than English, voters with disabilities, and voters who have been impacted by the criminal legal system. We also identified several priority geographic areas by analyzing United States Census data, voter turnout, and the proportions of our identified priority communities that reside within each neighborhood or census district. The CFB has identified neighborhoods in the South Bronx, South Brooklyn, Northern Queens, and Central Queens as communities in need of targeted voter outreach because of the number of recently naturalized residents or residents that speak languages the CFB has not historically included in voter outreach.

The CFB partners with community-based organizations that serve underrepresented communities, such as the priority demographics previously discussed, to host voter education events across the City. At these events, we’ll educate voters about what RCV is, how RCV works in NYC, and help them practice completing an RCV ballot. We’ll host trainings for hundreds of students, volunteers, and community partners and provide them with the knowledge and resources to educate their own communities about RCV – a “train the trainer” model that multiplies our reach. We’ll also incorporate RCV educational materials, including sample RCV ballots, into our multilingual direct voter outreach efforts, which will reach tens of thousands of New Yorkers in their communities on the street, at community events, street fairs, parades, festivals, and wherever New Yorkers are gathering.

Now, turning to the bills before the Committee today, the first bill I will discuss is Int. 1111-2024, sponsored by Council Member Schulman. This bill proposes recalculating campaign contribution and expenditure limits based on changes in the Consumer Price Index (CPI) after every General election, rather than every four years as required by current law. This bill would address a situation that arises once every 20 years, when Council members serve two-year terms due to redistricting. Under current law, contribution and expenditure limits were adjusted in early 2022 and will not be adjusted again until early 2026, requiring Council candidates to run under the same limits in 2023 and again in 2025. This bill would require immediate adjustment of Council candidate spending limits for the 2025 elections, but the contribution limits provision would not take effect until 2026.

We do not have a formal position on this bill. We would like to work with the Council to ensure we correctly understand the provisions related to CPI adjustments, so we are best able to implement this legislation if enacted.

The next bill I will discuss is Int. 0565-2024, sponsored by Council Member Brewer, which would require the CFB to create and routinely update guidance on procedures under the New York State Election Law for making certain voter records confidential. The Office to End Domestic and Gender-Based Violence (ENDGBV) would be responsible for distributing this guidance to individuals receiving services at Family Justice Centers. In the past, our Public Affairs division has conducted outreach efforts to partners who serve this community and have promoted our educational materials to domestic violence survivors. We support this bill and welcome the opportunity to formalize these efforts and partner closely with ENDGBV to ensure they deliver our guidance materials to impacted populations.

Next, I would like to discuss Int. 0293-2024, sponsored by Council Member Menin. This bill prohibits sharing, within 60 days of a City election, manipulated media that falsely depicts a local candidate's speech or actions as genuine, intending to influence election outcomes or harm the candidate's reputation. The CFB is deeply committed to working alongside the Council to protect the integrity of our local democratic process and uphold public trust. While this bill does not create any mandates on the CFB, I do want to note the unsettled legal landscape surrounding this issue across the country. Nineteen states have enacted legislation seeking to address this issue, and several have been challenged in court on First Amendment grounds, including laws in California, Texas and Minnesota. This statute, as drafted, may face similar constitutional challenges. We would be happy to offer our recommendations to the Council to ensure the strongest, most legally defensible version of the bill is developed.

Res. 0189-2024, sponsored by Council Member Ung, is of great importance to the CFB. The legislation calls on the New York State Legislature to pass an amendment to the New York State Constitution to move New York City elections to even-numbered years. We are thrilled to see this resolution reintroduced in the 2023-2024 Council session. Citizens Union focused an entire [60-page report](#) on the subject in December 2022, which inspired us to recommend this policy change in our [2022 Voter Analysis Report](#) and again in our [2023 Voter Analysis Report](#).

Under our current election system, even with 82% of New Yorkers registered to vote, only a fraction of New Yorkers turn out to cast ballots in odd-year City elections, with many expressing voter fatigue and election burnout. Shifting local elections to occur alongside state and federal elections would also save taxpayers the \$30 million it costs to administer each standalone local primary and general election – even when only 7% of the City shows up to vote. Beyond increasing turnout for local elections that shape our day-to-day lives, consolidating elections would also increase representation among those who participate, especially young voters and voters of color. Research shows this to be true in municipalities across the country that have made similar moves.

Last year, Governor Hochul signed legislation that shifted most county and local elections to even years to limit election fatigue and boost voter turnout. A comparable change for cities, including New York

City, requires a constitutional amendment set in motion by legislation at the state level. The more New Yorkers participate in local elections, the closer we are to a just and representative democracy.

The final pieces of legislation do not create new mandates for the CFB. Still, we would like to express our support for both Int. 0441-2024 and Res. 0322-2024. Both further our mission to engage underrepresented communities while expanding language access across the City.

The CFB appreciates the opportunity to provide testimony and feedback on the bills under consideration by this committee today. We remain dedicated to collaborating with the Council to ensure that the 2025 election is the most open, transparent, and equitable election in City history.

Thank you again for the opportunity to testify. I welcome any questions.

**Written Testimony of Marina Pino, Counsel
Elections and Government Program
Brennan Center for Justice at NYU School of Law¹**

**Before the New York City Council Committee on Governmental Operations
RE: Resolution No. 189-A 2024 (Ung) and Small Donor Public Campaign Financing
December 4, 2024**

The Brennan Center for Justice welcomes the opportunity to write in support of Resolution 189-A 2024 and efforts to strengthen oversight of New York City’s public campaign financing program. For nearly 30 years, the Brennan Center’s nonpartisan expertise has informed policies that protect and expand democracy at the state, local, and federal levels, including pro-voter efforts to improve voter turnout and reforms to address the outsize role of wealth in politics.

Our testimony will first address why a state constitutional amendment moving city elections to even years is essential to strengthening our local democracy. It will then discuss ongoing efforts to strengthen the city’s public financing program and offer suggestions for additional improvements.

Resolution 189-A 2024

The average voter turnout in New York City mayoral elections over the past twenty years is just 29.5 percent. That’s significantly lower than the turnout rates in even-numbered year elections.² An inclusive democracy demands that all eligible voters have a say in the decisions that affect their everyday lives, but such dismal turnout in city elections frustrates its possibility.

Moving local elections to even-numbered years can help tackle this problem. This well-tested policy can increase voter turnout, promote a more representative electorate, and reduce election administration costs. The New York State Legislature has already begun the work to

¹ The Brennan Center is a nonpartisan public policy and law institute that focuses on the fundamental issues of democracy and justice. The opinions expressed in this testimony are only those of the Brennan Center and do not necessarily reflect the opinions of the NYU School of Law.

² New York City Campaign Finance Board, *2022-2023 Voter Analysis Report*, April 28, 2023, 90–91, https://www.nycfb.info/pdf/2022-2023_VoterAnalysisReport.pdf.

move some local elections to even years.³ Now, the New York City Council is rightly calling on the Legislature to initiate the constitutional amendment process – which includes approval by two consecutive legislatures and a voter-approved ballot measure – to extend this reform to New York City elections.

Virtually all academic studies on this reform have found that elections in odd-numbered years significantly depress voter turnout.⁴ New York City is no exception. Turnout in the city’s last mayoral general election hit a historic low of 23.3 percent in 2021.⁵

Elections in odd-numbered years also disproportionately impact voter participation for those who have historically faced barriers to the ballot box, including voters of color and young voters. Case in point: in 2023, just 12.8 percent of eligible New York City voters participated in the general election where all City Council members and two statewide ballot questions appeared on the ballot.⁶ That included only 6.1 percent of young voters and an even lower rate for voters of color in certain neighborhoods.⁷

Aligning city elections with even-numbered year elections can move New York City closer to a true participatory democracy that gives all eligible voters, including young voters and voters of

³ New York State Governor Kathy Hochul, “Governor Hochul Signs Voting Rights Legislation to Expand Access to the Ballot Box and Improve Voter Participation,” December 22, 2023, <https://www.governor.ny.gov/news/governor-hochul-signs-voting-rights-legislation-expand-access-ballot-box-and-improve-voter>. Recent litigation is frustrating this law’s timely implementation, which was set to go into full effect on January 1, 2025. See Joshua Solomon, “N.Y. Law Moving Local Elections to Even Years Challenged,” *Times Union*, April 2, 2024, <https://www.timesunion.com/state/article/n-y-law-moving-local-elections-even-years-19379629.php>; and Luke Parsnow, “Judge Rules New York’s New Even-Year Election Law Violates State Constitution,” *Spectrum News 1*, October 8, 2024, <https://spectrumlocalnews.com/nys/central-ny/politics/2024/10/08/judge-rules-new-york-s-new-even-year-election-law-is-unconstitutional>. Defendant Onondaga County Board of Elections Commissioner filed appeal on November 7, 2024.

⁴ Zoltan L. Hajnal, Vladimir Kogan, and G. Agustin Markarian, “Who Votes: City Election Timing and Voter Composition,” *American Political Science Review* 116, no. 1 (February 2022): 374–83, <https://www.cambridge.org/core/journals/american-political-science-review/article/abs/who-votes-city-election-timing-and-voter-composition/39CE6B9F0E906228F695248C874C0C36>; Justin de Benedictis-Kessner and Christopher Warshaw, “The Electoral and Policy Effects of Election Timing in City and County Government,” Harvard Kennedy School, December 23, 2023, <https://www.hks.harvard.edu/publications/electoral-and-policy-effects-election-timing-city-and-county-government>; Melissa Marschall and John Lappie, “Turnout in Local Elections: Is Timing Really Everything?,” *Election Law Journal: Rules, Politics, and Policy* 17, no. 3 (September 2018): 221–33, <https://www.liebertpub.com/doi/10.1089/elj.2017.0462>; and Zoltan L. Hajnal, *America’s Uneven Democracy: Race, Turnout, and Representation in City Politics* (Cambridge University Press, 2012), <https://www.cambridge.org/core/books/americas-uneven-democracy/F7F07D16DF4AE060B09589BDF72892E4>.

⁵ New York City Campaign Finance Board, *2021-2022 Voter Analysis Report*, April 29, 2022, 2, https://www.nycffb.info/pdf/2021-2022_VoterAnalysisReport.pdf.

⁶ Brigid Bergin, “What if NYC’s Mayoral Election Was this Year? Experts Say More People Would Vote in It,” *Gothamist*, April 29, 2024, https://gothamist.com/news/what-if-nycs-mayoral-election-was-this-year-experts-say-more-people-would-vote-in-it?utm_medium=social&utm_source=facebook&utm_campaign=shared_facebook.

⁷ New York City Campaign Finance Board, *2023 Voter Analysis Report*, April 29, 2024, 18, https://www.nycffb.info/pdf/2023_VoterAnalysisReport.pdf.

color, a better chance of being included. Experience from jurisdictions across the country, including cities like Los Angeles, Austin, and Baltimore, bears out this conclusion. These cities, and others, saw such gains in turnout among these demographic groups after shifting their elections to even years.⁸ And research shows that California cities that have moved local elections to even-numbered years have seen turnout among younger voters nearly double, along with substantial gains in turnout among Hispanic and Asian American voters.⁹

With a shift to even-numbered year elections, New York City stands to also reduce election administration costs and minimize fatigue among election administration staff. Indeed, the Independent Budget Office recently reported that the city could save an estimated \$42 million every other year.¹⁰ This finding is significant, as New York City Board of Elections data reveals that the 2021 mayoral primary and general elections cost approximately \$60 million.¹¹ By consolidating elections, city election officials can instead focus their resources in odd-numbered years on other critical tasks, including voter registration, recruitment and training, and equipment tests, which would help mitigate the delays that many voters experienced across the city in 2024.¹²

This policy also has strong public support. A recent survey of likely New York City voters found that a large majority support moving city elections to even-numbered years.¹³ This finding is consistent across demographics, including race, age, and gender, and the city's five boroughs.¹⁴

⁸ Citizens Union, *Moving Municipal Elections to Even-Numbered Years*, December 2022, https://citizensunion.org/wp-content/uploads/2023/01/Moving-Municipal-Elections-to-Even-Numbered-Years-Citizens-Union-report_FINAL.pdf.

⁹ Hajnal, Kogan, and Markarian, "Who Votes," 377–79; and Citizens Union, *Moving Municipal Elections to Even-Numbered Years*, 40–41.

¹⁰ Annie McDonough, "Independent Budget Office: Holding All Elections on Even Years Would Save NYC Millions," *City & State New York*, August 15, 2024, <https://www.cityandstateny.com/policy/2024/08/independent-budget-office-holding-all-elections-even-years-would-save-nyc-millions/398851/#:~:text=New%20York%20City%20could%20save%20an%20estimated%20%2442,report%20from%20the%20city%E2%80%99s%20Independent%20Budget%20Office%20found.>

¹¹ Citizens Union, *Moving Municipal Elections to Even-Numbered Years*, 44.

¹² See New York City Campaign Finance Board, "2022-2023 Voter Analysis Report," 93 ("Consolidating elections would mean the City BOE would spend less on running elections year to year and concentrate on delivering crucial election services in dedicated election years.").

¹³ Jesse Am, "Polling NYC: Survey Analysis of 2025 Likely Mayoral Voters on Politics, Crimes, Migrants, and Electoral Reform," Manhattan Institute, April 18, 2024, <https://manhattan.institute/article/polling-nyc-survey-analysis-of-2025-likely-mayoral-voters>.

¹⁴ Manhattan Institute, "Slide Deck: Polling NYC: Survey Analysis of 2025 Likely Mayoral Voters on Politics, Crimes, Migrants, and Electoral Reform," 63–64, last accessed December 3, 2024, <https://media4.manhattan-institute.org/wp-content/uploads/Polling-NYC-Slide-Deck.pdf>.

The city-based results align with statewide polling which has found voters across party lines support this reform as one that is “good for New York.”¹⁵

By passing this Resolution, the City Council will make a strong and clear statement that it remains committed to giving underrepresented New Yorkers a more meaningful voice in their elections and government. Further, the Resolution will demonstrate city lawmakers, like their constituents, support the Legislature initiating the constitutional amendment process to move city elections to even-numbered years without delay.

Preparations for the 2025 Election: Public Campaign Financing

We commend the City Council for its continued efforts to further strengthen New York City’s small donor matching funds program. For more than 35 years, the voluntary program has stood as a national model for reducing the distorting influence of private wealth in the political process. Since its inception, the program has delivered critical benefits to New York City voters, from significantly reducing corruption in city government, to making small contributions from everyday residents the most important source of campaign fundraising, to playing a role in electing the most demographically representative and diverse City Council in the city’s history.

While the program has been of tremendous benefit to New York City voters, recent allegations of abuse, most notably those outlined in the federal indictment of Mayor Eric Adams, must be addressed. If proven to have occurred, such conduct is an affront to the millions of New York City voters that the system was designed to serve. We commend the City Council and the New York City Campaign Finance Board (CFB) for their ongoing work to assess the most prudent ways to strengthen the program’s controls to deter fraud on the program.

As a start, we support the CFB’s amended rules, adopted in November 2024.¹⁶ In particular, we support the amendment making a campaign’s failure to timely provide requested documents to the CFB mandatory grounds for nonpayment of public funds, with certain reasonable exceptions.¹⁷ The rule ensures that candidates participating in public financing cannot ignore agency inquiries without consequence, while also affording meaningful due process and the ability to correct mistakes. This approach accounts for the reality that campaigns with fewer

¹⁵ Siena College Research Institute, “NYers Oppose Using SUNY Dorms to Temporarily House New Migrants to New York, 54-33%; Oppose Relocating Migrants from NYC to Housing in Other Counties that is Paid for by NYC, 46-50%,” June 28, 2023, <https://scri.siena.edu/2023/06/28/nyers-oppose-using-suny-dorms-to-temporarily-house-new-migrants-to-new-york-54-33-oppose-relocating-migrants-from-nyc-to-housing-in-other-counties-that-is-paid-for-by-nyc-46-40/>.

¹⁶ New York City Campaign Finance Board, “Notice of Final Rules,” November 14, 2024, <https://www.nycffb.info/media/2136/notice-of-final-rules-vfinal-11142024-website-version.pdf> (amending Chapter 52 of the Rules of the City of New York).

¹⁷ New York City Campaign Finance Board, “Notice of Final Rules,” November 14, 2024, 10 <https://www.nycffb.info/media/2136/notice-of-final-rules-vfinal-11142024-website-version.pdf> (amending 52 NYCRR § 3-01(d)).

resources may not be able to afford the same types of professional assistance accessible to campaigns of greater means, and mistakes can happen. The loss of a matching funds payment can be far more devastating – or even fatal – to lesser-resourced campaigns.

As the CFB prepares for the 2025 election, it must continue to assess its internal practices to safeguard the program against misuse. One basic measure the agency should take is to provide clearer notice to donors that straw donations are illegal.¹⁸ The CFB currently requires certain donors to sign a contribution card that states, “I understand that state law requires that a contribution be in my name and be from my own funds” and affirm that they have not been reimbursed.¹⁹ This language should be sharpened to explicitly put donors on notice that it is illegal to give someone else’s money and that doing so can carry penalties. The CFB should also make plain in its candidate handbook that campaigns may not accept contributions made in another person’s name. Other jurisdictions, including New York State, include such language in their educational materials for campaigns.²⁰

In addition, the CFB should continue its efforts to ensure timelier post-election audits. The agency has received significant criticism for its persistent delays in this important aspect of program regulation.²¹ We commend the agency for recently exploring technology solutions to augment its auditing process.²² The CFB should continue to assess how it can make the auditing process more efficient while still guaranteeing a thorough and fair review for every campaign.

To be sure, these recommendations are not exhaustive. We are glad to assist the Council as it considers further reforms and continues to exercise its oversight functions.

¹⁸ See Joanna Zdanys and Marina Pino, “Public Campaign Financing and the Indictment of NYC Mayor Eric Adams,” Brennan Center for Justice, October 3, 2024, <https://www.brennancenter.org/our-work/research-reports/public-campaign-financing-andindictment-nyc-mayor-eric-adams>.

¹⁹ New York City Campaign Finance Board, “Contribution Card,” August 11, 2022, https://www.nycfb.info/PDF/templates/contribution_english.pdf.

²⁰ New York State Public Campaign Finance Board, “New York State Public Campaign Finance Handbook,” 29, December 1, 2023, <https://pcfb.ny.gov/system/files/documents/2023/12/pcfb-handbook-final-accessible-and-secured-12012023.pdf>.

²¹ Brigid Bergin, “Meet NYC’s New Campaign Finance Watchdog, Arriving Amid Probe into Mayor Adams’ Campaign,” *Gothamist*, March 27, 2024, <https://gothamist.com/news/amid-adams-fundraising-probe-new-campaign-finance-watchdog-head-charts-path-forward>.

²² New York City Campaign Finance Board, “Testimony of Paul Seamus Ryan, Executive Director of the New York City Campaign Finance Board to the New York City Council Committee on Governmental Operations Committee,” June 14, 2024, <https://www.nycfb.info/media/testimony/testimony-of-paul-seamus-ryan-executive-director-of-the-new-york-city-campaign-finance-board-to-the-new-york-city-council-committee-on-governmental-operations-committee/>.

The Brennan Center commends the City Council for taking up these important issues and stands ready to assist this body in its continued work to build a more inclusive and informed democracy for all New Yorkers.

Courtney Bryan, Executive Director

**Center for Justice Innovation
New York City Council
Committee on Governmental Operations,
State and Federal Legislation
December 4, 2024**

Good morning Chair Restler and esteemed members of the Committee on Governmental Operations, State and Federal Legislation. My name is Hailey Nolasco and I am the Director of Government Relations at the Center for Justice Innovation. Thank you for the opportunity to submit testimony on the importance of protecting the confidentiality of individuals experiencing domestic violence.

The Center for Justice Innovation (the Center) provides community-based programming that strengthens public safety and connects New Yorkers of all ages to crucial services, such as crisis intervention, mental health treatment, and substance use counseling. In addition, we offer meaningful off-ramps from the criminal justice system that serve to reduce recidivism, foster safety, and change lives.

