

New York City Council Committee on Governmental Operations

Hearing on Agency-Based Voter Registration, October 23, 2014

Testimony of Mindy Tarlow, Director of the Mayor's Office of Operations

Good morning Chair Kallos and members of the Committee on Governmental Operations. My name is Mindy Tarlow, and I am the Director of the Mayor's Office of Operations. I am joined here by Henry Berger, Special Counsel to the Mayor and Bonda Lee-Cunningham, Senior Policy Advisor in the Mayor's Office of Operations. Thank you for the opportunity to testify before you today on agency-based voter registration.

Voting is the foundation of a healthy democracy. And yet we live in a time where fewer and fewer New York City residents are going to the polls. Mayor de Blasio is deeply committed to reducing barriers to voter participation. Making it simple and easy to register to vote is the first step in realizing this important goal. This administration is in the process of developing a broad election reform agenda; improving agency-based voter registration is the first item on this list.

As you know, City Charter §1057-a, which was enacted as Local Law 29 of 2000, requires certain city agencies and their contractors to assist and implement a program of distribution of voter registration forms to clients who are applying for, renewing or seeking recertification of services. The agencies are required, among other things, to provide and distribute voter registration forms to clients together with application for services, renewal or recertification for services and changes of address. The agencies may provide assistance in completing the voter registration forms and may transmit the form to the Board of Elections.

Consistent with Mayor de Blasio's commitment to reducing barriers to voter participation, and to increase compliance with existing policies, the Mayor issued Directive One to the designated agencies in Local Law 29. Directive One requires the designated agencies to develop a plan to ensure compliance with Local Law

29, and to submit this plan to my office. It also requires the agencies to submit semi-annual reports regarding implementation.

This Directive was critical to refocus agency attention on this important law, but it is not just a piece of paper sent to agencies—we have committed resources to making sure it works.

To that end, a working group comprised of representatives from the Mayor's counsel's office, Community Assistance Unit, Legislative Affairs unit and my office are working together on a number of fronts to ensure and support agency compliance with Local Law 29 and Directive One. I have assigned a senior staff member in my office, Bonda Lee Cunningham, to coordinate this effort.

The seventeen mayoral agencies covered by the current law have submitted their plans to the Office of Operations for facilitating voter registration for those who seek or renew services either in person or online. The working group has already convened a meeting with select responding agencies to learn from them about the challenges they have faced and solutions they have developed to be fully compliant. That meeting assisted the working group in identifying systemic actions that would support the agencies' efforts, particularly with regard to increased use of technology to reach potential voters and facilitate the registration process for them.

The plans submitted by the agencies have been reviewed by members of the working group and agencies have received feedback on those plans. Where additions or modifications were called for, we have advised the agencies, and the agencies are submitting revised plans to meet the terms of the Directive and its precursors.

Further, each agency head has designated a high-level coordinator for its voter registration efforts and that person will be the primary contact for the Office of Operations going forward. We see this as an on-going collaborative process to ensure that each agency plan is sufficient to meet the requirements of Local Law 29.

In addition, members of the working group have met with the voting rights advocacy community to discuss best practices, the NYC Board of Elections regarding logistics of registration and introduction of electronic interfaces wherever feasible, and with the Campaign Finance Board with regard to its online links to registration and providing training to agency personnel who will be responsible for implementing the initiative. We have also begun discussions with the Mayor's Office of Technology and Innovation to explore how to best leverage technology in this effort—from making sure that agency websites have clear links to voter registration materials to the ultimate goal of online voter registration.

In the coming months, between approval of agency plans and the submission of the first semi-annual reports from agencies, agencies will implement the initiative, communicating with the Office of Operations if there are challenges, and the working group will continue to pursue systemic changes in support of Directive One and voter registration in the city. In addition, it is our intention to expand the agencies covered by Directive One; we intend to do so, however, once we have evaluated our efforts to improve compliance among the currently designated agencies and have had an opportunity to evaluate our overall performance.

We are hopeful about our efforts, but I also want to be clear that this is a major undertaking that will take time and significant attention. However, this Mayor is committed to this project, and we look forward to working with the Council, the advocacy community, and our other government partners to get this right.