The Center operates the Reimagining Intimacy through Social Engagement (RISE) Project, which works to transform responses to intimate partner violence, focusing specifically on its intersection with gun violence. Gun violence and intimate partner violence are often viewed as separate problems that require different responses, but neighborhoods impacted by high rates of gun violence also have the highest levels of reported domestic violence incidents. Access to a gun makes it five times more likely that a partner experiencing abuse will be killed.¹

In neighborhoods across New York City, RISE implements community-centered interventions that build local capacity to respond to and prevent intimate partner violence. RISE works with people causing harm in their relationships to help stop harm and transform behaviors and also works separately with individuals experiencing intimate partner violence to provide safety planning, case management and referrals to navigate systems to obtain safety. RISE's program offerings seamlessly integrate public health, healing-centered approaches, and restorative justice strategies through community initiatives, youth programming, crisis responses, individual and group based interventions and more.

Domestic violence related homicides are displaying a startling upward trend. According to a recently released report from the Mayor's Office to End Domestic and Gender-Based Violence, there were

¹ Jacquelyn C. Campbell et al., "Risk Factors for Femicide in Abusive Relationships: Results from a Multisite Case Control Study," *American Journal of Public Health* 93, no. 7 (July 2003): 1089–97

Courtney Bryan, Executive Director

71 domestic violence homicide deaths in New York in 2022, up nearly 15% from the year before.² In 2023, 73 domestic violence related homicides were reported.³

Due to this increase, it is important to make safety paramount for these individuals and prioritizing their confidentiality is a main component. Through the work of RISE, we understand first hand the importance of supporting and maintaining privacy and confidentiality for individuals experiencing domestic violence. Survivors should have a right to control who has access to their personal information that can be jeopardized by the inclusion of information like their name and address on lists that are available to the general public.

Given this alarming information, it is imperative that we protect the confidential information of survivors wherever possible. Survivors should be able to exercise their fundamental right to make important life decisions such as voting without compromising their personal safety. Information on how to do so should be widely available, as many survivors remain unaware of the steps necessary to secure their privacy.

We support the effort of this Council to protect survivors. Thank you.

² Shwe, E., Carlson, S., & Pinder, H. (2024, February 10). In NYC, 2022 was a grim year for domestic violence homicide. Things have gotten worse.

<https://gothamist.com/news/in-nyc-2022-was-a-grim-year-for-domestic-violence-homicide-things-have-gotten-worse>

³ Kriegstein, B. (2024, April 1). *Domestic violence deaths are rising in NYC, especially among women of color*. Gothamist.

<https://gothamist.com/news/domestic-violence-deaths-are-rising-in-nyc-especially-among-women-of-color>

New York City Council Hearing Regarding Int. 293, Int. 441, Int. 565, Reso. 322, and Reso. 189

Dear members of the City Council,

My name is Anna Humphrey, and I am the Transportation and Voting Community Organizer at the Center for Independence of the Disabled, New York (CIDNY). CIDNY is dedicated to ensuring that all people with disabilities have equal opportunities to participate in civic life. Thank you for the opportunity to testify on these important pieces of legislation.

Int. 293 (Menin) – Prohibiting Manipulative AI Use in Election Materials

CIDNY **supports** this bill. Manipulative AI in election materials undermines voters' ability to make informed decisions, and its potential misuse poses unique risks for people with disabilities, who may already face challenges accessing accurate and accessible information. Safeguarding against deceptive practices ensures a more equitable electoral process.

Int. 441 (Stevens) – Improving Young Adults' Access to Voter Registration Materials

CIDNY strongly **supports** this bill. Ensuring that young adults receive voter registration materials in appropriate languages, with tracking and reporting on their efficacy, is a step toward increasing civic engagement among underrepresented groups. Students with disabilities often face barriers to voter registration, and this bill's provisions for language access and reporting could help identify and address gaps in outreach.

Int. 565 (Brewer) – Protecting Domestic Violence Survivors' Voting Records

CIDNY strongly **supports** this bill. Many domestic violence survivors with disabilities rely on voting as a means of expressing their voices. Ensuring that survivors can keep their voter records confidential will protect them from potential harm while enabling them to participate in elections securely and privately.

Reso. 322 (Lee) – Supporting Language Assistance in Bengali, Punjabi, and Hindi

CIDNY strongly **supports** this resolution. Language barriers disproportionately affect many New Yorkers, including voters with disabilities from immigrant communities. Expanding language assistance will ensure that these voters can participate fully in the democratic process, helping make elections more inclusive and representative.

Reso. 189 (Ung) – Moving NYC Elections to Even-Numbered Years

CIDNY **supports** this resolution. Consolidating elections into even-numbered years can increase voter turnout and reduce confusion for voters, including people with disabilities. Simplifying the voting process through fewer election dates makes the system more accessible and equitable for all participants.

CIDNY appreciates the Council's focus on improving election policies and practices. We urge the Council to prioritize measures that increase accessibility, inclusivity, and the equitable treatment of all voters, especially those with disabilities.

Thank you for your time and consideration. This testimony is supported by Sharon McLennon-Wier, Ph.D., MEd., CRC, LMHC, Executive Director of CIDNY.

Anna Humphrey
Transportation and Voting Community Organizer
Center for Independence of the Disabled, New York (CIDNY)



MEMORANDUM OF SUPPORT

Resolution 189-A 2024 (Ung)

Resolution calling on the New York State Legislature to pass, and the voters to approve, an amendment to the New York State Constitution to move New York City elections to even-numbered years

December 4, 2024

Citizens Union strongly supports Resolution 189-A, which calls the State Legislature to approve legislation moving New York City's municipal elections to even-numbered years.

Aligning our city's elections with federal and statewide elections is the best way to combat the worsening rates of voter participation in our municipal elections. It would dramatically boost voter turnout, reduce racial and age-based gaps in participation, and save the City tens of millions of dollars each election cycle. It would also reduce voter fatigue and reflect the wishes of New Yorkers, who strongly support this policy. Continuing the use of the off-cycle election calendar poses a real challenge to the democratic legitimacy of our local government in the long term. Given the decades-long persistent trend in declining participation, mayoral elections could soon fall below 20% voter turnout.

State lawmakers have taken steps to achieve this goal by requiring that nearly all local county and town elections across New York be held on even years.¹ New York City should follow suit. Our local election calendar dates back to 1894 and no longer meets the needs of current-day voters.

Relevant legislation has already been introduced. If passed by the Legislature and approved by voters, New York City's elections would be held in presidential election years, with the earliest election occurring in 2032.² Incumbents would finish their terms, and nearly all officials will be term-limited by then.

Approving Resolution 189-A would send a clear message to Albany lawmakers that New York City prioritizes an inclusive local democracy that encourages New Yorkers to vote, rather than one that discourages participation.

The following memorandum summarizes the benefits of this policy, and addresses issues specific to New York City.³ It covers the following topics:

- Impact on voter turnout and the experience of other cities that switched to even years
- Increasing engagement among young people
- Reducing racial and ethnic gaps in voter participation
- Saving money and assisting election administration
- Reflecting voters' preferences
- Elevating local issues
- Down-ballot drop-off
- Using Ranked Choice Voting in even-year elections

¹ Chapter 741 of 2023

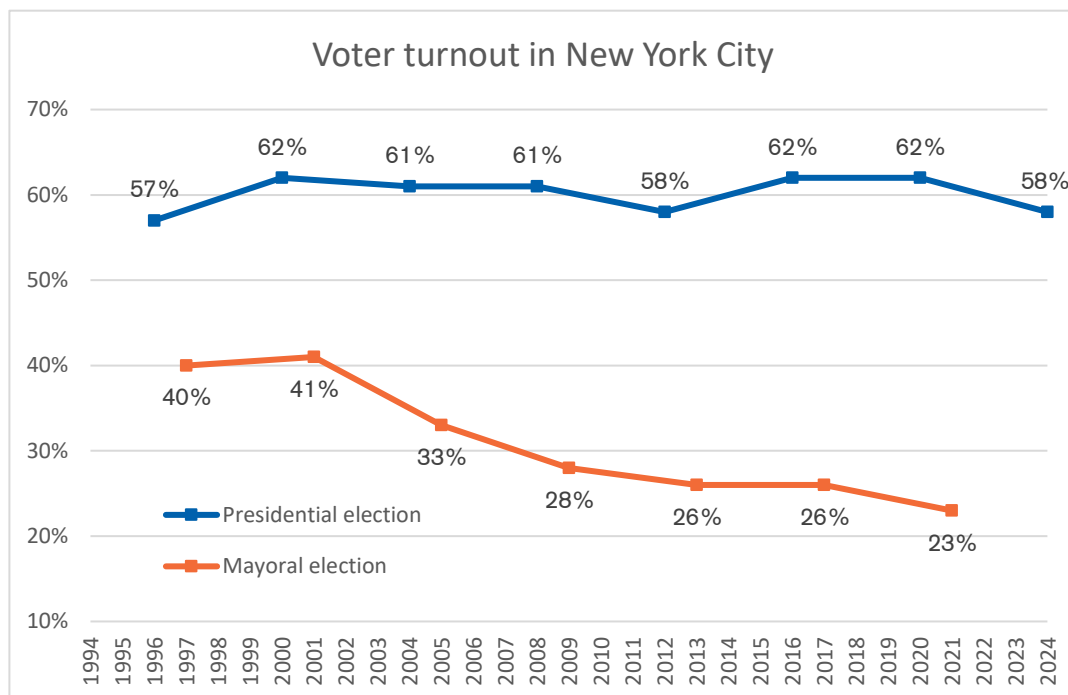
² S9126 (Skoufis)/A10466 (Walker), 2024

³ For more information, see: Citizens Union 2022 report, [Moving Municipal Elections to Even-Numbered Years](#).

INCREASING VOTER TURNOUT

All academic studies on the topic of election timing have found that off-cycle elections significantly depress voter turnout.⁴ When local elections are not held on the first Tuesday in November alongside national races, information is less available, resources for voter engagement are lower, and the majority of voters stay home. However, when elections are held during high-profile national races, voters are much more engaged. These so-called “on-cycle” elections roughly double local voter turnout and have been found to be more effective at increasing turnout than any other reform.

New York City is no different. Turnout in odd-year municipal general elections has consistently declined over the last two decades, regardless of the competitiveness of the mayoral race, whether it's an open seat, or how many candidates are running. In comparison, turnout in even-year presidential elections has remained steady for about three decades, hovering around 60%. This means that for every person who votes for mayor, nearly three people vote for president. Even the most recent dip in turnout during the 2024 presidential election was still 2.5 times higher than that of the 2021 mayoral election. That's over 1.6 million New Yorkers who came out to vote for president in 2024 but stayed home in the 2021 mayoral election.⁵



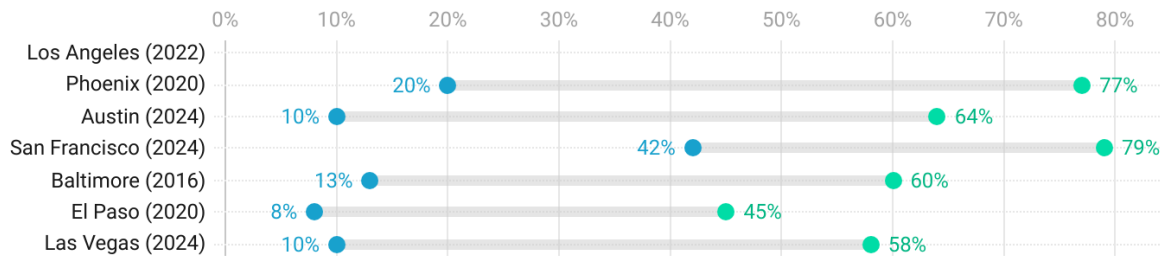
⁴ A partial list: Hajnal, Zoltan L., Vladimir Kogan, and G. Agustin Markarian. 2022. "Who Votes: City Election Timing and Voter Composition." *American Political Science Review* 116: 374-83. Marschall, Melissa, and John Lappie. 2018. "Turnout in Local Elections: Is Timing Really Everything?". *Election Law Journal* 17. De Benedictis-Kessner, Justin, and Christopher Warshaw. 2024. "The Electoral and Policy Effects of Election Timing in City and County Governments." Kogan, Vladimir, Stéphane Lavertu, and Zachary Peskowitz. 2018. "Election Timing, Electorate Composition, and Policy Outcomes: Evidence from School Districts." *American Journal of Political Science* 62: 637-51. Caren, Neal. 2007. "Big City, Big Turnout? Electoral Participation in American Cities." *Journal of Urban Affairs* 29: 31-46.

⁵ NYC Turnout numbers are based on election results and enrollment numbers published by the NYC Board of Elections

Close to 100 jurisdictions and several states have successfully moved their local elections to even years over the past decade to combat low turnout rates. Every jurisdiction that has shifted its local election calendar has experienced significant increases in turnout. Some of the nation’s largest cities have made the switch and have seen turnout double, triple, or even quadruple immediately after.

The impact of moving city elections to even-numbered years on voter turnout

Voter turnout rates in mayoral elections before and after switching from odd-numbered years to even-numbered years. First election post change in parentheses.

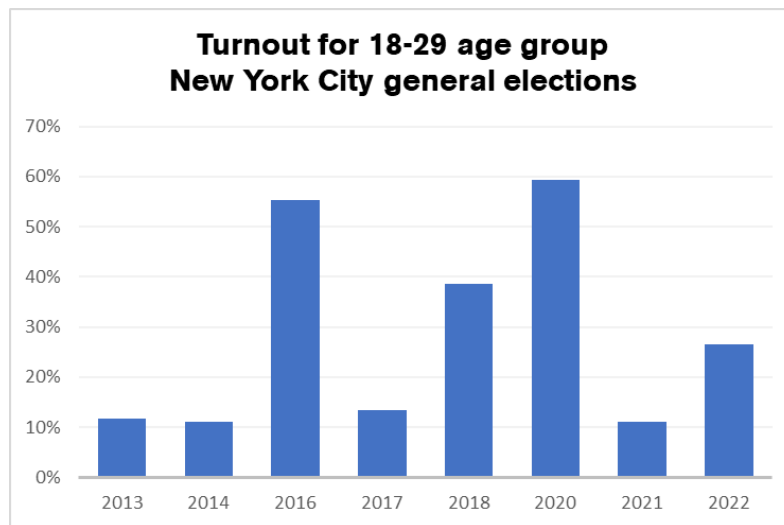


Note: Austin first moved to a midterm election cycle in 2014 and then to a presidential cycle in 2024

Chart: Citizens Union • Source: Election results data by local election officials • Created with Datawrapper

INCREASING ENGAGEMENT AMONG YOUNG PEOPLE

Young voters in New York City are far better represented in even-year elections than in odd-year local elections. In the last two open mayoral elections, turnout among 18- to 29-year-olds was around 11%, compared to average turnouts of 57% and 33% during presidential and gubernatorial elections, respectively.⁶



⁶ Based on data retrieved from the New York City Campaign Finance Board Voter Analysis Reports. Age-based data about the 2024 election will be available in 2025

As studies have repeatedly shown, our city’s odd-year electorate is significantly older than the actual makeup of the city’s voting-age population. When cities switch to on-cycle elections, the turnout rate for younger voters nearly doubles, while the share of older adult voters drops by up to 22 percentage points.⁷

Moving the city’s elections to even years presents a rare opportunity to capitalize on the energy seen in federal election years, bringing more young people into local civic life and giving them a stronger voice in how the city is run.

REDUCING RACIAL AND ETHNIC GAPS IN PARTICIPATION

The low-turnout problem of odd-year elections is exacerbated by the uneven nature of that turnout. The electorate that votes in our city elections does not reflect the overall demographic makeup of New York City and tends to skew whiter than that of even-year elections. A recent study by The Election Law Clinic at Harvard Law School found that New York State’s odd-year elections result in severe racial disparities in participation and disproportionately depress minority turnout in counties throughout the state.⁸

A similar study of New York City elections, presented to this Committee, found a comparable trend: 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.⁹ Furthermore, 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%.¹⁰

To illustrate the differences in voter turnout gains across New York City communities, the maps on the following page present voter turnout rates broken down by assembly districts in recent elections for mayor (2017, 2021), governor (2018, 2022), and president (2020, 2024).

⁷ Hajnal, Z., Kogan, V., & Markarian, G. 2022. “Who Votes: City Election Timing and Voter Composition”. *American Political Science Review*, 116(1), 374-383

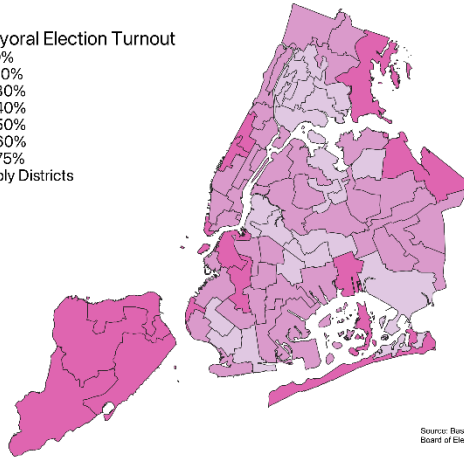
⁸ December 11, 2023 letter from voting rights groups to Governor Kathy Hochul regarding Support for the Election Alignment Bill (A4282B/S3505B) <https://www.naacpldf.org/wp-content/uploads/2023.12.11-Letter-to-Gov.-Hochul-in-Support-of-A.4282B-S.3505B-Civil-and-Voting-Rights-Organizations.pdf>

⁹ December 3, 2024 written testimony submitted to the New York City Council Committee on Governmental Operations, State & Federal Legislation <https://static1.squarespace.com/static/60a559b59cfc63389f67f892/t/674f8d5c29915c7b8d59c005/1733266780394/Letter+to+NYC+Council+re+NY+Election+Alignment+vF.pdf>

¹⁰ Analysis in Citizens Union even year election report, page 38-42.

2017 Mayoral Election Turnout

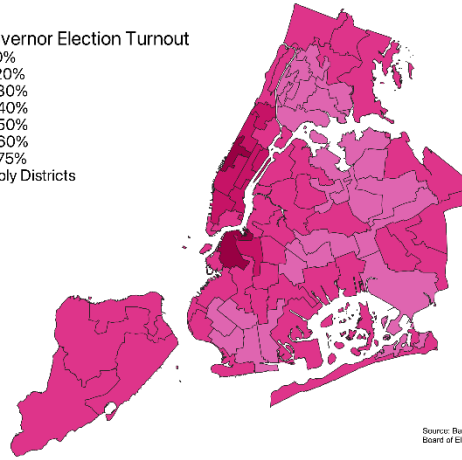
- 0% - 10%
- 10% - 20%
- 20% - 30%
- 30% - 40%
- 40% - 50%
- 50% - 60%
- 60% - 75%
- Assembly Districts



Source: Based on New York City Board of Elections data

2018 Governor Election Turnout

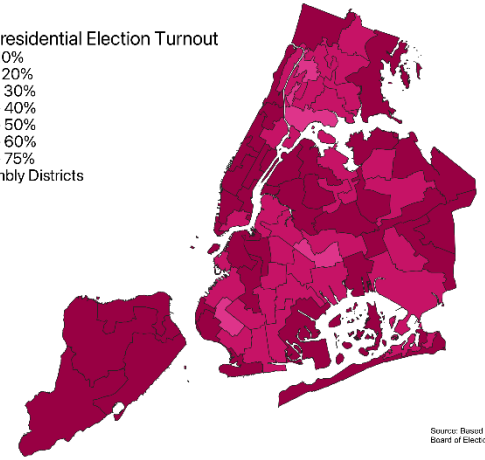
- 0% - 10%
- 10% - 20%
- 20% - 30%
- 30% - 40%
- 40% - 50%
- 50% - 60%
- 60% - 75%
- Assembly Districts



Source: Based on New York City Board of Elections data

2020 Presidential Election Turnout

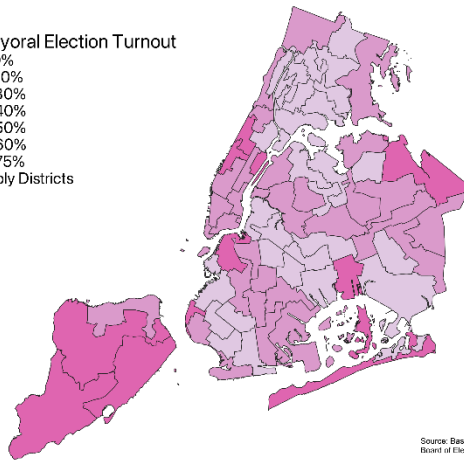
- 0% - 10%
- 10% - 20%
- 20% - 30%
- 30% - 40%
- 40% - 50%
- 50% - 60%
- 60% - 75%
- Assembly Districts



Source: Based on New York City Board of Elections data

2021 Mayoral Election Turnout

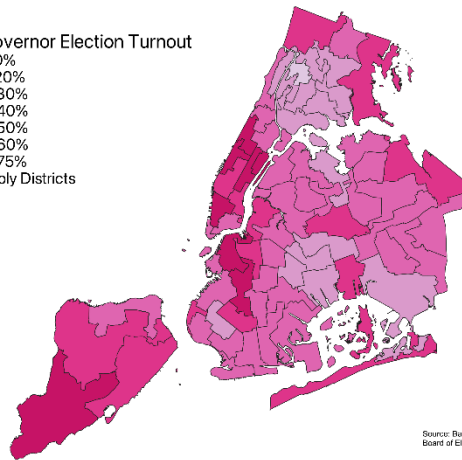
- 0% - 10%
- 10% - 20%
- 20% - 30%
- 30% - 40%
- 40% - 50%
- 50% - 60%
- 60% - 75%
- Assembly Districts



Source: Based on New York City Board of Elections data

2022 Governor Election Turnout

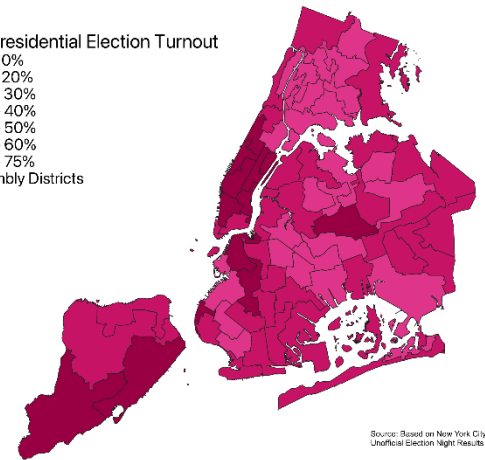
- 0% - 10%
- 10% - 20%
- 20% - 30%
- 30% - 40%
- 40% - 50%
- 50% - 60%
- 60% - 75%
- Assembly Districts



Source: Based on New York City Board of Elections data

2024 Presidential Election Turnout

- 0% - 10%
- 10% - 20%
- 20% - 30%
- 30% - 40%
- 40% - 50%
- 50% - 60%
- 60% - 75%
- Assembly Districts



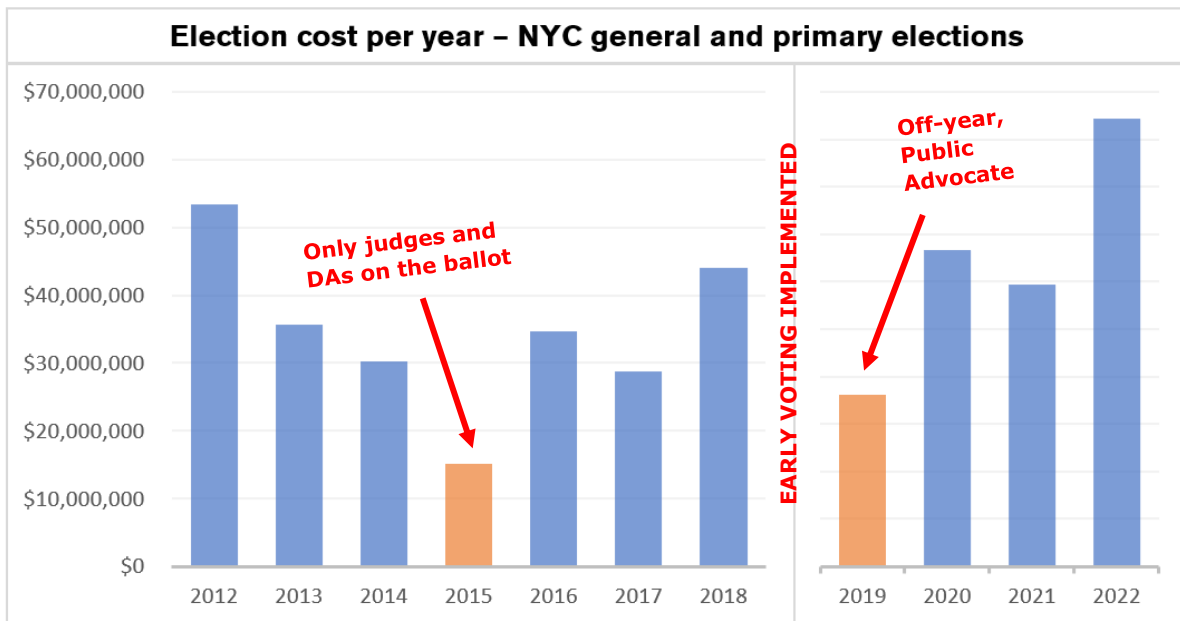
Source: Based on New York City Board of Elections Unofficial Election Night Results

SAVING MONEY AND ASSISTING ELECTION ADMINISTRATION

The money to run New York City’s elections comes from the municipal budget. According to the New York City Board of Elections, administering the 2021 general election cost New York City taxpayers about \$60 million. By 2023, election costs had increased to \$96 million.

If the constitutional amendment introduced in the Legislature passes, no elections would be held during odd-numbered years. Consolidating these contests into even years would not significantly increase costs for those years, as the infrastructure for conducting elections would already be in place and paid for. New expenses, such as increased printing of ballots and promotional materials, would be relatively minor.

A recent analysis by the Independent Budget Office (IBO) found that holding on-cycle local elections could result in fiscal year savings of approximately \$42 million every other year.¹¹ Given that election costs have risen significantly since the introduction of early voting and other reforms, actual savings could be even higher.

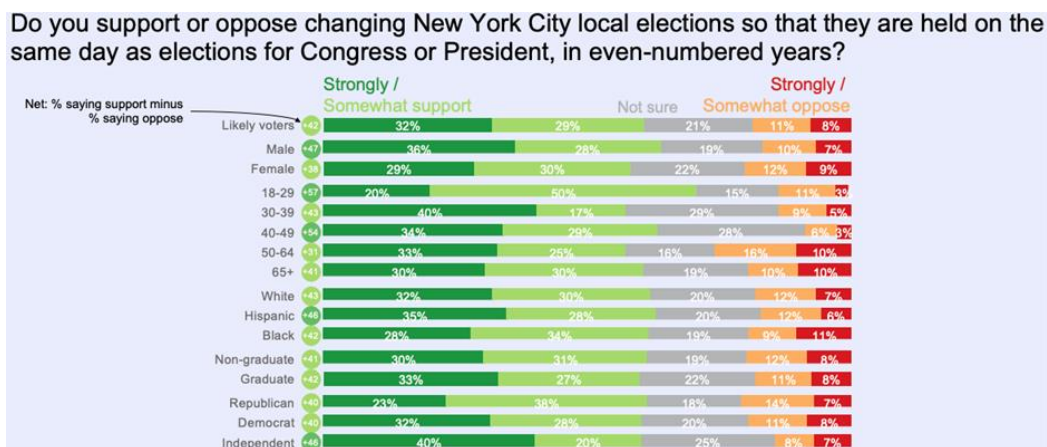


Having a year off between election cycles would allow election officials to recuperate and adequately prepare for the next election. The New York City Board of Elections, tasked with running multiple elections each year, could see significant long-term benefits. Additionally, the gradual implementation process, spanning several years, provides ample time for election officials, lawmakers, and the public to prepare for the new election calendar.

¹¹ “Fiscal Impact of Shifting Local Elections to Even-Numbered Years.” City of New York Independent Budget Office, 15 August, 2024, <https://ibo.nyc.ny.us/iboreports/fiscal-impact-of-even-year-elections-august-2024.pdf>

REFLECTING VOTERS' PREFERENCES

Consolidating elections is a popular policy with voters across political, demographic, and geographic groups. This reform appeals to voters because it reduces “voter fatigue” and gives people a break from campaign ads, mailers, learning about candidates, and finding time to go to the polls. An April 2024 survey of New York City voters found strong support for moving NYC’s elections, with nearly three-to-one approval rates regardless of age, race and ethnicity, education, or party affiliation.¹² The highest net support was among young voters, with 70% in favor and only 14% opposed. A Siena College poll conducted in June 2023 found that statewide, New Yorkers support this policy by a margin of two to one, with the highest support coming from NYC voters.¹³ In a divided political climate, it is rare to find reforms with such broad bipartisan support.



ELEVATING LOCAL ISSUES

Aligning municipal elections with the high-information environments of presidential and gubernatorial election cycles—when more voters pay attention to electoral politics—elevates the importance of local issues within the electorate. Over time, this would create a larger, more informed voter base for issues related to city government.

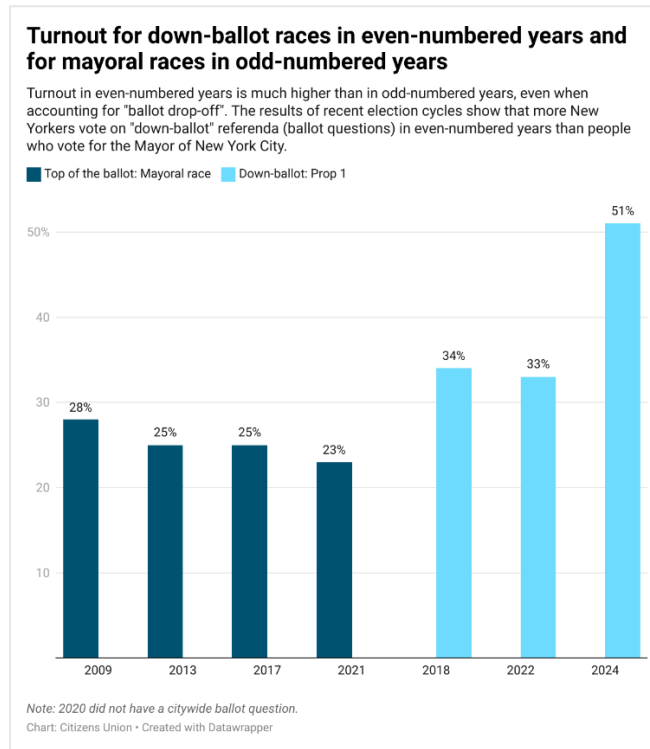
ELECTION GAINS REMAIN EVEN WHEN CONSIDERING BALLOT DROP-OFF

A common concern about consolidating elections is that as ballots become longer, fewer voters complete the entire ballot, leaving down-ballot contests blank. This is known as ballot drop-off or roll-off. However, evidence from cities that have consolidated elections and from New York City demonstrates that the overall vote gains from moving elections on-cycle far exceed the votes lost to ballot drop-off. In other words, significantly more voters cast ballots for contests at the bottom of a presidential election ballot than voters who participate at all in off-cycle elections.

¹² Polling NYC Survey Analysis of 2025 Likely Mayoral Voters on Politics, Crime, Migrants, and Electoral Reform. *Manhattan Institute*, Jesse Arm, 18 April 2024, <https://manhattan.institute/article/polling-nyc-survey-analysis-of-2025-likely-mayoral-voters>

¹³ NYers Oppose Using SUNY Dorms to Temporarily House New Migrants to New York, 54-33%. *Siena College Research Institute*, 28 June 2023, <https://scri.siena.edu/wp-content/uploads/2023/06/SNY-June-2023-Poll-Release-FINAL.pdf>

As the following chart demonstrates, even ballot propositions during even years, which appear on the reverse side of the ballot in New York City, receive more attention and votes than the mayoral contest during off-cycle elections.



RANKED CHOICE VOTING IN EVEN YEAR ELECTIONS

Another concern is how Ranked Choice Voting (RCV) might interact with non-RCV contests in even years and whether it would cause confusion. However, New York City voters already use more than one voting method when casting ballots in local elections: (1) RCV for city offices, (2) "regular" first-past-the-post voting for district attorneys, judges, and party district leaders, and (3) "multiple votes" for party county committee members and delegates to party conventions. In the 2021 mayoral election, voters received two separate ballots, with RCV appearing on a separate page, and this approach would likely continue if municipal races were held on the same primary day as federal and state (legislative/statewide) races.

Across the country, several cities use RCV for local elections held in even-numbered years, including San Francisco, Berkeley, and Oakland. Voters in these cities receive multiple ballot cards, including a separate RCV ballot card. This system differentiates between RCV and non-RCV elections, guiding voters effectively. These practices have functioned seamlessly for years. San Francisco introduced RCV in 2004 and has run ten even-year RCV elections; Berkeley and Oakland introduced RCV in 2010 and have run seven even-year RCV elections.

Additionally, Citizens Union conducted soon-to-be-published research on these three cities to assess whether significant ballot drop-off occurred. The findings show that voter turnout for local RCV offices, like city council and board of supervisors, remained very high due to the increased turnout rates experienced in even-year elections. RCV did not negatively impact voter turnout due to ballot drop-off or voter confusion.

NYC Council Committee
Governmental Operations, State and Federal Legislation Written Testimony

Wednesday, December 4, 2024 @ 1PM

We support New York City paving ways to make it easier for a high school student to register to vote, including making pre-registration accessible to students with disabilities.

Disability Rights New York (DRNY) is the Protection and Advocacy system for New York State. DRNY works to protect the rights of New Yorkers with disabilities by enabling them to determine their own lives and fully participate in their communities. Meaningful and robust civic engagement by all New Yorkers, including New Yorkers with disabilities, is paramount to our democracy. DRNY encourages voter engagement among New Yorkers with disabilities during every election because voters with disabilities are the largest minority voting bloc, and come from all racial/ethnic, cultural, and socio-economic backgrounds.

Existing laws require schools to organize opportunities to pre-register minors to vote.

Under existing state law, boards of education across New York State must create policies that encourage student voter registration and pre-registration efforts. NYS Election Law §5-507. NYS Election Law also ensures that those who will be 18 years old by Election Day may apply for early mail or absentee ballots, so long as they turn 18 years old by Election Day. NYS Election Law §5-102. New York City public schools must follow these state laws. It is a best practice for NYC to establish clear parameters that schools must follow to ensure voter engagement to all eligible students, including students with disabilities.

Students with disabilities must be included in all required student voter registration efforts.

All voting programs must be accessible for all students, including students with disabilities. For example, paper handouts and forms schools offer to help pre-registration efforts must also be available digitally and screen reader friendly. Schools must include students who receive services outside the district in voter registration efforts and voting programs. In organizing voter registration efforts, schools must include students in BOCES programs, in private or charter school placements, in residential placements, receiving home services, and at other out-of-district placements under the jurisdiction of NYC Board of Elections.



279 Troy Road, Ste 9
PMB 236
Rensselaer, NY 12144



DRNY has office locations in
Albany | Brooklyn | Rochester

Phone
518-432-7861

TTY
518-512-3448

Fax
518-427-6561

Schools must create opportunities for students with disabilities, including intellectual disabilities, to register or pre-register to vote. Only a judge can determine if an individual is ineligible to vote. Schools must understand and explain to their students and parents that a student under guardianship can register to vote so long as a judge has not determined them incompetent to vote.

In addition to providing inclusive voter registration programming, DRNY encourages districts to educate students with disabilities about their rights as voters, including their right to cast a ballot privately and independently, use an accessible voting machine, request an accessible ballot, and vote with assistance from a trusted person.

Laws, regulations, and policies must be drafted to specifically include students with disabilities and their accessibility needs in the election process. Laws are most effective if they clearly identify in the law's text that the voter registration efforts must specifically include students with disabilities in all mandated voter registration efforts. Identifying in text the need to include students that receive special education services, students who have an Individualized Education Plan (IEP) or 504 Plan, and students enrolled in BOCES programs, will hold schools accountable as federal, state, and local laws intend.

We welcome the opportunity to provide additional education on best practices for schools to adopt to make pre-registration efforts accessible to students with disabilities. We are available at PAVA@drny.org or (518) 432-7861.



279 Troy Road, Ste 9
PMB 236
Rensselaer, NY 12144



DRNY has office locations in
Albany | Brooklyn | Rochester

Phone
518-432-7861

TTY
518-512-3448

Fax
518-427-6561

Testimony in Support of Int 441 (Stevens) and Reso 189 (Ung)

Greetings, Members of the New York City Council,

My name is Eddie Cuesta, and I am the Executive Director of Dominicanos USA (DUSA). DUSA is a 501(c)(3) organization founded in 2013 and dedicated to the civic, social, and economic integration of Dominican Americans. Through our **Ambassador Program**, a civic engagement initiative targeting high school students, we empower young people to become active participants in their democracy. Over a six-week cohort, we educate students on civic engagement, voting rights, and voter registration, while encouraging pre-voter registration for 16- and 17-year-olds whenever applicable.

I am here today to express my strong support for **Int 441 (Stevens)**, a crucial step toward improving young adults' access to voter registration materials. This legislation requires the Department of Education and the Board of Elections to distribute these materials in multiple languages, ensuring inclusivity and accessibility for all students. Importantly, it also establishes mechanisms to track and report on the efficacy of these efforts, enabling continuous improvements.

Through the Ambassador Program, we have seen firsthand how equipping students with voter registration knowledge and resources inspires lifelong civic participation. Yet, accessibility remains a significant challenge—many students lack the information and tools needed to register and, ultimately, vote. Int 441 institutionalizes solutions to these barriers, creating a foundation for stronger civic engagement among young New Yorkers.

In addition, DUSA fully supports **Reso 189 (Ung)**, calling for New York City elections to move to even-numbered years. Synchronizing city elections with higher-turnout state and federal elections would likely increase voter participation among all demographics, particularly young voters. The students we serve often express a desire to shape their communities but face logistical barriers and low awareness of off-cycle elections. Reso 189 would help amplify their voices, making it easier for them to participate in shaping their futures.

Both Int 441 and Reso 189 represent actionable steps toward fostering a more inclusive and engaged electorate. By equipping young adults with the necessary voter registration materials and shifting the electoral calendar to align with higher-turnout cycles, these measures will enhance civic participation across New York City.

Thank you for your leadership on these critical initiatives and for the opportunity to testify. I welcome any questions and look forward to collaborating with you to empower the next generation of voters.

Sincerely,
Eddie Cuesta



Executive Director

Dominicanos USA

ecuesta@dominicanosusa.org

www.dominicanosusa.org

Downstate New York



Downstate New York ADAPT
Website: dnyadapt.com

December 6, 2024

Council Member Lincoln Restler
Chair

New York City Council Committee On Governmental
Operations, State & Federal Legislation

Sent Online at <https://council.nyc.gov/testify/>

Emailed to: testimony@council.nyc.gov

Copy emailed to: Erica Cohen at
ErCohen@council.nyc.gov

Jayasri Ganapathy at JGanapathy@council.nyc.gov

Re: New York City Council's Committee On Governmental
Operations, State & Federal Legislation's Oversight -
Evaluating the Board of Elections' Performance in the
2024 General Election & Preparation for June 2025
Elections As Well As Certain Bills and Resolutions

Dear Chair Restler;

In these comments, we address several of the bills and
resolutions before this Committee. Specifically, we
support Int. No. 0441-2024, and Int. No. 0565-2024,

with certain amendments. So too, we support Resolution No. 0322-2024, with certain amendments, and Resolution No. 0189-A-2024.

Further, in these comments, we address, people with disabilities voting experiences in New York City since that is a part of the jurisdiction this Committee oversees. These comments just highlight some of the numerous issues people with disabilities face when exercising their right to vote in New York City. Our comments can be divided into four groups: 1-the aging of ballot marking devices (“BMDs”), 2-better poll worker training, 3-better communication and 4-greater transparency.

I. Bills and Resolutions Before The Committee At the Hearing On Wednesday, December 4, 2024

Int. Number 0441-2024

With respect to Int. Number 0441-2024, we support this legislation but would like certain changes be made to it so that students with disabilities needs will also be met. Specifically, we request that such voting registration materials also be provided in an accessible format for students with disabilities. So too, we request that this bill be amended to include a requirement that with these voter registration forms, additional information be provided to all students. Specifically, we request that this bill also require that information be provided to all students concerning the many ways a person can vote such as early voting in person, voting in person on Election Day, absentee voting with the paper ballot, early

voting with the paper ballot and the accessible ballot that can be read or listened to at home and marked on a home computer or smartphone, printed out and then mailed or dropped off at a poll site.