The Council is also hearing two bills today, and while we support their objectives—mainly, ensuring greater compliance with Local Law 29 and expanding its scope— we are not ready to fully support these bills, and would like to share some concerns we have.

Intro. 356 would require that the Board of Elections assign codes to the forms used by each designated agency in Local Law 29, as opposed to the general Code 9 form that is used for all forms distributed by City agencies. There is, however, a policy concern we would like to share about having individual codes for each agency.

Although the specific section of law does not directly apply here, New York State Election Law, in its comparable agency-assisted voter registration provisions, has a prohibition on identifying the source of the voter registration cards that individuals receive from State agencies. This is to protect the privacy of individuals who receive services from government that they don't wish to be disclosed. We believe there are similar concerns here about violating the privacy of an individual who registers to vote. We are also concerned that this kind of agency-specific designation may deter voters from registering.

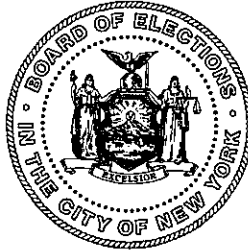
In addition, we want to make sure that the way we measure success makes sense—which is why Directive One has established a reporting mechanism for the agencies that captures both the number of registration cards distributed and collected, and also gives us the flexibility to include additional metrics and develop a thoughtful reporting structure. We hope to continue to have conversations with the Council about these metrics, and how we measure the success of this program.

Finally, Intro. 493 adds several more agencies to the list of designated agencies subject to Local Law 29, including the Department of Buildings, FDNY, PD, OATH, and the Landmarks Preservation Commission. While, as I have mentioned, we are supportive of expanding the scope of Local Law 29, we would like to be thoughtful about the timing of expanding the scope and make sure any new agencies have the highest potential possible to reach prospective voters and provide the kinds of services that are conducive to coupling with voter registration. We would like time to make sure we get Directive One right, with the currently designated agencies fully complying before adding a significant number of new agencies.

Intro. 493 also changes some of the permissive language in the law to require that the agencies provide assistance in filling out the form if it is requested and transmit completed forms to the Board of Elections. In Directive One, we are requiring that agencies provide assistance with the completion of forms if such assistance is requested, and we are requiring that if the forms are completed at the agency, the agency must transmit them to the Board. We would like to be able to evaluate this administrative effort before legislating it, and we look

forward to discussing with the Council our assessment of how the agencies have fared in coming into compliance.

So, to conclude, we are committed to getting agency-based voter registration right. But, to get it done, we are going to need time and space to manage the agencies and correct long-standing behavior. We look forward to working with the Council to making full compliance with Local Law 29 a reality. Thank you, and we are happy to answer any questions you may have.



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**Testimony of
Michael J. Ryan
Executive Director
The Board of Elections in the City of New York
before the
Committee on Governmental Operations
Council of the City of New York
on
Oversight-Agency-Based Voter Registration
October 23, 2014**

Chair Kallos, Councilmember Williams and members of the Council's Committee on Governmental Operations:

I want to thank the committee for giving us the opportunity to appear before you on behalf of the Board of Elections (BOE). For the record, my name is Michael Ryan and I am the Executive Director of the Board.

Joining me here at the table is the Board's:

- Deputy Executive Director Dawn Sandow

Also present at today's hearing are the Board's:

- Administrative Manager Pamela Perkins
- Coordinator of Voter Registration Beth Fossella
- Director of Management Information Systems Steven Ferguson

Local Law 29 went into effect on August 23, 2000.

The law identified 22 agencies that were required to distribute voter registration materials to persons utilizing their respective services. A version of the NY State voter registration form was created bearing the legend "Code 9". These forms are identical to the standard registration forms issued by the New York State Board of Elections in all other respects. Agencies make these coded forms available, along with any of their own documents, to service users. To clarify, the purpose of the "Code 9" legend is to allow for the tracking of both the distribution and receipt of these forms.

The two intros No. 356 and No. 493 pertain mainly to enforcing and increasing the number of city agencies who solicit and promote voter registration by including these coded voter registration forms along with other distributed documents. If an agency service user completes the form and returns same to an employee of one of the 22 required agencies, said voter registration application is forwarded the Board.