In addition to this information, we would like this bill to also include information that explains what a ballot marking device is, how it works, including the many positive features that it contains, such as the ability to not overvote, and that any New York voter can use this ballot marking device to read and mark their ballot at their poll site during early voting or on Election Day.

Int. Number 0565-2024

Since many in the disability community experience domestic violence, we support Int. Number 0565-2024. Here too, we would like it to be amended so that the needs of survivors of domestic violence who are disabled are met as well as the needs of survivors of domestic violence whose first language is not English are met. More specifically we request that this bill be amended to include a requirement that the written guidance on the procedures for making a voter registration record confidential also be provided in several accessible formats for survivors of domestic violence who have disabilities as well as be provided in several languages.

Additionally, we request that this bill be amended to include a provision that survivors of domestic violence be notified in several accessible formats (e.g., large print, braille, in an audio format and on an accessible website), including several languages so that all survivors of domestic violence, including survivors of domestic violence with disabilities and survivors of domestic violence where English is their second language, receive effective notification that there is help available to them in preparing and submitting any written statement that may be required to make a voter registration record confidential. Finally, this help in preparing and submitting written statements with respect to making a voter registration record confidential needs to be available to all survivors of domestic violence in New York City in a manner that is easily accessible to them and respects their needs and concerns.

Resolution Number 0322-2024

With respect to Resolution Number 0322-2024, we fully support this Resolution's objective, which is to provide language assistance to New York voters who speak Bengali, Punjabi and Hindi in Queens. However, we request that in this Resolution the City Council call on the New York State Legislature to pass and the Governor to sign an amended bill that would require that materials not only be provided in a print format but also be provided in several other formats accessible to New Yorkers with disabilities who speak Bengali, Punjabi and Hindi.

Resolution Number 0189-A-2024

With respect to Resolution Number 0189-A-2024, we fully support this Resolution which calls on the New York State Legislature to pass, and the voters to approve, an amendment to the New York State Constitution to move New York City elections to even numbered years to coincide with the federal elections. This is very important to voters with disabilities because it is only during federal elections that the protections provided by the Help America Vote Act of 2002, also known as HAVA apply.

Specifically, Title III of HAVA requires, among other things, that at least one accessible voting system be provided for voters with disabilities at each polling place during a federal election and that such an accessible voting system provide the same opportunity for access and participation for voters with disabilities as other voters, including voting independently and privately. In practice, this means that voters with disabilities must be provided with a ballot marking device (BMD) or an accessible voting machine for all voters to use.

Although New York Election Law also mandates similar voter accessibility requirements, significantly, only HAVA provides an enforcement and compliance mechanism for those rights. The federal law requires states to maintain a uniform, nondiscriminatory complaint process for people who believe their rights under Title III of HAVA were violated.

Voters with disabilities and disability rights advocates often use the HAVA administrative complaint procedure when a violation of rights has occurred, is occurring, or is about to occur, and to seek remedy from state officials.

Complaints commonly include problems with poll site accessibility, BMD availability, and poll worker behavior, as seen infra. Under the procedure, detailed in the Rules and Regulations of the State Board of Elections, allegations against county boards of elections are heard before the State Board of Elections, which can provide relief and direct local officials to undertake or to refrain from certain actions.

In the past, the New York State Board of Elections has accepted and processed complaints on HAVA violations in non-federal elections, however, this is not codified in law and is only based on the goodwill of the New York State Board of Elections. Thus, these protections can be rolled back by a simple administrative action by New York State's election officials which is of crucial concern in these times when the right of voters to be able to exercise their right to vote is under attack.

The protections of the HAVA complaint procedure are even more crucial when it comes to local elections which results impact voters with disabilities every day. The complaint procedure allows voters with disabilities to get relief when their rights are violated in local elections and to ensure local boards change policies related to accessibility.

By consolidating local elections with federal elections occurring on even-numbered years, strong federal protections for voters with disabilities will be effectively extended to local elections.

Finally, as illustrated herein, these strong federal protections are necessary in order to guarantee that New York voters with disabilities can vote both privately and independently.

II. Evaluating the Board of Elections' Performance in the 2024 General Election & Preparation for June 2025 Elections

First, we want to thank Ariel Merkel, the ADA Coordinator for the Board of Elections in the City of New York, and her staff for the continuing great work that she did this past year. Second, we like to thank the New York City Campaign Finance Board's staff for all their wonderful work this past year. Further, we would like to thank the Board of Elections in the City of New York for continuing to provide an accessible online website where you can request a paper early mail-in ballot, a paper absentee ballot as well as an accessible ballot.

It was great to see that the New York State Board of Elections and the Board of Elections in the City of New York again provided all New Yorkers with the opportunity to use a "partially" accessible ballot that can be accessed at home. "Partially" we say because a person still needed to find a way to print out the ballot and mail it in or drop it off at a polling site. Hopefully, one day not too

far in the future, people will be able to vote independently, safely, securely and privately online in New York City and New York State. This is what we are aiming towards.

1-The Aging of Ballot Marking Devices ("BMDs")

Presently, the ballot marking devices also known as BMDs are starting to break down and are at a critical stage. We feel that if new ballot marking devices are not certified within the next few years many more voters with disabilities will be disenfranchised. We understand that there is a certification process that new BMDs must go through before they can be purchased. However, we believe that this critical issue concerning the wear and tear of BMDs and their continuous breakdown needs to be placed front and center. We have repeatedly testified about the breakdown of BMDs.

Sadly, again during this election there were issues with the operation of the BMDs.

For instance, on Tuesday, November 5, 2024, a voter with a disability who went to vote at [577 Grand Street, New York, New York](#) at about 7:30 a.m. discovered that the ballot marking device was not working and that they had a person working on repairing it. Thus, this voter ended up voting by filling out the paper ballot by hand. There was no second ballot marking device at the poll site; we assume it is a smaller poll site and that is why there is only one ballot marking device there.

With respect to training of poll workers, this voter found that a few of the initial poll workers she spoke to when she checked in seemed to be clueless about the ballot marking device. It wasn't until the third person, the ADA Coordinator, came over that this voter was even told about the fact that the ballot marking device was being repaired and that they could assist her in completing her ballot or she could do it herself. This voter was uncomfortable by the offer by the poll worker to fill out the ballot for her because she did not know that they could assist her. When she asked how long it would be until it was repaired, the poll worker stated that someone was working on the ballot marking device at this time but it was not going to be fixed for a long time. When pressed as to how long, they admitted that they did not know how long it would take to fix it. This voter was discouraged from waiting and was told that she had two options: either fill out the paper ballot herself, or be assisted by the poll worker; she chose the first option and filled out the paper ballot with a pen.

2-Better Poll Worker Training

Turning to better poll worker training, we again congratulate the many poll workers who did a wonderful job especially in these difficult circumstances. However, we believe there is still room for improvements based on feedback from our members. We still need better training for poll workers with respect to their interactions with voters with disabilities as well as with respect to their interactions with their fellow poll workers who are

disabled. We need poll workers to understand that voters with disabilities have the civil right to expect and consistently be able to vote independently and privately in a safe and secure environment.

First, we recommend that when the ballot marking devices arrive at a poll site that they be checked to make sure that all the equipment (e.g., headphones, covers for the headphones, the rocker paddle, and the sip and puff, also referred to as Sip-N-Puff) is provided, can be easily accessed and is operational.

A voter with a disability told us that he went to vote on Tuesday, November 5th, 2024, at approximately 1:00 p.m. at, we believe, P.S. 83 Annex which is located at 1840 Bogart Avenue in the Bronx.

When he went to use the ballot marking device and asked for the headset, since he has a visual disability which requires him to use the headset to vote privately and independently, a very nervous poll worker assigned to the ballot marking device did not know how to operate the ballot marking device and could not locate the headset. The poll site coordinator came over and could not locate the headset either.

Then, the poll site coordinator had a poll worker from the Democratic Party and a poll worker from the Republican Party help this voter vote. One poll worker read what was on the ballot on the screen of the ballot marking device and the other poll worker touched the ballot marking device and marked the ballot for the voter after he said who he wanted to vote for and what he wanted to

vote for or against with respect to the ballot proposals. After the ballot had been marked and printed out from the ballot marking device, the voter asked the poll workers for his completed, marked ballot. It was given to him and he then took it over to the scanner and personally inserted it into the scanner.

Generally, when he has voted in past elections, he is in and out of the poll site within 20 minutes. On November 5th, 2024, it took him about 45 minutes to vote and he lost his right to vote privately and independently that day.

So too, another voter experienced issues with trying to vote privately and independently. Specifically, on Tuesday, November 5th 2024, sometime between 7:00 a.m. and 8:00 a.m., this voter went to her local polling site which was located on 27th Street between Second and Third Avenue. When she went over to the ballot marking device to use it and asked the gentleman, a poll worker, for assistance, he stated, in so many words, that he did not know how to operate it. Further, he gave no instructions as to what she could do next. Frustrated, she left the poll site without voting.

A few hours later, approximately between 1:00 and 2:00 p.m., she returned to the poll site and the same poll worker who previously had told her that he did not know how to operate the ballot marking device, now stated he knew how to operate the ballot marking device. This poll worker helped her mark her ballot on the ballot marking device by touching the screen because she could not reach the screen on the ballot marking device from her

wheelchair. Significantly, this poll worker never told her that there are buttons on the right hand side that she might be able to reach so that she could navigate through the ballot independently and privately to complete her ballot. With the poll worker's assistance, she completed the ballot and had it scanned.

In the end she was able to vote but had to go to the poll site twice in order to do so and had to relinquish her right to vote both privately and independently.

Luckily, this was a federal election where each of these voters with disabilities who reside in New York City will be able to bring a HAVA complaint.

We recommend that poll workers be better trained on how to effectively communicate information to all voters and especially to voters with all types of disabilities as to where and how ballot marking devices work.

Another issue voters with disabilities encounter at the polling place is incorrectly placed BMDs. Specifically, the poll workers must be instructed that the BMD needs to be in a location where it is quiet enough for the voters to easily hear the verbal instructions as well as see the ballot well and to be able to mark their ballot privately. That is, there needs to be adequate lighting to see the information provided on the BMD and the area where the BMD is placed needs to be relatively quiet so that a voter using the headphones can hear the information being provided when the auditory functions are used on the BMD.

It needs to be emphasized during training that the BMD MUST be in a position that protects the privacy of the voter. More specifically, the BMD needs to be facing a wall and not allow for people to freely walk behind the voter with a disability while the voter is reading the ballot and marking the ballot. The BMD needs to be positioned to allow for the voter to exercise their right to privately mark their ballot.

Further, BMDs need to have better noise cancelling headphones through which a person can hear the instructions. So too, poll workers with disabilities need to be respected. The actions of some poll site coordinators have been dismissive, disrespectful and just plain improper and wrong.

Another issue is that poll workers should not automatically send voters who have difficulty standing and/or walking to the BMD when all these voters may need is a chair to sit on and a table to manually mark their ballot. When this is done, many times voters become flustered when faced with the BMD. We need more education of poll workers and the public on how BMDs work, as well as the fact that any voter can use them even if they do not consider themselves to be disabled.

Another complaint voiced is barriers in entering polling places such as doors at the entrance to the polling places being difficult to open and it being difficult for a person with various disabilities to navigate and to communicate with poll workers. The Board of Elections in the City of

New York is required by law to comply with the Americans With Disabilities Act's standards in selecting and setting up polling sites and providing effective communication.

We are glad to see that voters with hearing loss and who are deaf can now request sign language interpretation at a poll site during early voting and on Election Day by notifying the Board of Elections at least 48 business hours in advance that such services will be needed at a specific poll site within a two hour timeframe. It would be great if the time needed to make such a request in advance be reduced to one business day to bring us closer to equalizing the voting experience.

We need a way for voters with hearing loss and who are deaf to be able to communicate with poll workers. The hiring of more poll workers with hearing loss and who are deaf is a first step. Better use of technology is a second step, such as texting and the establishing of a video conference system with American Sign Language ("ASL") interpreters who are on call through the use of a laptop or large IPAD or tablet since some voters have multiple disabilities. This same technology could be implemented for all interpreters and thus, give all voters greater access at their polling places.

In sum, 1-since the ballot marking devices are aging and breaking down too often, we need to implement procedures to identify broken ballot marking devices and repair them before, not after, voters need to use them,

2-poll worker training needs to better address the civil rights of voters with disabilities as well poll workers with disabilities and 3-the Board of Elections needs to select and set up polling places that follow the ADA standards.

3-Communications

The first line responders, the poll workers who meet and greet the voters waiting on the lines, should be trained to answer simple questions right then and there. For instance, if a voter states, "English is my second language" the line poll worker should be able to respond, "We can get an interpreter for you or you may use the Ballot Marking Device that has your language on it." As a second example, a voter states "I forgot my reading glasses". The line poll worker should be able to respond, "Don't worry, on a ballot marking device, you can enlarge the print or have the ballot's contents read to you." In a third example, a voter states, "I have difficulty writing". The line poll worker should be able to assure the voter that the voter can mark the ballot on a ballot marking device and explain to the voter the several different methods available to the voter to mark his ballot using the ballot marking device. In a fourth example, a voter indicates that they will need an ASL interpreter, the line manager can communicate through sign language that this will be provided and takes this voter to the poll workers that can communicate with the voter.

It needs to be communicated to the voting public that there are many options for voting available to them as well as the fact that there is a separate line available to a-voters who have difficulty standing for extended periods of time, b-voters who cannot be out in the elements, especially on very cold days and very warm days, c-the elderly and d-voters with disabilities.

Recently, members of Downstate New York ADAPT spoke at community events where they were surprised to learn that many voters still do not know about ballot marking devices. More specifically, voters do not know about the fact that anyone can use a ballot marking device to mark their ballot as well as the fact that there is more than one way that you can read and mark your ballot using a ballot marking device. Significantly, there are times when people are newly disabled and do not yet know about the many organizations representing people with disabilities that can assist them in learning about what is available to them. Thus, it is strongly recommended that this information about BMDs needs to be advertised far and wide to the public and not only to disability organizations.

We repeat our recommendation that the New York City Campaign Finance Board and the New York City Civic Engagement Commission have a social media campaign as well as a public service announcement campaign on television, radio and public transportation that explains what the BMD is, how it works and that anyone and everyone can use the BMD to read/listen to and mark their ballot. Information needs to be communicated to the general public on the many ways that all voters in

New York City can complete their ballot using a BMD and the many advantages provided by these devices such as a-larger print, b-the information on the ballot can be provided in more than one language and c-the information can be listened to through headphones by using a BMD as well as that you do not need perfect penmanship to complete a ballot using a BMD. In fact, you do not need to be able to read a ballot nor do you need hands to mark your ballot!

4-Transparency

We believe there needs to be transparency in the certification of BMDs, as well as in the process for bidding for the contracts to provide BMDs and the accessories used with these BMDs. We know that certification of BMDs is done by the New York State Board of Elections, however, we believe local Boards of Elections should advocate for greater transparency in these processes for the benefit of all their voters. Additionally, a cross section of organizations run by people with disabilities as well as organizations representing people with disabilities need to be a part of this process from the very start.

In sum, BMDs need to be reliable, secure, and allow voters to exercise their right to vote independently and privately.

5-Recommendations

Below, we set forth some recommendations for improving the voting experiences of New York City's voters with disabilities. Of course, this list of recommendations is not exhaustive, and we reserve the right to amend and/or supplement this list of recommendations.

A. The poll worker who is in charge of the BMD should be the same from year to year and/or there should be more thorough training of poll workers on the use and basic troubleshooting of BMDs. Over time this would lead them to learning how to efficiently and effectively handle many problems. Thus, each election, these poll workers would gain the experience to quickly solve the many issues they encounter during each election. With such hands on and historical knowledge, these poll workers would be able to update the site reports as well as make changes to the site reports which should improve the accessibility at the polling sites.

B. We need better communication as to the fact that every and any voter can use a BMD to read and mark the ballot. Additionally, it needs to be communicated to the public the many ways you can "read" and mark your vote on a ballot using the BMD. It would be helpful if there was available a one-page sheet in various accessible formats explaining this information as well as a social media, radio, television and print campaign providing voters with this information.

C. When many people are voting and lines form, the poll workers managing the line should be able to answer many simple questions regarding ways to vote and be properly trained to be proficient in directing voters to specific poll workers that can communicate and assist the voter. Also, all line managers and poll workers in charge of the BMDs should be able to state the many ways a voter can use the BMD to make a ballot larger, audible, available in several languages and the fact that you can mark the ballot without a pen or even the use of your hands.

D. We need improved disability etiquette training for poll workers and more training on the various ways people can communicate.

E. We need more early voting poll sites, available on more days and for longer hours and they all need to be accessible as well as safe and easy to get to. We need more early voting poll sites since people are reluctant to go to the early voting poll sites which are further then where they vote on Election Day. This issue impacts all voters who have to walk, bike or use public transportation to get to their early voting sites, but this especially impacts voters with disabilities which in many instances have difficulty traveling long distances and may rely on Access A Ride to reach their early voting poll sites. Currently, a voter with a disability who has to use Access A Ride to get to a polling place is confronted with an option that for many is no option at all since the Access A Ride service is not a same day service.

Currently, it is very difficult to receive a ride that arrives on time and that will get the voter to their polling place within a reasonable time to vote and home again. It needs to be stated that voters with disabilities who use Access A Ride cannot change their pickup time after 5 p.m. the day before their scheduled ride. Thus, if there is a change in their polling place at the last minute, they may not get the opportunity to vote if they have to rely on Access A Ride to get them to and from the polling place.

F. Ballot Marking Devices need to be set up in spots that are truly accessible. The BMDs need to be placed in a location where it is quiet enough for the voters to easily hear the verbal instructions as well as in a place where sufficient lighting exists for the voter to see the information provided on the BMDs. Additionally, the BMDs need to be positioned to allow a voter to mark their ballot without others hearing or seeing how they marked their ballot. So too, BMDs need to have better noise cancelling headphones through which a person can hear the instructions.

G. People with disabilities need to be made aware of the fact that they can request a reasonable accommodation when they apply for a poll worker position. In addition to people who are blind or have low vision, there are people with disabilities that have difficulty completing a written test, thus we request that the option to go through the same training that people who are blind or have low vision be available to people with other types of disabilities, such as, but not limited to, people with

cognitive disabilities or manual dexterity disabilities. Further, people with hearing loss and who are deaf need to have the training lectures and videos provided in formats that effectively and easily communicate the material and other information to them. This last statement applies equally for people where English is their second language, and they may feel more comfortable to have training lectures and videos in their first language.

H. The voter registration tablets should have accessible technology so that people with visual disabilities, hearing disabilities and cognitive disabilities will know what it says as well as be able to navigate the controls. The controls must also be able to be used by people with manual dexterity disabilities. This would bring about greater access for both voters and poll workers with all disabilities.

I. The writing on the ballot needs to be larger for all voters and the ballot needs to be designed to be easier to read and understand by all voters so that voting would be more welcoming to many more New Yorkers. Of course, the format, size and appearance of the ballot must be the same whether it is marked manually, electronically, with a BMD, or through the mail.

J. With respect to New Yorkers with disabilities who are incarcerated in a New York City jail, we are concerned that they are unable to vote privately and independently since it is our understanding that no ballot marking device is provided in jails. Moreover, it is our understanding that there is no secure computer on which incarcerated individuals with disabilities can receive an accessible ballot, read/ listen to it, mark it, print it out and have it scanned into a scanner in a private and independent manner while incarcerated in a New York City jail. Thus, this issue needs to be addressed and corrected so that incarcerated individuals with disabilities are placed on a level playing field with incarcerated individuals without disabilities when voting while incarcerated in a New York City jail.

K. When running for an office, many times candidates have to get petitions signed in person which can be difficult for voters with disabilities to be able to run for office. Thus, candidates should be permitted to get petitions signed online or eliminate this requirement completely.

L. Candidates with a disability should be permitted to use campaign funds to cover campaign-related expenses incurred such as an assistant to take notes for a candidate with a manual dexterity disability, provide

assistance getting to events, provide visual descriptions of places and people for a candidate with a visual disability, ASL interpreters and CART or closed captioning for a candidate with a hearing disability, etc. so that candidates with disabilities are placed on a level playing field with other candidates (See, campaign funds have been allowed to be used to cover campaign-related child care expenses on the federal level and in NYC, see Campaign Finance Board Handbook, 2025 Election Cycle, Version 1, June 2024, at p. 29, link: [NYC CFB Candidate Handbook](#)).

The rights of voters with disabilities need to be made a priority to ensure that policies and systems enable voters with disabilities the ability to exercise their right to vote privately and independently. Of course, “Nothing About Us, Without Us”. Thus, people with disabilities must be included in the decision making processes from the start.

In sum, it is our position that if these recommendations were implemented, New York voters with disabilities’ ability to fully participate would improve and this, in turn, would lead to New York City being a truly great city for all New York voters.

Thank you for giving us, the organizations listed below, the opportunity to submit these comments.

Very truly yours,

Downstate New York ADAPT

Michael Ring, Marilyn Tucci, Terence B. Page and
Kathleen Collins,
Co-Coordinationators,
Voter Engagement Working Group,
Email address: dnyadapt@gmail.com

Bronx Independent Living Services

Manuel Perez,
Executive Director,
Email address: manuel@bils.org

Brooklyn Center for Independence of the Disabled

Joseph Rappaport,
Executive Director,
Email address: [jrappaport@bcid.org](mailto:jrapaport@bcid.org)

Disabled In Action of Metropolitan New York, Inc.

Jean Ryan,

President,

Email address: pansies007@gmail.com

**Greater New York Council of the Blind of the
American Council of the Blind of New York State**

Terence B. Page,

President,

Email address: terencebpage@gmail.com

Harlem Independent Living Center, Inc.

Yaw Appiadu,

Executive Director,

Email address: yappiadu@hilc.org

**National Federation of the Blind,
Vanguard Chapter of Greater New York**

Carlos Torres,

Vice President,

Email address: carlosct91987@gmail.com

One Heart, One Vision

Rasheta Bunting,
President,

Email address: rasheta@oneheartonevision.org

Staten Island Center for Independent Living, Inc.

Carla Brodsky,
Supervisor,

Email address: cbrodsky@siciliving.org

**Memo of Support: Resolution 189A-2024
Resolution calling on the New York State
Legislature to pass, and the voters to approve, an
amendment to the New York State Constitution to
move New York City elections to even-numbered
years**

Date: December 6, 2024

Our organizations strongly support legislation to consolidate New York's odd-numbered year local elections with federal elections, occurring on even-numbered years, because those elections provide stronger voting rights protections for voters with disabilities and make it easier for such voters to vote.

Federal elections are covered by the Help America Vote Act of 2002, also known as HAVA. Among other things, Title III of HAVA requires that at least one accessible voting system be provided for voters with disabilities at each polling place during a federal election and that such an accessible voting system provide the same opportunity for access and participation for voters with disabilities as other voters, including voting independently and privately. In practice, this means that voters with disabilities must be provided with a ballot marking device (BMD) or an accessible voting machine for all voters to use.

Although New York Election Law also mandates similar voter accessibility requirements, only HAVA provides an enforcement and compliance mechanism for those rights. The federal law requires states to maintain a uniform, nondiscriminatory complaint process for people who believe their rights under Title III of HAVA were violated.

Voters with disabilities and disability rights advocates often use the HAVA administrative complaint procedure when a violation of rights has occurred, is occurring, or is about to occur, and to seek remedy from state officials. Complaints commonly include problems with poll site accessibility, BMD availability, and poll worker behavior. Under the procedure, detailed in the Rules and Regulations of the State Board of Elections, allegations against county boards of elections are heard before the State Board of Elections, which can provide relief and direct local officials to undertake or to refrain from certain actions.

Although the State Board of Election has accepted and processed complaints on HAVA violations in non-federal elections, this is not codified in law and is only based on the goodwill of the State Board. Such protections can be rolled back by simple administrative action by state election officials in the future.

The protections of the HAVA complaint procedure are even more crucial when it comes to local elections. Compliance with disability voter rights is more challenging in smaller, poorly-resourced election boards.

The complaint procedure allows voters with disabilities to get relief when their rights are violated in local elections and to ensure local boards change policies related to accessibility.

By consolidating local elections with federal elections occurring on even-numbered years, strong federal protections for voters with disabilities will be effectively extended to local elections.

Sincerely,

Bronx Independent Living Services (BILS)

Brooklyn Center for Independence of the Disabled

Center for Independence of the Disabled, NY

Disabled In Action of Metropolitan New York, Inc.

Downstate New York ADAPT

**Greater New York Council of the Blind of the
American Council of the Blind of New York State**

**National Federation of the Blind,
Vanguard Chapter of Greater New York**

One Heart, One Vision

Staten Island Center for Independent Living, Inc.

**Memo of Support: Resolution 189A-2024
Resolution calling on the New York State
Legislature to pass, and the voters to approve, an
amendment to the New York State Constitution to
move New York City elections to even-numbered
years**

Date: December 6, 2024

Our organizations strongly support legislation to consolidate New York's odd-numbered year local elections with federal elections, occurring on even-numbered years, because those elections provide stronger voting rights protections for voters with disabilities and make it easier for such voters to vote.

Federal elections are covered by the Help America Vote Act of 2002, also known as HAVA. Among other things, Title III of HAVA requires that at least one accessible voting system be provided for voters with disabilities at each polling place during a federal election and that such an accessible voting system provide the same opportunity for access and participation for voters with disabilities as other voters, including voting independently and privately. In practice, this means that voters with disabilities must be provided with a ballot marking device (BMD) or an accessible voting machine for all voters to use.

Although New York Election Law also mandates similar voter accessibility requirements, only HAVA provides an enforcement and compliance mechanism for those rights. The federal law requires states to maintain a uniform, nondiscriminatory complaint process for people who believe their rights under Title III of HAVA were violated.

Voters with disabilities and disability rights advocates often use the HAVA administrative complaint procedure when a violation of rights has occurred, is occurring, or is about to occur, and to seek remedy from state officials. Complaints commonly include problems with poll site accessibility, BMD availability, and poll worker behavior. Under the procedure, detailed in the Rules and Regulations of the State Board of Elections, allegations against county boards of elections are heard before the State Board of Elections, which can provide relief and direct local officials to undertake or to refrain from certain actions.

Although the State Board of Election has accepted and processed complaints on HAVA violations in non-federal elections, this is not codified in law and is only based on the goodwill of the State Board. Such protections can be rolled back by simple administrative action by state election officials in the future.

The protections of the HAVA complaint procedure are even more crucial when it comes to local elections. Compliance with disability voter rights is more challenging in smaller, poorly-resourced election boards.

The complaint procedure allows voters with disabilities to get relief when their rights are violated in local elections and to ensure local boards change policies related to accessibility.

By consolidating local elections with federal elections occurring on even-numbered years, strong federal protections for voters with disabilities will be effectively extended to local elections.

Sincerely,

Bronx Independent Living Services (BILS)

Brooklyn Center for Independence of the Disabled

Center for Independence of the Disabled, NY

Disabled In Action of Metropolitan New York, Inc.

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**Greater New York Council of the Blind of the
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One Heart, One Vision

Staten Island Center for Independent Living, Inc.

December 3, 2024

Committee on Governmental Operations, State & Federal Legislation
The New York City Council
City Hall Park
New York, NY 10007
testimony@council.nyc.gov

By Email

Re: Support for Resolution No. 189-A, Amendment to the New York State Constitution to Move New York City Elections To Even-numbered Years

Dear Council Members:

The Election Law Clinic at Harvard Law School offers the following information as you consider proposed Resolution 189-A-2024 (Ung), which would call on the New York State Legislature to pass legislation to move the timing of New York City municipal elections to even-numbered years, on the same cycle as federal and state elections. As explained below, New York City’s current practice of holding local elections “off-cycle” in odd years dilutes the voices of Black and Brown voters and young voters. Off-cycle elections exacerbate racial and age disparities in political participation and lead to under-representation of voters of color and young voters in local governments across the state. The proposed Resolution provides a critical opportunity to support eliminating the off-cycle elections that produce these discriminatory effects.

I. Background

In recent years, New York lawmakers began addressing the effects of election timing on voter turnout, voting disparities, and voter confusion. The John R. Lewis Voting Rights Act of New York, which passed in 2022, provided the court with the power to move the dates of local elections to remedy voter disenfranchisement of a protected class and ensure that voters of race, color, and language-minority groups have equitable access to fully participate in the electoral process.¹

In 2023, the Legislature passed and Governor Hochul signed a law that moves nearly all local county and town elections across the state to even-numbered years, in an effort to combat persistent low turnout rates and voter confusion produced by the off-year local election calendar.² The Election Law Clinic at Harvard Law School provided voter turnout

¹ N.Y. Elec. Law § 17-206(5)

² Chapter 741 of the Laws of 2023

analysis covering 16 New York counties before the bill was signed.³ To move the date of city elections, including for New York City elected offices, the New York State Constitution must be amended. Earlier this year, lawmakers introduced a constitutional amendment that would move elections of city and other offices to even-numbered years,⁴ and the bill was considered before the end of the legislative session.⁵

The largest jurisdiction to be impacted by the proposal is New York City, but because of constitutional constraints, the shift in election calendar cannot be accomplished through a local law. The New York City Council is thus considering approving a resolution that would call on the Legislature to pass, and the voters to approve, an amendment to the New York State Constitution that would move New York City elections to even-numbered years.

Resolution 189-A states that “voters in even-numbered year elections tend to be more demographically representative of the electorate as a whole” and that “turnout would increase the most for younger voters and voters of color if municipal elections were to be moved to even-numbered years”. This memorandum is intended to provide lawmakers with new data and information about this topic, the impact of election year on racial and age-based disparities in New York City voter participation.

II. Off-Cycle Elections Can Exacerbate Racial Disparities in Voting

a. Off-cycle elections have been shown to contribute to significant racial and age-based disparities in political participation

Studies have consistently shown that off-cycle elections significantly depress voter turnout,⁶ and in doing so disproportionately suppress the ability of young people and people of color to participate in the democratic process.⁷ Off-cycle elections increase the cost of participation—including arranging time off work, learning where and when to vote, and traveling to the polls—which, as research has shown, often makes voting burdensome or impossible for “occasional voters (who are generally younger, more likely to be minorities,

³ December 11, 2023 letter from voting rights groups to Governor Kathy Hochul regarding Support for the Election Alignment Bill (A4282B/S3505B) <https://www.naacpldf.org/wp-content/uploads/2023.12.11-Letter-to-Gov.-Hochul-in-Support-of-A.4282B-S.3505B-Civil-and-Voting-Rights-Organizations.pdf>

⁴ S9126/A10466

⁵ Bill Mahoney, Politico New York, 05/02/2024, *Moving New York City elections to even years enters end-of-session talks*. <https://subscriber.politicopro.com/article/2024/05/new-york-elections-even-years-00155743>

⁶ See generally, e.g., Zoltan L. Hajnal, Vladimir Kogan, & G. Agustin Markarian, *Who Votes: City Election Timing and Voter Composition*, 116 AM. POL. SCI. REV. 374, (2022) [hereinafter Hajnal et al., *Who Votes*]; SARAH ANZIA, TIMING AND TURNOUT: HOW OFF-CYCLE ELECTIONS FAVOR ORGANIZED GROUPS (2014); Christopher Berry & Jacob E. Gersen, *The Timing of Elections*, 77 U. CHI. L. REV. 37 (2011).

⁷ See, e.g., Joseph T. Ornstein, *Municipal Election Timing and the Politics of Urban Growth* 8 – 9 (Apr. 30, 2018) (on file with University of Michigan) (“The most prominent consequence of holding elections off-cycle is lower voter turnout...[b]ut this decrease in turnout is not uniform.”) [hereinafter, Ornstein, *Municipal Election Timing*].

and poorer).”⁸ Aligning local elections with state and national elections “greatly reduces [that] cost of participation”⁹ for less habitual voters to engage in local democracy, without reducing habitual voters’ opportunities to participate.¹⁰ In stating support for holding these elections alongside national contests, the proposed resolution takes a meaningful step—heralded by some scholars as “the single most important change”¹¹—to both increase voter turnout and ensure that the electorate is truly representative of the communities that New York City officials serve.

The impact of off-cycle election timing is starkly demonstrated in the disparity between younger and older voter turnout. In fact, one study examining election timing and voter turnout for school districts noted that one of the “most substantial difference[s]” in voter share between on-cycle and off-cycle elections was for elderly voters.¹² While older Americans are vastly overrepresented in off-cycle contests (sometimes representing “more than 2 times as many voters as they do . . . residents”), younger Americans are “substantially better represented in on-cycle contests” to create a more representative voting population.¹³

The same holds true for voters of color. A study of recent local elections demonstrated that the proportion of racial and ethnic minority voters increases substantially when local elections are held concurrently with state and federal contests.¹⁴ In areas with high minority populations, this shift is even more consequential, and can lead to nearly doubling turnout among minority voters.¹⁵ Local elections provide perhaps the clearest example that every vote matters, where even a small differences in turnout can translate into different election outcomes; aligning election dates with federal contests ensures that voters more easily have a say in the matters that affect them on a day-to-day basis.¹⁶

The vast majority of academic research points to the same conclusion: aligning election timing is the single most effective election regulation one can take to increase voter turnout. Aligning local and national contests decreases the cost of voter participation, providing easier access to the vote for significant portions of the electorate. In addition, because research shows that both voting and non-voting are self-reinforcing—or “habit-forming”—behaviors, this important change can create long-term benefits in civic

⁸ Hajnal et al., *Who Votes* at 374.

⁹ *Id.*

¹⁰ Vladimir Kogan, Stephane Lavertu, Zachary Peskowitz, *Election Timing, Electorate Composition, and Policy Outcomes: Evidence from School Districts*, 62 AM. J. POL. SCI. 637, 644 (2018) [hereinafter Kogan et al., *Election Timing*].

¹¹ Hajnal et al., *Who Votes* at 374.

¹² Kogan et al., *Election Timing*, at 645.

¹³ Hajnal et al., *Who Votes*, at 379; *see also* Ornstein, *Municipal Election Timing*, at 9 – 10.

¹⁴ Hajnal et al., *Who Votes*, at 377 – 381.

¹⁵ Melissa Marschall & John Lappie, *Turnout in Local Elections: Is Timing Really Everything*, 17 *Election L.J.* 221 (2018). Zoltan Hajnal & Jessica Troustine, *Where Turnout Matters: The Consequences of Uneven Turnout in City Politics*, *Journal of Politics*, 67 J. POL. 515, 521 – 523 (2005).

¹⁶ Hajnal & Troustine, *Where Turnout Matters* at 521 – 523.

participation among eligible New Yorkers.¹⁷ Establishing on-cycle municipal elections would decrease age and racial disparities in political participation, help make local democracy more inclusive, and City Government more representative.

b. Off-cycle elections result in severe racial and age disparities in participation in New York City elections.

A preliminary study of voter turnout by age and race/ethnicity performed by the Election Law Clinic at Harvard Law School demonstrates the starkly suppressive effects of off-cycle elections.¹⁸

The methodology used for this analysis was as follows: Bayesian-Inference Surname Geocoding (BISG)¹⁹ was applied to voter files from 2016-2022²⁰ for both the entirety of New York City and the five boroughs/counties separately. Based on this data, the following conclusions can be drawn.

There is reduced turnout in off-cycle elections in general across New York city. Figure 1 shows the average turnout in each collection of elections (Presidential, Congressional, and odd-year) for New York City and individual boroughs. In Presidential election years average voter turnout is approximately 61.5% across New York City. In Congressional years turnout drops to 41.8%. And in odd-year elections, average New York City voter turnout is just 20.6%.²¹ While this pattern varies in severity across the five New York City boroughs studied, the trend holds across the counties studied. Odd-year elections result in significantly lower voter turnout compared to Presidential and Congressional (even-year) elections.

¹⁷ Alan S. Gerber, Donald P. Green & Ron Shachar, *Voting May Be Habit-Forming: Evidence from a Randomized Field Experiment*, 17 *Amer. J. Pol. Sci.* 540, 549 (2003). These long-term benefits can be expected in part because the “habit” of voting is “an outgrowth of changed self-perception” about one’s own voting behavior. *Id.* While, according to one study’s authors, “the schedule of frequent and often low-salience elections typical of the United States contributes to the breakdown of voting habits by offering many opportunities for abstention,” aligning election schedules can have the opposite effect, “increas[ing] the proportion of the electorate who describe themselves as ‘voters,’ a self-perception that would be expected to persist over time and to predict subsequent voting rates.” *Id.*

¹⁸ The conclusions of this study are reported in this letter, and the underlying code and data are on file with the Election Law Clinic at Harvard Law School.

¹⁹ BISG data uses estimation methods based on geocoded address and surname to refine Census data and provide predictive estimates of race and ethnicity. *See e.g. Nat’l Ass’n for Advancement of Colored People, Spring Valley Branch v. E. Ramapo Cent. Sch. Dist.*, 462 F. Supp. 3d 368, 382 (S.D.N.Y. 2020), *aff’d sub nom. Clerveaux v. E. Ramapo Cent. Sch. Dist.*, 984 F.3d 213 (2d Cir. 2021).

²⁰ Please note that 2019 was an unusual city election year. Only one citywide office was on the ballot, so its utility is limited. Further information can be provided on request.

²¹ The New York City Board of Elections’ total turnout aggregates differ slightly from the turnout aggregates reported here because this analysis is based on voter files mostly extracted in April following an election.

Congressional and odd year elections reduce turnout compared to Presidential year elections

New York City as a whole shows a significant decrease in turnout from presidential election years to Congressional and odd year elections. This pattern holds, but varies in severity, across the individual counties studied.

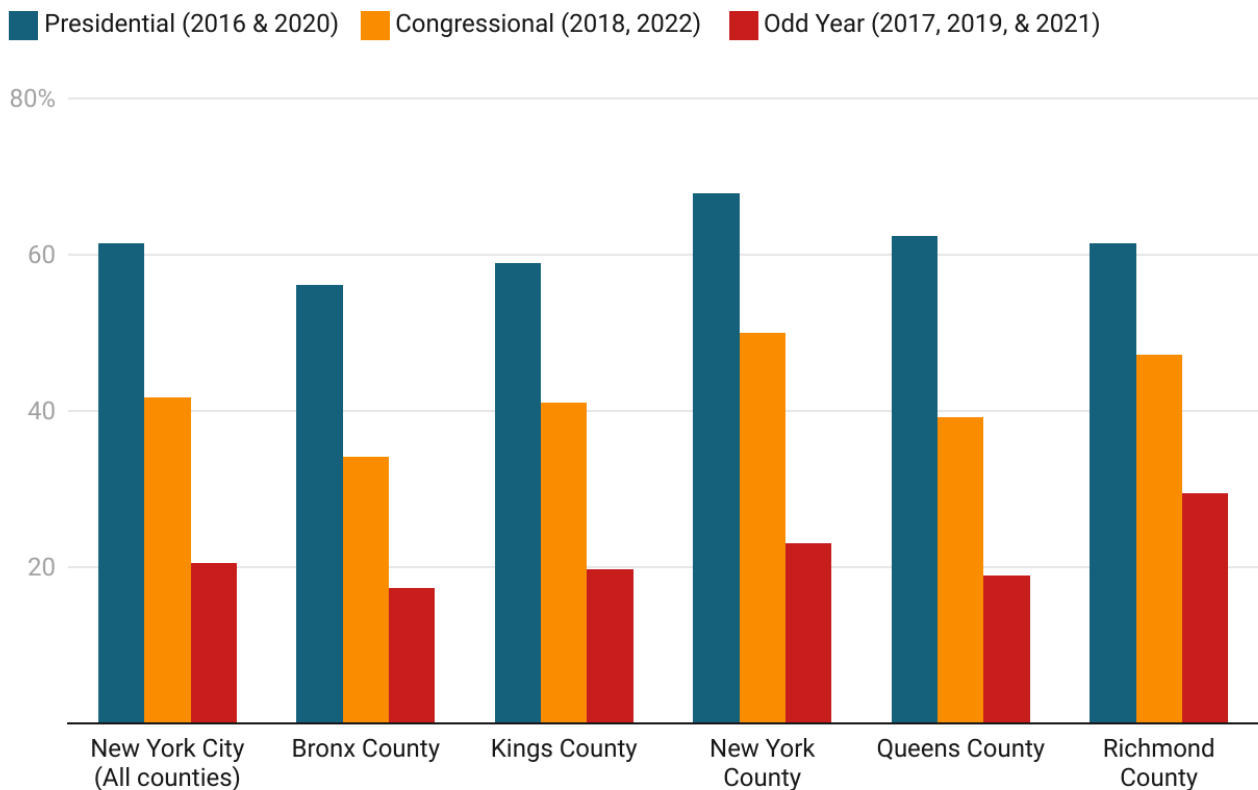


Figure 1. Average Turnout in New York City (all counties), Bronx County, Kings County, New York County, Queens County, and Richmond County

Off-cycle elections reduce turnout in New York City general elections for all racial groups. Figure 2 below shows turnout across racial groups for all New York City voters between 2016 and 2022. Voters of every race turn out at a significantly higher rate in Presidential years as compared to Congressional and odd year elections. The decrease in turnout is especially dramatic for minority voters in odd year elections. For example, between 2016 and 2017, Black turnout fell from 63.5% to 19.2%; Hispanic turnout fell from 60.3% to

16.0%; and Asian turnout fell from 59.1% to 14.1%. While white turnout also fell, it remained significantly higher than minority turnout. Between 2016 and 2017, White turnout fell from 74.2% to 29.3%.