Addressing Intro. Number 493, the Board respectfully takes no position as to the additional agencies proposed to be included in the requirement to distribute voter registration forms or materials. Should this Intro. become law, the Board will work closely with these agencies and the Office of the Mayor to ensure compliance.

As stated, presently there is one code for the mandated agencies. Election Law § 5-211(8) states, in pertinent part, “[s]uch voter registration application shall be designed so as to ensure the confidentiality of the source of the application.”

It is the considered opinion of the Board that the current use of a general “Code 9” for all mandated agencies complies with New York State Election Law. The proposed distinguishing of individual agencies set forth in Intro. number 356 requires a comprehensive analysis of the effects thereof to determine whether such proposal adheres to the requirements of Election Law § 5-211(8). In any event, the Board will comply with any legally mandated requirements.

My colleagues and I are available to answer any questions that you may have, and we are always available if anyone should need further information.



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Testimony of Amy Loprest
Executive Director, New York City Campaign Finance Board

City Council Committee on Governmental Operations
October 23, 2014

Good afternoon, Chair Kallos and members of the committee. My name is Amy Loprest, Executive Director of the New York City Campaign Finance Board (CFB). I am joined today by one of our Board members, Art Chang. Art serves as chair of the CFB's Voter Assistance Advisory Committee. I am also joined by two members of the CFB's staff: Eric Friedman, Assistant Executive Director of Public Affairs, and Onida Coward Mayers, Director of Voter Assistance.

Thank you for the opportunity to testify here today. With an important election less than two weeks away, there should be renewed focus on improving New York's low voter participation rates. New Yorkers who demand better performance from their government can start with their own behavior. The starting point is voting. By simply casting a ballot, citizens can ensure government is accountable to their needs.

Government needs to do its part as well. Healthy democratic governments encourage civic participation by enabling the broadest possible access to the electoral process. While the voter registration deadline has passed for this year's general election on November 4th, the effort to involve more New Yorkers in our democracy will continue. For that reason, I am pleased the Council is holding this hearing and considering the two bills we are discussing today.

Increasing voter registration is a core mission for the CFB. Through the work of our Voter Assistance Advisory Committee (VAAC) and our NYC Votes campaign, we reach

thousands of New Yorkers at events around New York City each year to help them register to vote.

A central element of this work is helping our partners, both public and private organizations, build their own programs to educate and engage their constituents in the electoral process. Our popular Train the Trainer sessions provide these organizations with the tools to build a voter engagement program that is consistent with their own culture. These efforts have been very successful; in collaboration with more than 100 community and corporate partners, we collected more than 15,000 voter registration forms in 2013.

The City Charter requires the CFB to coordinate the activities of the 18 city agencies and 59 community boards that are required to help register voters under Local Law No. 29 of 2000. We have taken an active role in helping these agencies meet the goals of the law.

Our Voter Assistance staff works directly with each agency to develop and implement a voter action plan. Earlier this year, we held training sessions at our offices attended by representatives from 14 of the 18 covered city agencies and 13 of the community boards. We train agency staff to conduct on-site voter registration drives. We provide graphics spotlighting upcoming elections and deadlines for agencies to post on their websites, on social media, and in emails to their clients.

These trainings and the VAAC's regular public meetings provide a forum for these agencies to discuss their voter assistance efforts and compare notes on best practices. Our next VAAC meeting will be held on Tuesday evening at the CFB's offices at 100 Church Street. I invite all of you and everyone watching this hearing to attend.

Clearly, there are challenges in implementing the law, and there are areas where agency compliance can improve. We have seen a renewed push from this administration to make those improvements. In the course of our work, we have also seen a deep commitment among City agency staff to the broader goals of increasing voter registration and participation. Programs developed by our agency partners have made important

contributions to increasing voter participation in New York City. We should encourage these efforts, and offer City agencies some flexibility to meet their pro-voter mandate in ways that mesh with their own mission and culture.

Many of the agencies we work with go above and beyond the law's requirements. I would like to highlight a few examples.

The Department of Youth and Community Development (DYCD) has long been an active participant in our youth engagement initiatives. DYCD hosted youth voting workshops conducted by CFB staff at 16 of its Summer Youth Employment Program sites, and invited the young poets from the NYC Votes Youth Poet Laureate program to perform. DYCD has also been a big participant in National Voter Registration Day. In recognition of these efforts, the CFB awarded DYCD with our first annual NYC Votes Award for Excellence in Public Outreach last year.