New York City Voters of all races turn out less in off-cycle elections.

The figure below shows estimated turnout rates (%) for voters of all races across elections in city-wide elections between 2016 and 2022.

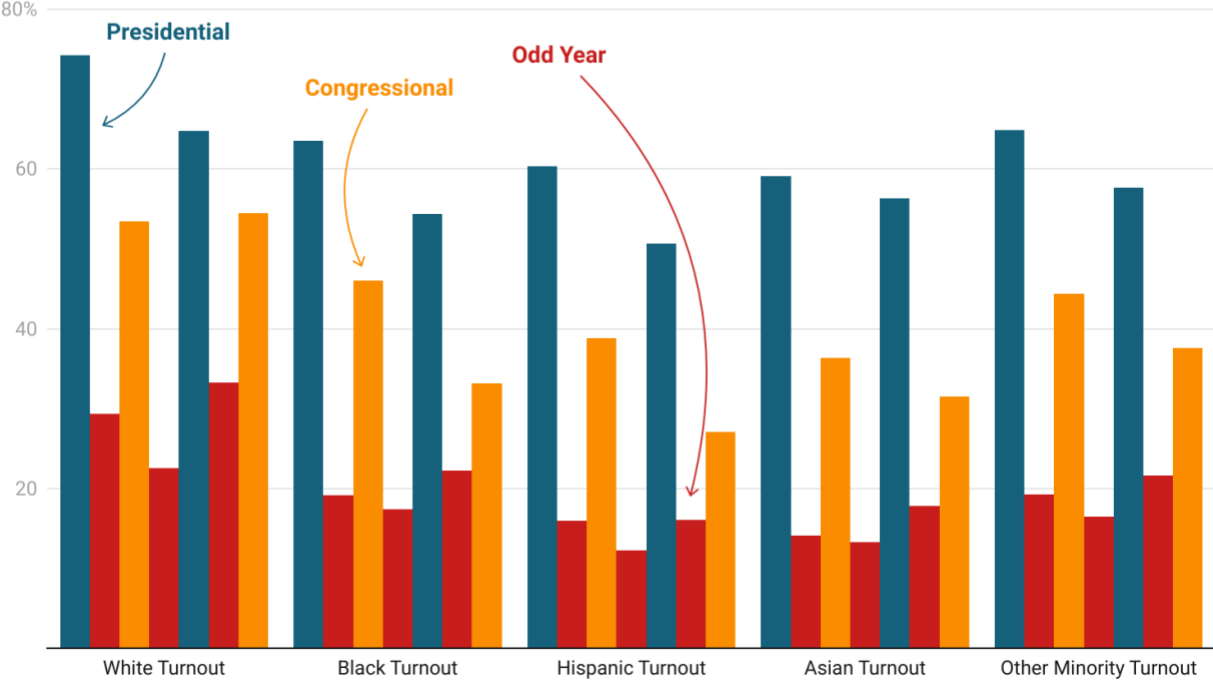


Figure 2. Average turnout by racial group in Presidential (2016, 2020), odd year (2017, 2019, 2021), and congressional (2018, 2022) election years.

Figure 3 shows that the same trend holds across age groups. Every age group shows significant decreases in turnout in Congressional and odd-year elections compared to Presidential election years. But that disparity is more pronounced among younger voters compared to older voters. Between 2016 and 2017, 18 to 35 turnout fell from 61.8% to 12.6%. In the same timeframe, 65 and above turnout fell from 67.8% to 29.5%.

New York City Voters of all ages turn out less in off-cycle elections.

The figure below shows estimated turnout rates (%) for voters of all ages across elections in city-wide elections between 2016 and 2022.

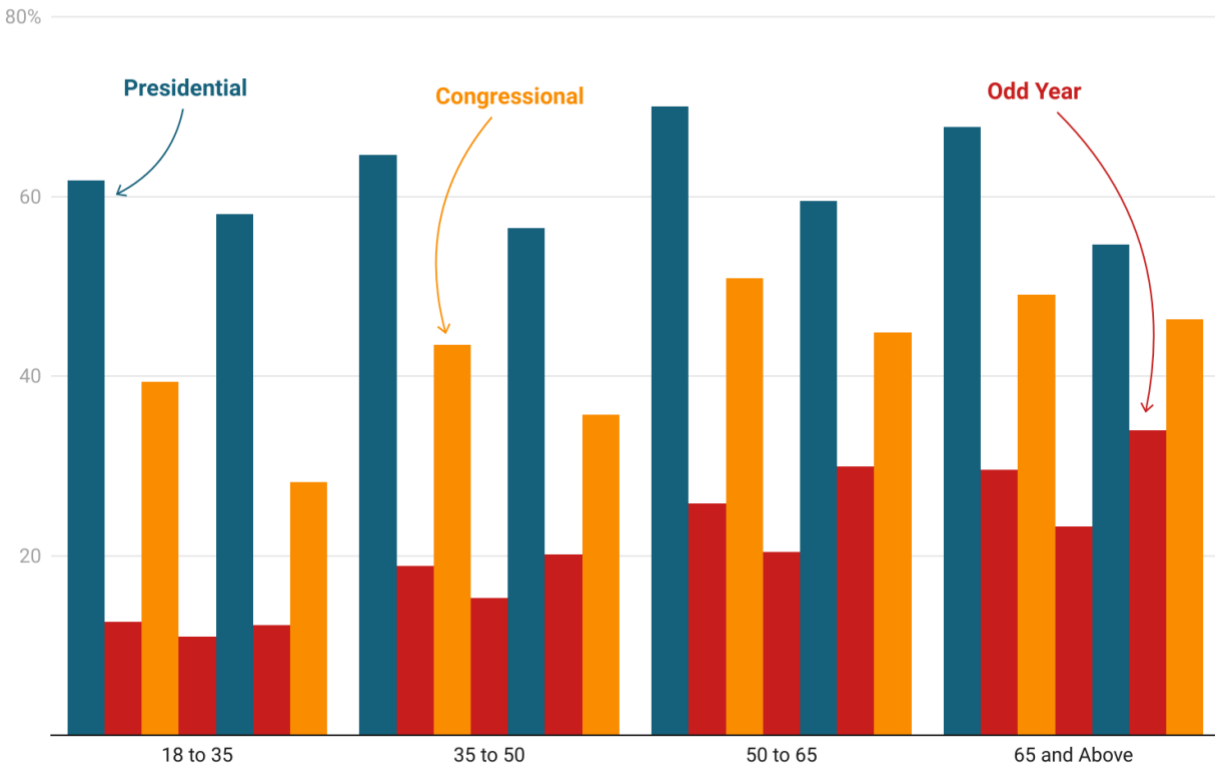


Figure 3. Average turnout by age group in Presidential (2016, 2020), odd year (2017, 2019, 2021), and congressional (2018, 2022) election years.

Because of the disparity in off-cycle election effects and preexisting turnout disparities, turnout among both young voters and among voters of color, expressed as a proportion of elder and white turnout respectively, is significantly lower in off-year elections, as shown in Figures 4 and 5. This means that off-cycle electorates are disproportionately whiter and older than on-cycle electorates. In 2016 and 2018, minority turnout was 82.9% and 77.1% of white turnout, respectively. But in 2017 during New York’s mayoral election, minority turnout was just 57.8% of white turnout. Similarly, in 2016 and 2018 youth turnout was 91.2% and 80.3% of elder turnout, respectively. In 2017, the ratio of youth turnout to elder turnout was just 42.6%.

New York City's odd-year elections depress minority turnout relative to white turnout.

This figure shows the ratio of minority turnout over white turnout rate. Turnout is the number of group members who voted over the number of group members who are registered to vote in a given year. Minority turnout relative to white turnout is regularly lower in odd-year elections compared to Presidential and Congressional elections.

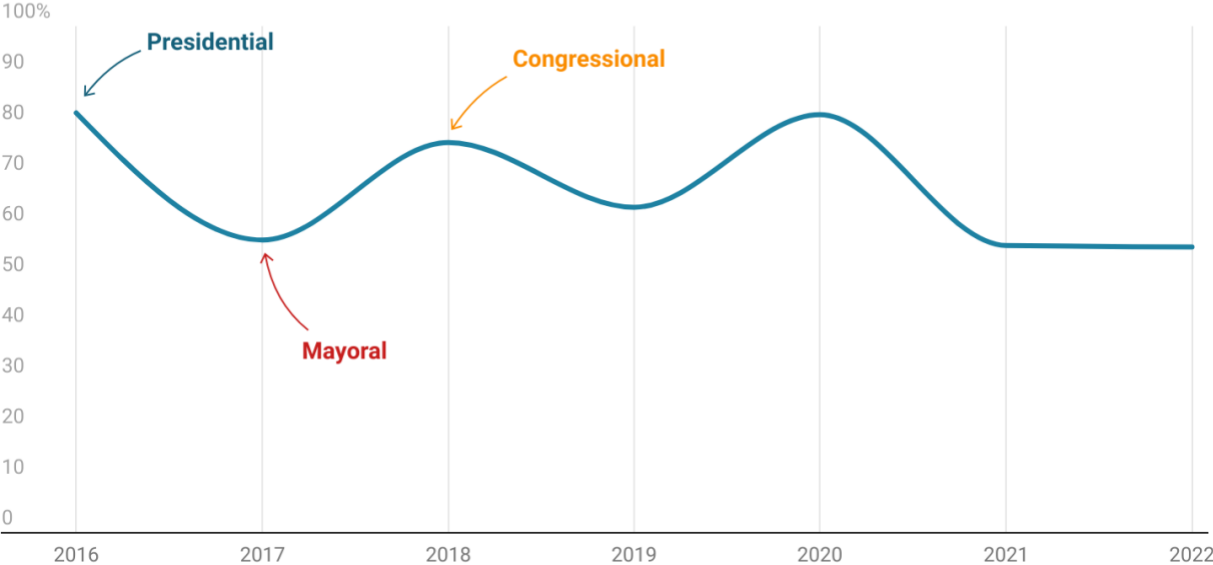


Figure 4: Average Ratio of Minority Voters to White Voters in Elections, 2016-2022, in New York City.

New York City's odd-year elections depress youth turnout relative to elder turnout.

This figure shows the ratio of youth turnout (18 to 35) over elder turnout (65+). Turnout is the number of members of a group who vote over the number of registered voters from that group in a given year. Youth turnout relative to elder turnout drops significantly in odd-year elections compared to Presidential and Congressional elections.

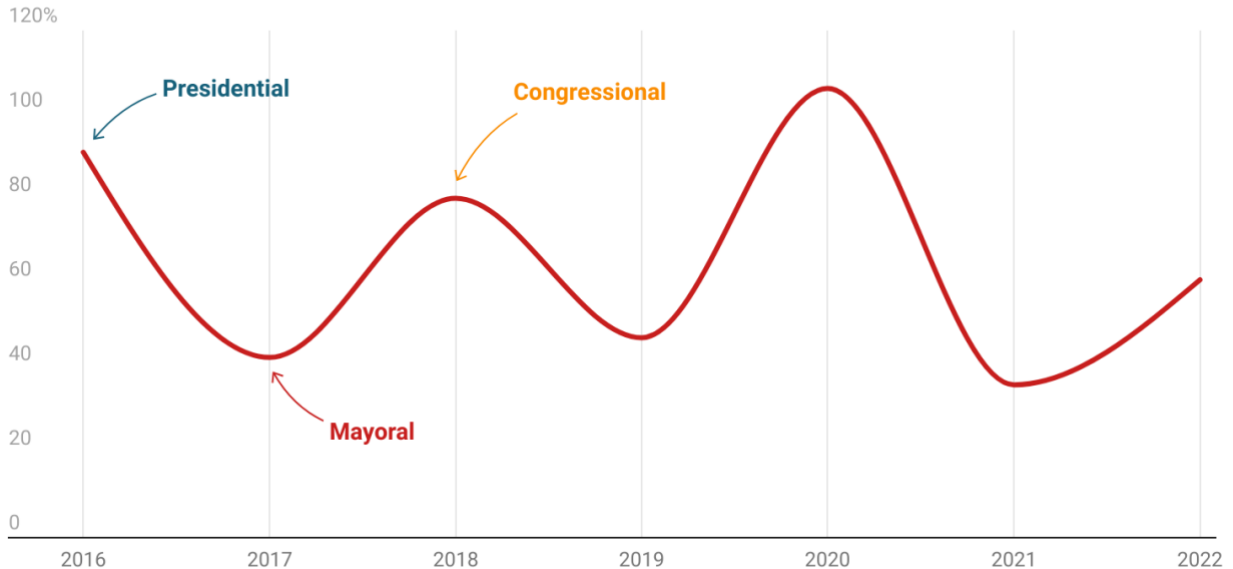


Figure 5: Average Ratio of 18-35 Year Old Voters to Over 65 Year Old Voters in Elections, 2014-2022, in the Sixteen Studied Counties

Ultimately, all voters lose when city elections are held off-cycle. Voters of every race and age turn out less in off-cycle elections. But decreases in turnout are more pronounced among minority and younger voters. As a result, New York City's off-cycle elections dilute the voices of minority and youth voters relative to on-cycle elections.

III. Moving New York City's Municipal Elections Year Will Promote Compliance with Federal and State Law

Shifting New York City's election calendar to align with statewide elections will prevent potential violations of federal and state law. It is unlawful for states and local governments to maintain off-cycle elections if they have a racially disparate effect. The federal Voting Rights Act prohibits practices—including off-cycle elections—that “result[] in a denial or abridgement of the right of any citizen of the United States to vote on account of race, color, [or language-minority status],” and a violation of the statute exists when “it is shown that the political processes leading to nomination or election in the State or political subdivision are not equally open to participation by members of [protected classes] in that [their] members have less opportunity than other members of the electorate to participate in

the political process and to elect representatives of their choice.”²² Similarly, the John R. Lewis Voting Rights Act of New York (the “NYVRA”) prohibits practices—including off cycle elections—whenever it is shown that “based on the totality of the circumstances, members of a protected class have less opportunity than the rest of the electorate to elect candidates of their choice or influence the outcome of elections.”²³ By shifting City elections “on-cycle” to even years, New York will facilitate compliance with federal and state law.

* * *

For the above reasons, we encourage you to approve Resolution 189-A-2024, supporting moving New York City’s municipal elections to even-numbered years. Please feel free to contact Ruth Greenwood (rgreenwood@law.harvard.edu) with any questions or to discuss these issues in more detail.

Sincerely,

Nithin Venkatraman
Student Attorney

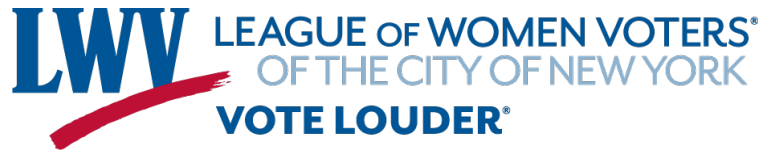


Ruth Greenwood
Assistant Clinical Professor and Director

Election Law Clinic
Harvard Law School
6 Everett Street, Suite 4105
Cambridge, MA 02138
Tel: [REDACTED]
Email: elc@law.harvard.edu

²² See 52 U.S.C. § 10301; see, e.g. Compl., *Citizens Project v. City of Colorado Springs*, No. 22-cv-1365 (D. Colo. Jun. 1, 2022), ECF No. 1

²³ N.Y. Elec. Law § 17-206(1).



Protecting and defending voting rights and making voting more accessible, especially for vulnerable communities, is the hallmark work of the League of Women Voters.

In 2021, the League of Women Voters of the City of New York and New York State supported Governor Hochul's signed bill S1555A which simplified the process for domestic violence survivors to make their voter registration confidential by allowing them to make an affirmation directly to the Board of Elections rather than appearing in court. This was an important step in safeguarding the voting privacy of survivors.

Throughout the years, the League of Women Voters has been a consistent and strong advocate for laws that protect and improve the lives of domestic violence survivors. In NY State, we lobbied vigorously for the Family Protection and Domestic Violence Intervention Act of 1994 and for a redefinition of "family" to better acknowledge the circumstances upon which violence in the household may occur. We have supported anti-stalking legislation, and in 1998-99 supported lowering the evidentiary threshold for the proof of physical and serious physical injury. Extending voting protections for survivors is an important milestone for NY.

We are proud to support Council Member Brewer's new legislation **Voter Confidentiality for Domestic Violence Survivors**, [Intro 0565-2024](#), which will bring awareness and education to this critical issue. This bill will require key city agencies to provide the needed information, guidance and assistance to individuals in this vulnerable community.

As we all know, a law is only as good as it is enforceable or known. Requisite information is essential to DV survivors to feel safe in the knowledge that they can exercise their voting right without sacrificing their safety. Ensuring that this information is provided to them and their information is secure is a singular step toward helping these survivors feel part of the community to which they choose to belong.

We urge the Council to pass [Intro 0565-2024](#) and manage its effective implementation.

Respectfully submitted by,

Susie Gomes
Chair, City Affairs
League of Women Voters of the City of New York

Asian American Legal Defense and Education Fund (AALDF) • Brennan Center for Justice at NYU School of Law • Brooklyn Voters Alliance • Citizens Union • Common Cause/NY • Disabled In Action of Metropolitan NY • Downstate New York ADAPT • El Puente de Williamsburg • Generation Vote • LatinoJustice PRLDEF • League of Women Voters of the City of New York • NAACP Legal Defense and Educational Fund, Inc. (LDF) • New York Civic Engagement Table (NYCET) • New York Civil Liberties Union (NYCLU) • Reinvent Albany • Staten Island Center For Independent Living • United Neighborhood Houses • The Workers Circle • YMCA of Greater New York • YVote

MEMORANDUM OF SUPPORT

[Resolution No. 189-A 2024 \(Ung\)](#)

Resolution calling on the New York State Legislature to pass, and the voters to approve, an amendment to the New York State Constitution to move New York City elections to even-numbered years.

The organizations signed below express their support for New York City Council Resolution 189-A-2024, which calls on the State Legislature to pass legislation that would move New York City’s municipal elections from odd-numbered years to even-numbered years.

New York City has suffered from [very low voter participation rates](#) in local elections for several decades, with the last City election reaching a historic low of only 23% voter turnout. Our off-year election cycle not only depresses turnout but also leads to unrepresentative electorates: the voting population is older, whiter, and wealthier than the overall population of New York City. [Studies](#) comparing odd- and even-numbered year elections [consistently show](#) that racial and age-based turnout gaps are higher in local elections than in even-year presidential and gubernatorial elections.

Aligning the timing of our municipal elections with high-profile, high-turnout federal or statewide elections would dramatically boost voter turnout for local offices, from mayor to council districts. It would also [reduce the gaps](#) in participation, particularly among young voters and voters of color. And it would save the city tens of millions of dollars a year, [according to the Independent Budget Office](#).

Other cities that have made this shift [have seen](#) voter participation in local elections double or triple, and their voting population has become more reflective of the city. It has been successfully implemented in municipalities using Ranked Choice Voting, like San Francisco and Oakland; cities with closed-primary systems, like Baltimore; and large and diverse cities like Los Angeles. Over 100 municipalities and several states have moved local elections “on cycle” over the last decade in an effort to combat low turnout.

New York State has also moved to align local elections with federal and statewide elections by passing Chapter 741/2023, which moved county and town elections to even years. Moving New York City’s elections would require lawmakers to pass a constitutional amendment, which voters will then need to approve. Such legislation has the support of [Governor Hochul](#) and [dozens](#) of voting rights, disability rights, civic, and community groups. Importantly, New York City voters [support this policy](#) with nearly three-to-one approval rates regardless of age, race and ethnicity, education, or party affiliation.

Therefore, changing New York City’s election calendar would be a long process that would only go into effect in the next decade, at the earliest. This gradual, long-term implementation process provides ample time for lawmakers, election officials, civic groups, and the public to prepare for the new election calendar with necessary administrative and educational measures.

New York City must act to stop the decades-long downward spiral in voter participation in our municipal elections and move to an election calendar that gives more New Yorkers a voice in who runs their government. We urge the New York City Council to pass Resolution 189-2024.

Sincerely,

Asian American Legal Defense and Education Fund (AALDF)

Brennan Center for Justice at NYU School of Law

Brooklyn Voters Alliance

Citizens Union

Common Cause/NY

Disabled In Action of Metropolitan NY

Downstate New York ADAPT

El Puente de Williamsburg

Generation Vote

LatinoJustice PRLDEF

League of Women Voters of the City of New York

NAACP Legal Defense and Educational Fund, Inc. (LDF)

New York Civic Engagement Table (NYCET)

New York Civil Liberties Union (NYCLU)

Reinvent Albany

Staten Island Center For Independent Living

United Neighborhood Houses

The Workers Circle

YMCA of Greater New York

YVote

Testimony of the Muslim Community Network (MCN)

In Support of Intro 0565-2024

Committee on Governmental Operations Hearing

December 4, 2024

Good afternoon, Chair Restler, and members of the Committee on Governmental Operations.

My name is Husein Yatabarry, and I am the Executive Director of the Muslim Community Network (MCN). MCN works to strengthen communities by addressing social justice issues, fostering civic engagement, and empowering individuals from diverse backgrounds.

Today, I am here to express MCN's strong support for Intro 0565-2024, which provides essential guidance and resources to ensure domestic violence survivors can exercise their right to vote while protecting their personal safety.

Voting is a cornerstone of democracy and a fundamental right that every individual should be able to exercise without fear. For survivors of domestic violence, however, the very act of registering to vote can pose serious risks to their safety and privacy. By requiring the Campaign Finance Board to develop clear guidance and mandating its distribution through the Office to End Domestic and Gender-Based Violence (ENDGBV), this bill addresses a critical gap in support for survivors.

In particular, we commend the following provisions of the bill:

1. **Streamlining Access to Information:** Clear, regularly updated guidance on securing voter registration confidentiality will empower survivors with the knowledge they need to protect their safety while engaging in civic life.
2. **Support at Family Justice Centers:** Providing survivors with assistance in preparing and submitting written statements ensures they receive the hands-on support necessary to navigate the process.
3. **Collaborative Distribution:** Partnering with city agencies and community organizations expands the reach of these resources, ensuring that more survivors can benefit from these protections.

At MCN, we frequently encounter individuals facing barriers to civic engagement due to safety concerns and a lack of accessible information. This bill takes significant steps to remove these barriers, making the voting process more inclusive and secure for vulnerable populations.

We also recognize the vital role of community organizations in spreading awareness about these resources. MCN stands ready to partner with the city in educating our communities about these protections and ensuring that survivors know they can participate in elections safely.

In conclusion, Intro 0565-2024 is a necessary and timely measure that will help ensure no survivor has to choose between their safety and their right to vote. We urge the Committee and the full City Council to pass this legislation without delay.

Thank you for the opportunity to testify. I am happy to answer any questions or provide further assistance as needed.



FOUNDER EMERITUS

Hon. Edward R. Roybal †

†deceased

CHAIR

Hon. Alejandra Sotelo-Solis
Member, UC Regents Selection
Advisory Committee, CA

SECRETARY

Hon. Mary González
Texas State Representative

TREASURER

Mr. Rick R. Olivarez, Esq.
Partner, Olivarez Madruga
Law Organization, LLP

Testimony

By

Orlando R. Ovalles, Northeast Director of Civic Engagement

**National Association of Latino Elected and Appointed
Officials (NALEO) Educational Fund**

before the

New York City Council

Committee on Governmental Operations, State and Federal Legislation

For a Hearing on

**"Evaluating the Board of Elections' Performance in the 2024 General Election &
Preparation for June 2025 Elections."**

New York, New York

December 4, 2024

NALEO.ORG
X @NALEO
213.747.7606

LOS ANGELES, CA
1000 Corporate Center Dr., Ste. 310
Monterey Park, CA 91754

HOUSTON, TX
1415 N. Loop W Fwy, Ste. 1020
Houston, TX 77008

NEW YORK, NY
14 Wall Street, Suite 5E
New York, NY 10005

WASHINGTON, D.C.
600 Pennsylvania Ave. SE, Ste. 480
Washington, DC 20003

Chair Restler and members of the committee: Thank you for the opportunity to provide this testimony on behalf of the National Association of Latino Elected and Appointed Officials (NALEO) Educational Fund. We urge the City Council to pass three measures that will greatly enhance the participation of Latinos and other underrepresented groups in New York City's electoral process: Introduction 441, which would improve young New Yorkers' access to voter registration materials; Resolution 0322-2024, which would promote the passage of legislation requiring Queens Board of Elections to provide language assistance in certain Asian Indian languages; and Resolution 0189, which would promote the enactment of a measure to consolidate New York City's municipal elections with the state's even-year gubernatorial elections. We also offer recommendations on how New York state and municipal agencies must work closely with stakeholders to ensure the sound implementation of the consolidation of elections envisioned in Resolution 0189.

NALEO Educational Fund is the leading non-profit, non-partisan organization that facilitates full Latino participation in the American political process, from citizenship to public service. Our constituency encompasses the more than 7,000 Latino elected and appointed officials nationwide, among which more than 90 are from New York City, and it includes Republicans, Democrats, and Independents. For several decades, NALEO Educational Fund has been at the forefront of efforts to increase Latino civic engagement and to empower the Latino community to participate in the American democratic process. NALEO Educational Fund's New York City office, which was established nearly 30 years ago, has been a leader in conducting robust non-partisan efforts to mobilize Latinos to register to vote and cast ballots; to assist eligible lawful permanent residents with the U.S. citizenship process; and to encourage Latinos to participate in the decennial Census.

Introduction 441

Introduction 441 would require the New York City Department of Education and the New York City Board of Elections to provide high school seniors with voter registration materials and to track and report on the efficacy of distributing registration materials to these students. According to an analysis by The Civics Center¹, as of May 22, 2024, voter registration among 18-year-olds in New York City lagged substantially behind that of eligible voters in the rest of the state. While the average rate of registration for 18-year-olds in New York State was around 40%, the average rate in New York City was below 25%.

It is particularly important that New York City takes action to improve the voter registration of Latino youth, because they are becoming an increasingly large segment of its eligible electorate. According to 2022 data from the Census Bureau's Current Population Survey November Voting and Registration Supplement, while Latinos comprise 23% of New York City's overall eligible electorate (voting-age citizens), they comprise a much larger share (36.1%) of its 18–24-year-old eligible electorate. Without

¹ <https://www.thecivicscenter.org/blog/new-york-youth-voter-registration>

greater participation by Latino youth in New York City's electoral process, the City's democracy will be less responsive and accountable to the concerns of the citizens that will shape its future.

New York City can work to close the youth registration gap in part by providing better materials for high school seniors that promote and explain the voter registration process. This effort should also include providing limited-English proficiency students with translated voter registration forms to overcome language barriers, and we are encouraged that Introduction 441 contains specific language to address this issue. This is particularly important for Latino students, because while these students comprise more than 40% of the total enrollment at the New York City public schools, they account for 66% of the schools' English Language Learners. Given these data, we believe that Introduction 441 represents one effective approach for ensuring that more eligible Latino youth are able to participate in the democratic process. For these reasons, we urge the New York City Council to support Introduction 441.

Resolution 0322-2024

Resolution 0322-2024 calls on the New York State legislature to enact a measure directing the Queens Board of Elections to provide language assistance in Bengali, Punjabi and Hindi. This legislation will help ensure that all eligible U.S. citizens in New York City can cast an informed ballot even if they are not yet fully proficient in the English language. Voter registration and election materials often include information about candidates, ballot measures, and the voting process, which are written in complex language. Navigating the procedures involved in casting a ballot can also be difficult for U.S. citizens with limited-English proficiency. Some of these U.S. citizens are native-born but have lacked full access to educational opportunities in the City. Others are naturalized citizens who are not yet familiar with the electoral process.

Under Section 203 of the federal Voting Rights Act, the borough of Queens is required to provide language assistance during the electoral process in "Asian Indian" languages. The borough has interpreted this as a requirement to provide language assistance to Asian Indian citizens solely in Bengali. However, together with Bengali, Punjabi and Hindi are the Asian Indian languages most commonly spoken in the borough. By calling on the legislature to direct the borough to provide language assistance in all three of these languages, Resolution 0322-2024 sends a clear message that all eligible citizens of Queens must be able to exercise their fundamental right to vote regardless of English-language proficiency. For these reasons, we urge the New York City Council to support Resolution 0322-2024.

Resolution 0189-2024

For many decades, New York City has seen persistently low voter turnout in municipal elections. Despite the critical voting reforms enacted by the New York State legislature, including early voting, automatic and online voter registration, shortening voter registration deadlines, and improving absentee voting, these measures have yet to translate into higher turnout rates in municipal elections,

especially for Latinos and other underrepresented groups. This situation has serious implications for our city's governance and policy making, since low voter turnout indicates that many New Yorkers have not been able to make their voice heard in the state's democracy or elect candidates that are accountable to their concerns.

Given the available data on voter turnout rates in New York State, academic research, as well as anecdotal evidence from U.S. jurisdictions who have changed their local election dates, we believe that moving New York City's elections to even-numbered years to coincide with gubernatorial elections can be an effective strategy to help ensure higher turnout for Latinos and other underrepresented groups. Ultimately, this would result in a more vibrant democracy and a more responsive government for all New Yorkers.

Academic research, as well as the real-world experience of several U.S. jurisdictions, suggest that a major factor contributing to low voter turnout rates in municipal elections is the fact that for local offices, elections are held in odd-numbered "off-cycle" years rather than being aligned with gubernatorial or presidential elections. According to a 2022 [Citizens Union's policy report](#), in the last 22 years, the turnout of the eligible electorate has been significantly lower in mayoral elections than it has in even-year elections. This dynamic is not unique to New York City. In most U.S. jurisdictions, local elections are held separately from federal elections, and they tend to see lower turnout rates compared to presidential or gubernatorial contests. As highlighted in the aforementioned report, in the past two decades, the six largest U.S. cities that hold local elections in odd-numbered years have seen average mayoral turnouts of 10% to 38%. In contrast, during the same period, the six largest cities that have their elections in even-numbered years experienced average mayoral turnouts that range between 50% and 75%.

To address the problem of persistent low turnout rates in municipal elections, a growing number of U.S. jurisdictions are taking action to align their local elections to coincide with federal elections held in November of even-numbered years. According to the findings of the Citizens Union report, this approach appears successful in boosting voter turnout rates. In all cities that transitioned from odd- to even-numbered year mayoral elections, turnout immediately increased dramatically, and remained high in the election cycles that followed. Examples of cities that consolidated their local elections with statewide or federal elections include Phoenix, AZ; Austin, TX; El Paso, TX; and Baltimore, MD. Notably, turnout rates in these cities increased by 240% to 460% between 2012 and 2022.

We believe the findings of the Citizens Union report show that consolidating municipal elections to coincide with the presidential or gubernatorial elections is an approach that holds great promise for increasing voter turnout rates, and we support this change. We also believe it is important to take this opportunity to share our perspectives on actions which must be taken to implement this change properly, to ensure that New York City fully realizes the benefits of increased voter turnout in municipal elections by Latinos and other underrepresented groups. Our recommendations would require collaboration between relevant policymakers and stakeholders, including the New York State Board of Elections, the New York City Board of Elections, the New York City Council, and organizations

which conduct non-partisan voter engagement activities within New York City's underrepresented communities.

First, any change in local election dates must be accompanied by significant enhancements in voter outreach and education, particularly with respect to New York City's diverse racial and ethnic population groups; and the continuous improvement in the accessibility of polling locations and early voting to provide citizens with a wider variety of options to vote at a place and a time that is convenient for them. These efforts would help ameliorate the concerns raised about the consolidation of New York City's municipal elections, particularly about voter confusion, which could be exacerbated by the City's relatively recent change to ranked choice voting. Robust voter education and outreach would also help ensure that the change results in a significant increase in participation and engagement.

Additionally, should there be a consolidation of New York City's municipal elections with even-numbered year gubernatorial elections, policymakers and stakeholders must seriously examine how implementing this change should affect the design of ballots used in the elections. Because ballots in consolidated elections are usually longer than those in off-cycle municipal elections, it is possible that more voters will not complete the entire ballot ("ballot drop-off"), and fail to cast votes for candidates and measures that are at the end of the ballot. Election officials and other policymakers should fully consider best practices, including an optimal ballot design, for minimizing the likelihood of ballot drop-off. In addition, policymakers and stakeholders should consider approaches to ensure that municipal candidates and issues receive the attention they deserve during consolidated elections, given that they will have to compete with the public debate and dialogue about federal and state matters.

If properly implemented, changing the timing of local elections is an approach that can strengthen New York City's democracy by increasing the voter turnout rate of Latino voters and other underrepresented groups, as well as ensuring that public officials are accountable to a more representative electorate. For these reasons, we urge the New York City Council to support Resolution 0189-2024.

Thank you for your attention to these important matters.

To: The New York City Council Committee on Government Operations
From: The Vote in Jails NYC Coalition
Re: Voting Rights for Individuals on Rikers Island
December 4, 2024

Thank you for the opportunity to submit this testimony to you today. We are members of the Vote in NYC Jails Coalition, which is composed of directly impacted New Yorkers, advocates, legal services providers, civic engagement groups, and elected officials created in 2020 to address the unmet needs of eligible voters who are detained in New York's jails.

In New York, anyone who is incarcerated while serving a misdemeanor conviction or because they cannot afford their bail is eligible to vote. On Rikers Island as of December 3, 2024, that is at least 5,924 individuals who retain their right to vote.¹ There are no voting sites in New York City jails and, therefore, incarcerated New Yorkers who wish to vote are at the mercy of the Department of Correction each Election Day. Accordingly, the majority of New Yorkers detained on Rikers Island are unable to participate and have their voices heard each Election Day.

Our coalition visits Rikers Island monthly to provide vital education and necessary paperwork for voter registration and absentee ballot requests. The coalition also advocates with lawmakers and city agencies to improve the voting process for detained New Yorkers, including calling for a polling site within the jail. Our experience working with eligible voters detained at Rikers Island has revealed the systemic failures of both the Board of Elections and Department of Correction to provide true access to the ballot under the current absentee ballot voting framework.

The time frame prescribed for an absentee ballot to be requested and returned naturally excludes those entering a detention facility close to an Election Day, while logistical impediments out of the detained person's control routinely prevent incarcerated individuals from accessing necessary forms. For those who successfully request an absentee ballot and receive the ballot from the BOE via the DOC, many still face barriers to having their vote counted. The absentee ballot system fails to function effectively each election cycle within NYC jails, and, as a result, fails a vast majority of detained voters.

The current voting processes rely heavily on the volunteers from our coalition who visit Rikers each month to register voters and supply absentee ballot request forms. A Department of Correction (DOC) staff member is then tasked with ferrying completed registration forms and absentee ballots between the jails and the Board of Election (BOE). As a result of the many steps involved and inadequate resources provided, voters at Rikers are frequently denied their right to vote. This has also likely contributed to the low absentee ballot return rate, which in 2022 was 47% compared to the statewide rate of 73.3%.² When absentee ballots are delivered to the BOE, they are frequently rejected, and voters are not provided an explanation or opportunity to cure.

¹ <https://greaterjusticeny.vera.org/nycjail/>

² Election Administration and Voting Survey 2022 Comprehensive Report, U.S. Election Assistance Commission, p 44, https://www.eac.gov/sites/default/files/2024-11/2022_EAVS_Report_508c.pdf

TESTIMONY OF CYBERHARASSMENT CLINIC, NYLS LAW STUDENTS

12/04/2024

COMMITTEE ON GOVERNMENTAL OPERATIONS, STATE & FEDERAL LEGISLATION, HEARING TO ADDRESS PROVIDING SURVIVORS OF DOMESTIC VIOLENCE WITH GUIDANCE ON MAKING VOTER REGISTRATION RECORDS CONFIDENTIAL AND VOTING BY SPECIAL BALLOT

Thank you to the Chair Restler, Council Member Brewer for sponsoring this bill, Council Members Brewer, Hanif, Ung, Restler, Hudson, Cabán, Rivera, Menin, Sanchez, Yeger, Brooks, Powers, Banks, Schulman, Ayala, Hanks, Ossé, Krishnan, Gennaro, Narcisse & Louis, as well as the city council, and members of the Committee on Governmental Operations, State & Federal Legislation for holding this hearing and giving us an opportunity to testify about Int. 0565-2024.

Our names are Rachel Goryachkovskiy, Emilia Mancini-Ferdinand, Ella Sabiduria, and Stephen Bomberger. We are law students at New York Law School, and we are speaking on behalf of the Cyberharassment Clinic at New York Law School, directed by Adjunct Professor Andrew Sta. Ana. The clinic is the first-of-its-kind law school pro bono clinic helping victims of cyberharassment obtain justice. The clinic focuses on raising awareness about cyberharassment and providing direct services to victims of all forms of online harassment through both legal advocacy and policy analysis. Our work intersects greatly with victims of domestic violence and other crimes. Many of the survivors we help seek recourse through the legal systems, which include family or criminal courts, that are often unable to provide the requisite support for survivors. We believe that this legislation can help bridge the gap in an underserved area. We further believe that this legislation can help address the needs of an underserved class of victims. Int. 0565-2024 can be an invaluable tool, allowing survivors to participate in the democratic process by voting while also mitigating the risk of the exposure of personally identifiable information.

We are testifying on behalf of the Cyberharassment Clinic today because currently, victims of sexual violence - despite being added to the class of those eligible to have their voter registration made confidential - are not provided with sufficient guidance for receiving services and vital information from Family Justice Centers. Our clinic has worked directly with victims of numerous crimes and family offenses, including stalking and aggravated harassment, who urgently need this

problem addressed. Public access to what should be confidential information of vulnerable individuals can be incredibly dangerous for those experiencing things like cyberstalking and online harassment. Leaving avenues for abusers to access identifying information of victims can embolden and escalate harmful behaviors, threats, and other dangers posed to victims and those around them.

We understand that this bill would not only help ensure information and resources can be appropriately distributed and accessible to victims about the steps they can take to secure their information but also that there would be an emphasis placed on updating guidance on procedures pertaining to these issues. Voting is a critical act of civic engagement and is particularly important for victims, who need to see the issues they are concerned about represented by those elected to office. The protection of sensitive information required to register to vote is, in its current state, less than ideal. The failure to protect victims' addresses and other sensitive information creates a barrier to voting, as victims fear their personal information will be publicly accessible if they register to vote. Not being able to participate in this process due to fears that dangerous people could gain access to their private information is a clear area in which government systems are deficient in creating safety nets for victims. These initiatives are essential as victims often must go to extreme lengths to protect this information, and there are not enough resources to help them navigate this process.