The Taxi and Limousine Commission (TLC) has aired voting-themed public service announcements in taxicabs throughout the years. They have also conducted NYC Votes Election Day surveys on Taxi TV in yellow and green borough cabs, with more than 16,000 participants from 2012 to the present.

The Administration for Children's Services (ACS) invited NYC Votes to register and talk to teenagers in its Housing Works who are approaching voter eligibility. ACS is also a regular participant in National Voter Registration Day, holding a registration drive at its office on William Street.

In addition, we've worked with city agencies which are not covered by Local Law 29, but participate in our programs voluntarily. One example is the Health and Hospitals Corporation (HHC), which routinely partners with us to hold voter registration drives in its hospitals and other facilities throughout the City. In 2013, HHC aired our Video Voter Guide in some facilities for two weeks leading up to the Primary and General elections. HHC has registered over 2,000 citizens since first partnering with us in 2012.

Other agencies have been fantastic voluntary partners, including the Department of Aging, Human Resources Administration, and the New York City Housing Authority (NYCHA). These agencies are helping create a voting culture that fits with their own missions, and their efforts are to be commended.

Intro 493 would significantly expand the scope of the agency-based voter registration mandate to cover new agencies. The bill covers some of the voluntary partners I've mentioned, and we suggest you consider expanding the bill, to the extent the Council is able, to include other willing partners like HHC and NYCHA. We should encourage all of these agencies to go further and provide more New Yorkers with the opportunity to register to vote.

As I mentioned, agencies face some real challenges implementing Local Law 29. One concern we hear consistently is how best to provide voter registration forms to their clients. Incorporating the voter registration form into their own forms, as the Charter requires, can be cumbersome.

We are working with the new administration on ways to help agencies more readily provide the voter registration form to clients and make those efforts more effective. We are developing webinars and video resources to extend the reach of our training sessions to agency staff who may not be able to attend in person. We are working to develop annotated voter registration forms to guide agency staff and their clients on how to successfully complete the forms, and we are creating brochures to help elevate the profile of this important mission among front-line agency staff.

These programs should help agency staff highlight voter registration opportunities for their clients, which should make those clients more likely to register and vote.

As more and more New Yorkers interact with their government online, establishing true universal online voter registration would absolutely enhance agencies' efforts to meet

goals of the pro-voter law. Currently, access to online voter registration is available only to customers of the state Department of Motor Vehicles. The chair of this committee has submitted a bill to establish an online voter registration portal for New York City. Just think: a one-stop site where New Yorkers can transact all of the business of democracy would be a game changer. Electronic registration would also enable more thorough, real-time tracking of the agencies' efforts to help New Yorkers register.

As a simple step in this direction, we have asked the City Board of Elections to make available electronic pdfs of the form that include the tracking code for City agencies. Providing an electronic voter registration form these agencies can make available on their websites would help the agencies better serve their clients.

We support Intro 356, which will allow better tracking of the agencies' voter registration efforts. Agency-specific codes would allow agencies to evaluate which of their programs work best, and allow others to hold the agencies accountable when they fall short. Better tracking will help the CFB recommend specific ways our partners can improve their voter registration efforts. Clear, trackable data about agencies' voter registration efforts will also make it possible for the agencies and their staff to see that their work in this area is making a difference.

We would suggest that other agencies not covered by the Charter mandate may benefit from agency-specific tracking codes. The Department of Education (DOE), for instance, has a separate mandate to provide voter registration forms for students as they graduate from high school, but we cannot track the success of these efforts. The CFB is also mandated to assist in voter registration; a unique tracking code would allow us to more precisely quantify the impact of our own extensive voter registration programs.

I'd like to thank you again for the opportunity to testify today. I look forward to hearing from the agency representatives here today about their experience with Local Law 29. Of course, I welcome any questions you may have.