The psychological and emotional toll of stalking and harassment becomes even more pronounced when it transcends to affecting other areas of victims' lives like their ability to engage civically. Victims frequently withdraw from public participation due to safety concerns. Current protection systems fail to address technology-enabled stalking and harassment particularly in the context of victims who do not fit the categories of intimate partner violence or familial abuse. The existing framework needs updating to account for modern surveillance capabilities.¹

The Clinic has worked with countless clients affected by cyberstalking which significantly upended their lives. In many ways, the victims of cyberstalking and other crimes that we represent are impacted perpetually as those experiences influence their feelings of safety when doing things as fundamental as voting. Their trust is in the government to protect those rights. The right to

¹ Violence Against Women Act of 2022, 34 U.S.C. § 12291(a)(30).

privacy of personal information is crucial in ensuring individuals, victims particularly, feel a sense of security so that they, too, can engage civically.

In one case, a client and victim of cyberstalking and cyberharassment, who we will refer to as “Y,” experienced the critical gaps in voter privacy protections available in New York City. The abuser of the harm experienced by Y, a tech-savvy resident of their shared apartment complex, inflicted both invasive and extensive cyberstalking and harassment on Y. The abuser engaged in tactics that included making incessant non-consensual and sexually explicit video calls and sending countless harassing text messages via anonymous numbers that included explicit sexual content, violent threats, and misogynistic and hateful language. Next, Y terminated their lease to get away from the ongoing abuse. Y’s relocation exposed the cracks in NYC’s voter privacy confidentiality law. Y faced a significant barrier in exercising their civic duty and right to vote due to a well-founded fear that registering in their new district and voting would expose their new location to the abuser. Indeed, they are fearful their ability to take part in an upcoming primary will be affected with their new address is revealed. Y’s story is unfortunately not unique, and many New Yorkers suffer the consequences of cyberstalking and harassment in their daily lives indefinitely. Expanding the scope of access to crucial resources is evidently critical to victims who are interested in voting to elect representatives that can better serve their needs just like their fellow voters.

Domestic violence is a form of voter suppression. Our client is not alone in this experience. The lack of substantive legislation and resources in this area greatly impacts victims.

In New York City alone, there was a reported total of 5.35 million eligible voters for the 2024 presidential election.² Among the eligible voters, 585,010 were considered inactive.³ In a recent report published by the University of California San Diego, out of the 50 biggest cities in

² NYS Voter Enrollment by County as of November 01, 2024.

<https://elections.ny.gov/enrollment-county>

³ NYS Voter Enrollment by County as of November 01, 2024.

<https://elections.ny.gov/enrollment-county>

the United States, New York City had the second lowest voter turnout, with only 54% eligible voters participating.⁴

The lack of privacy protections surrounding voter registrations may be a contributing factor to the City's low voter turnout. Voter registration records are considered public and include personally identifying information such as a person's name, home address, and party affiliation. These public records are easily accessible through various online means. For this very reason, victims of stalking may be particularly apprehensive about taking part in the political process.

Privacy is paramount for stalking victims, as 80% of them are tracked using technology.⁵ According to the National Intimate Partner and Sexual Violence Survey, about 1 in 3 women and 1 in 6 men in the United States have experienced stalking.⁶ Based on this statistic, approximately 1.71 million adults in New York City would be victims of stalking.⁷

Clear procedures that ensure the confidentiality of voter registration records are crucial; without them, voting-eligible victims of stalking may hesitate to participate in elections.

The importance of this legislation cannot be overstated. As such, we make the following recommendations to Int. 0565-2024, for future victims' advocacy measures to ensure that all New Yorkers, including victims of stalking and cyberharassment, have an opportunity to participate in civic engagement:

1. The NYC Council should encourage New York State to implement more robust anonymous voter registration options for all harassment victims. A secure program, similar to the NYS Address Confidentiality Program (ACP), should cover victims of

⁴ Hajnal, Z. and Green, A. (2024) Big Cities – Tiny Votes? America's Urban Voter Turnout. https://yankelovichcenter.ucsd.edu/_files/reports/Big-Cities-Tiny-Votes.pdf.

⁵ Morgan, Rachel E. and Jennifer L. Truman, Ph.D. (2022, Feb). Stalking Victimization, 2019. U.S. Department of Justice. <https://bjs.ojp.gov/content/pub/pdf/sv19.pdf>

⁶ Smith SG, Basile KC, & Kresnow M. (2022). The National Intimate Partner and Sexual Violence Survey: 2016/2017 Report on Stalking [4 MB, 32 Pages]. Atlanta, GA: National Center for Injury Prevention and Control, Centers for Disease Control and Prevention.

⁷ Calculations are based on the estimates and information provided by the 2024 US census. <https://worldpopulationreview.com/us-cities/new-york/new-york>.

harassment who do not have intimate or familial relations with their abusers. This would protect individuals like Y from risking their safety to exercise their voting rights. The Council has an opportunity to implement these laws through partnering with City Agencies and community-based organizations for innovative ways to encourage civic engagement while protecting those most vulnerable.

2. In addition to providing anonymous registration, the Council should partner with agencies such as the Mayor’s Office to End Domestic and Gender-Based Violence (ENDGBV) to expand resources and guidance to enhance voter access and safety. During early voting periods, distributing clear and accessible information, in the most commonly spoken languages throughout NYC, about registration options, absentee ballots, and the benefits of ACP would help ensure victims are informed of their rights. Government, Civic Engagement organizations, campaigns, and anti-violence organizations should also highlight that New York is a participant in the ACP, emphasizing the program’s ability to keep personal details confidential and should distribute materials through the Family Justice Centers and survivor servicing Community based organizations to promote community education and safety resources.
3. The Council should go further by addressing the digital safety of survivors. Websites for campaigns, political parties, and government elections should be mindful that there are vulnerable groups accessing their websites. By incorporating “escape site” buttons, for instance, victims can be better protected even before they set out to vote. These buttons allow users to leave the site quickly and help maintain their privacy. Additionally, these websites should alert users that their visits could be tracked in their browsing history, ensuring survivors are fully aware of potential risks when accessing voting information.
4. Finally, the Council should hold future hearings focused on the privacy needs of stalking and cyber-harassment survivors. These hearings could invite experts from various fields—officials working directly with victims, community organizations that address domestic violence or civic engagement, and private sector leaders that understand the nuances to data privacy—to discuss strategies for protecting personal information. Exploring how the private sector safeguards data could offer valuable insights for crafting robust protections for survivors.

Election season can be a daunting time for both victims and survivors and can pose unique obstacles to registration and voting itself. It is important to demystify this process and provide information and resources to victims of domestic and sexual violence and stalking because democracy is at its best when all eligible persons are empowered and able to exercise their right to vote. This means ensuring that everyone who can vote does so without fear of retaliation, intimidation, or a dangerous person accessing their private information. Increasing the focus on survivor privacy in an ever-increasing tech-facilitated environment of voting is necessary to mitigate the inherent risks presented by cyber stalking.

Survivor privacy, particularly in a time with such advanced technology, is a critical area of concern. The risks posed by those who abuse these tools to commit tech-facilitated abuse and other forms of cyber harassment are great. Addressing these concerns is necessary to encourage survivor participation in the voting process, which they may otherwise be forced to refrain from for fear of inadequate protection.

With this in mind, we hope that the recommendations provided for this bill will better serve victims who are intimidated by voting because of concerns for their privacy, safety, and the risks of cyber abuse. We thank you for your time and appreciate the opportunity to speak today.

To: The New York City Council Committee on Governmental Operations, State & Federal Legislation

From: Claire Stottlemeyer, on behalf of The Vote in NYC Jails Coalition

Re: Voting Rights and Access for People Detained at Rikers Island

Date: December 4, 2024

Thank you for the opportunity to submit this testimony to you today. We are members of the Vote in NYC Jails Coalition, which is composed of directly impacted New Yorkers, advocates, legal services providers, civic engagement groups, and elected officials created in 2020 to address the unmet needs of eligible voters who are detained in New York's jails.

In New York, anyone who is incarcerated while serving a misdemeanor conviction or because they cannot afford their bail is eligible to vote. On Rikers Island as of December 3, 2024, that is at least 5,924 individuals who retain their right to vote.¹ There are no voting sites in New York City jails and, therefore, individuals who wish to vote are at the mercy of the Department of Correction each Election Day. Accordingly, the majority of New Yorkers detained on Rikers Island, who regularly have their rights violated, voices silenced, and humanity denied by this city agency and its actors, also have their fundamental right to vote taken from them.

Our coalition visits Rikers Island monthly to provide vital education and necessary paperwork for voter registration and absentee ballot requests. The coalition also advocates with lawmakers and city agencies to improve the voting process for detained New Yorkers, including calling for a polling site within the jail. Our experience working with eligible voters detained at Rikers Island has revealed the systemic failures of both the Board of Elections and Department of Correction to provide true access to the ballot under the current absentee ballot voting framework.

The time frame prescribed for an absentee ballot to be requested and returned naturally excludes those entering a detention facility close to an Election Day, while logistical impediments out of the detained person's control routinely prevent incarcerated individuals from accessing necessary forms. For those who successfully request an absentee ballot and receive the ballot from the BOE via the DOC, many still face barriers to having their vote counted. The absentee ballot system fails to function effectively each election cycle within NYC jails, and, as a result, fails a vast majority of detained voters.

The current voting processes rely heavily on the volunteers from our coalition who visit Rikers each month to register voters and supply absentee ballot request forms. A Department of Correction (DOC) staff member is then tasked with ferrying completed registration forms and absentee ballots between the jails and the Board of Election (BOE). As a result of the many steps involved and inadequate resources provided, voters at Rikers are frequently denied their right to vote. This has also likely contributed to the low absentee ballot return rate, which in 2022 was 47% compared to the statewide rate of 73.3%².

¹ <https://greaterjusticeny.vera.org/nycjail/>

² Election Administration and Voting Survey 2022 Comprehensive Report, U.S. Election Assistance Commission, p 44, https://www.eac.gov/sites/default/files/2024-11/2022_EAVS_Report_508c.pdf

The BOE finds the voter registration process and absentee ballot voting, as facilitated in part by the Department of Correction (“DOC”) under the NYC Charter Section 1057, adequate in spite of data showing widespread disenfranchisement and disparate impact upon communities of color detained within the facility. The Department of Correction is not a voting agency, and they repeatedly fail to meet the needs of the New Yorkers who are in their charge.³ Our coalition has advocated for more than four years on behalf of disenfranchised New Yorkers, but each Election Day sees the vast majority of the nearly 6,000 voters at Rikers unable to have their voices heard.

In June 2023, DOC returned 74 completed ballots to the BOE, but only 32 were counted. Additionally, in the same year, more than 100 absentee ballot request forms submitted by the DOC were rejected by the BOE. No feedback was given as to why such a large percentage of the ballots and absentee ballot requests were rejected, and voters were not given an opportunity to correct request forms or cure ballots if any rejections were due to errors.

For the November 2024 election, the Department of Correction submitted 1,422 applications for absentee ballots, but received only 977 ballots from the Board of Elections in return. Accordingly, at least 445 incarcerated voters who requested absentee ballots for the November election may have been denied their opportunity to vote. The Department of Correction official responsible for these ballots informed us that there was no explanation provided from the BOE for the missing 445 ballots. Of the 9757 ballots the DOC received, the DOC returned 598 ballots to the BOE, an additional loss of 379 voters. It is unknown how many of the 598 ballots were ultimately counted by the BOE this November.

During the November 2024 election, it is our understanding from the DOC that zero voters detained on Rikers Island were given the opportunity to cure their ballot. The BOE has repeatedly disenfranchised incarcerated New Yorkers by denying responsibility and summarily rejecting ballots rather than providing incarcerated New Yorkers an opportunity to cure as they do for voters who are at liberty. These practices are in violation of New York State law, as well as the John R. Lewis Voting Rights Act.

While both agencies pass responsibility off to the other, the impact upon communities of color is devastating. 92 percent of individuals currently detained in NYC jails are non-white.⁴ The organizations within the Vote in NYC Jails Coalition have fought for equity on this issue grounded in the reality that these policies are part of a practice that dates back to the founding of this country that seeks to exclude these same communities from full participation in American life.

This issue deserves our full attention and the attention of those who are paid by us to run the

³ On November 27, 2024, the Department of Correction was held in civil contempt by a federal judge for failure to comply with court orders and address the use of force in their jail complex. See <https://gothamist.com/news/rikers-island-contempt-nyc>

⁴ <https://greaterjusticenyc.org/nycjail/>

responsible agencies. If we truly care about fair and free elections and full participation in the democratic process, we must ensure full and equal ballot access for New Yorkers in jails, most of whom are awaiting trial and cloaked in the presumption of innocence.

New Yorkers have a legal right to the ballot while detained, and policies and practices which take that right from them are intolerable. The absentee ballot voting system will always leave incarcerated voters behind, and one person disenfranchised is too many. NYC should join the many other counties throughout the country by providing poll sites in all jails to ensure each voter is given a real opportunity to have their voice heard. In the November presidential election, 1,922 individuals voted successfully while incarcerated at the Cook County Jail, nearly a third of the people in custody.⁵ People incarcerated in Cook County have been able to vote in person since 2020, and it has been called the “city’s most active precinct.”⁶ In the election prior to the opening of jail-based polling sites, only 434 incarcerated people were able to submit an absentee ballot.⁷

We can also strengthen the absentee ballot process in our jails by requiring the BOE to facilitate a voting program, ensuring voters have access to the agency directly, including registration forms, educational materials, and absentee ballot request forms, should they chose to vote via absentee ballot. New Yorkers who are incarcerated must be given the same opportunity to cure their ballots as those who are not incarcerated, and it is the responsibility of the BOE to ensure that each voter’s voice is heard.

Thank you for the opportunity to testify before you today,
The Vote in Jails NYC Coalition

Members include: The Legal Aid Society, Latino Justice, VOCAL-NY, League of Women Voters, Community Service Society, National Action Network, NAACP Legal Defense Fund, Freedom Agenda, Brooklyn Defender Services, Legal Action Center, The Bronx Defenders, NYC’s Public Advocate’s Office, PROP (Police Reform Organizing Project), Center on Race and Inequality in the Law (CRIL) at NYU, Trinity Church, Five Boro Defenders, and NYCLU (NY Civil Liberties Union).

⁵ As of February 2024, 6,378 people were in custody in Cook County Jail, Sheriff’s Daily Report, 2.5.2024, https://www.cookcountysheriffil.gov/wp-content/uploads/2024/02/CCSO_BIU_CommunicationsCCDOC_v1_2024_02_05.pdf

⁶ Jake Sheridan, As City’s Most Active Voting Precinct, Cook County Inmates Vote with Help from Jail and Advocates, Chicago Tribune, <https://www.chicagotribune.com/2023/04/03/as-citys-most-active-voting-precinct-cook-county-inmates-vote-with-help-from-jail-and-advocates/>

⁷ About Half a Million People in Jail Have a Legal Right to Vote, But Don’t Get to Cast Ballots, Vera Institute, Erica Bryan, Sept 24, 2024, <https://www.vera.org/news/about-half-a-million-people-in-jail-have-a-legal-right-to-vote-but-dont-get-to-cast-ballots>

Testimony By Cormac Slade Byrd
To New York City Council Committee on Governmental Operations
December 4, 2024

Good afternoon. My name is Cormac Slade Byrd, and I'm a civically engaged New Yorker who believes deeply in the power of democratic participation. I am here today to urge this Committee to vote yes on Resolution 189 in support of even-year elections.

There isn't a strong justification for maintaining odd-year elections. In fact, odd-year elections are only the status quo because of political maneuvering during the 1894¹ state constitutional convention. Before that, city elections shifted between odd and even years— in 1870, 1857, and 1850. If it could happen four times in a 50-year span, we can certainly do it now.

The voter turnout arguments for even-year elections are undeniable. Higher and more representative turnout is practically guaranteed.² I'm sure you've heard and will continue to hear these points, but they bear repeating: this is the lowest hanging fruit to improve civic engagement in local politics.

On a practical level, odd-year elections are inefficient and costly. They require separate administrative resources, public education campaigns, and auditing processes—all of which could be consolidated into existing even-year cycles. Moving elections to even years would save millions of dollars³, improve efficiency, and allow the Board of Elections to focus on delivering better services.

I want to highlight an important point of urgency. This same resolution was considered in June 2023 but was never brought to a vote.⁴ A year and a half later, the arguments remain as strong as ever. Delaying action comes at a cost: another cycle of low-turnout elections and lost time. Even if this resolution passes today, the state legislature must amend Article XIII, Section 8⁵ of the state constitution across two consecutive legislatures⁶—a process that takes at least three years. Add to that the time required to implement these changes, and it's clear that every delay prolongs this subpar status quo.

This amendment is a crucial step toward a democracy that invites broader participation from our city's residents. Let's take that step together. Thank you to Chair Restler and the Committee on Governmental Operations, State & Federal Legislation.

1 [1894 constitution convention](#)

2 Many papers, here are some recent ones: [Who Votes: City Election Timing and Voter Composition](#), [Election Timing, Electorate Composition, and Policy Outcomes: Evidence from School Districts](#), [Turnout in Local Elections: Is Timing Really Everything?](#)

3 Specifically the City of New York Independent Budget Office [estimates \\$42 million saved every 2 years](#).

4 Here's the legistar of the [previous resolution](#) and the [committee meeting where it was considered but not voted on](#).

5 [NY Const art XIII § 8](#)

6 [NY Const art XIX § 1](#)

**THE COUNCIL
THE CITY OF NEW YORK**

Appearance Card

I intend to appear and speak on Int. No. _____ Res. No. _____

in favor in opposition

Date: _____

(PLEASE PRINT)

Name: Claire Stettlemeyer

Address: [redacted] Thomas St

I represent: Vote in NYC Jails Coalition

Address: _____

**THE COUNCIL
THE CITY OF NEW YORK**

Appearance Card

I intend to appear and speak on Int. No. all Res. No. all

in favor in opposition

Date: 12/4/24

(PLEASE PRINT)

Name: SUGAN LERNER

Address: 15 Metrotech Ctr, 15th Fl, E/R

I represent: Common Cause NY

Address: 15 Metrotech Ctr, BK 11201

**THE COUNCIL
THE CITY OF NEW YORK**

Appearance Card

I intend to appear and speak on Int. No. _____ Res. No. _____

in favor in opposition

Date: 12/5/2024

(PLEASE PRINT)

Name: MICHAEL J. KYAN

Address: 42 BROADWAY

I represent: NYC Bd OF ELECTIONS

Address: S/A/A

Please complete this card and return to the Sergeant-at-Arms

**THE COUNCIL
THE CITY OF NEW YORK**

Appearance Card

I intend to appear and speak on Int. No. _____ Res. No. 189

in favor in opposition

Date: _____

(PLEASE PRINT)

Name: Cormac Glade Byrd

Address: [REDACTED] Pacific St

I represent: _____

Address: _____

**THE COUNCIL
THE CITY OF NEW YORK**

Appearance Card

I intend to appear and speak on Int. No. _____ Res. No. 189-A

in favor in opposition

Date: December 4, 2024

(PLEASE PRINT)

Name: Marina Pino

Address: [REDACTED] Long Island City, NY 11101

I represent: Brennan Center for Justice at NYU school of law

Address: 120 Broadway, #1750, New York, NY 10271

**THE COUNCIL
THE CITY OF NEW YORK**

Appearance Card

I intend to appear and speak on Int. No. 0565 Res. No. 2024

in favor in opposition

Date: 12/04/2024

(PLEASE PRINT)

Name: Janine Guzzone

Address: 40 Exchange Place suite 510, NY, NY 10005

I represent: Crime Victims Treatment Center

Address: _____

**THE COUNCIL
THE CITY OF NEW YORK**

Appearance Card

[]

I intend to appear and speak on Int. No. _____ Res. No. _____
 in favor in opposition

Date: _____

(PLEASE PRINT)

Name: Paul S. Ryan, Executive Director

Address: _____

I represent: New York City Campaign Finance

Address: Bond

**THE COUNCIL
THE CITY OF NEW YORK**

Appearance Card

[]

I intend to appear and speak on Int. No. _____ Res. No. _____
 in favor in opposition

Date: _____

(PLEASE PRINT)

Name: BEN Weingold

Address: _____

I represent: Citizen Union

Address: _____

**THE COUNCIL
THE CITY OF NEW YORK**

Appearance Card

[]

I intend to appear and speak on Int. No. _____ Res. No. _____
 in favor in opposition

Date: 12/4/24

(PLEASE PRINT)

Name: Orlando Ovaller

Address: 14 Wall Street Suite 5-E

I represent: NALED Educational Fund

Address: _____