Testimony of
Neal Rosenstein, Government Reform Coordinator
Of the
New York Public Interest Research Group, NYPIRG
Before the
New York City Council Committee on Governmental Operations
On
City Agency Compliance with the Pro Voter Law
&
**Intro 493: A Local Law to amend the New York city charter, in relation to
expanding agency based voter registration to additional city agencies**
&
**Intro 356: A Local Law to amend the New York city charter, in relation to
improving compliance with the city's pro-voter law**

October 23, 2014

Good morning. My name is Neal Rosenstein. I am the Government Reform Coordinator for the New York Public Interest Research Group, (NYPIRG). NYPIRG is a statewide, student directed, research and advocacy organization that is involved on a wide range of issues, including government accountability and election reform. It's a pleasure to be speaking before you this morning on a subject so vital to our democracy. We commend the Chair and the members of the Committee for their efforts and look forward to working with you to help increase the rates of voter participation across the city.

Overview

Fourteen years ago, the threat of a veto by Mayor Giuliani weakened key provisions of the Pro-Voter Law, and then Mayor Bloomberg failed to properly implement it for 12 long years. It's time for today's Council to strengthen the law and for Mayor de Blasio to clearly break with his predecessors and make sure it's effectively implemented. Potential city voters deserve to be able to register as easily as New Yorkers can at DMV offices across the state under the federal Motor Voter Law. NYPIRG is proud of the role we played in helping to shape and pass Pro-Voter, but we strongly support today's efforts to strengthen and fully implement its' provisions.

Why Pro-Voter? Agency based registration has proven to be a highly efficient and effective method to reach eligible voters. Under the National Voter Registration Act (NVRA) - commonly known as Motor Voter – Americans have consistently registered or updated their registrations at agencies at a rate of more than 15 million a year.¹ The problem continues to be an obvious one in highly urbanized New York. Only 52% of city residents 18 and over had a driver's license in 2010², while 92% held a license in the rest of the state.

There's a tremendous gender gap in the city too. While 63% of male residents 18 and over held licenses, only 43% of women did. There were close to 450,000 more women than men living in NYC who were 18 and over in 2010, yet there were close to 400,000 less women than men with licenses here in the city. And while the Motor Voter law includes certain social service agencies like HRA, our low rate of drivers puts us at a disadvantage statewide. That's why Pro-Voter was proposed and why it's an important piece to the raising voter participation rates here in the city.

Simple Solutions

One simple way to empower New Yorkers is for the city to ramp up compliance with the existing Pro-Voter Law. *A Broken Promise: Agency Based Registration in New York City*³, the report released this week by five of the city's top civic groups - including NYPIRG - demonstrates that the city has failed the public and violated the law's intent to offer registration opportunities in agencies across the city. As a result, the voice of the city on Election Day is less representative than it should be, and our collective voice is weakened in statewide elections like this year's gubernatorial.

We're hopeful that the de Blasio Administration will properly implement the law. Mayoral Directive One holds out great promise that the Administration recognizes the potential and importance of agency based registration. But minimal compliance is not enough. The city needs to integrate each of the optional improvements allowed under current law, like ensuring verbal assistance for clients who need help completing registration forms and creating a system of collection and transmittal of forms to the BOE. If they do not, it will be a lost opportunity and a grave disappointment.

However, even more important than simple compliance with current law is for the Council to increase the law's reach and effectiveness through legislative action. As mentioned previously, Pro-Voter was weakened to overcome opposition by then Mayor Giuliani. Verbal assistance for example, was made optional, as were requirements for agencies to collect forms from interested clients and transmit them to the Board of Elections. It's time to step back in time and address those weaknesses in the law.

We commend the Council for intros 493 and 356 and look forward to action that would increase Pro-Voter's impact. We need to hold this and future mayoral administrations to more efficient and effective protocols at city agencies implementing

¹ <http://www.demos.org/registering-millions-success-and-potential-national-voter-registration-act-20>

² http://www.health.ny.gov/statistics/vital_statistics/2010/table01.htm & <http://dmv.ny.gov/statistic/statli10.pdf>

³ <http://populardemocracy.org/sites/default/files/Voter%20Registration%20NYC%20-%20Report.pdf>

the law. Our report details many suggestions for Council consideration that will ensure a strong and effective law.

Unfortunately, many barriers remain in New York State that keep voters off the rolls and out of the voting booth. However, until state reforms like Election Day Registration are passed, the Council can play a vitally important role in enfranchising the electorate through legislation like the two bills you are considering today.

Specific Recommendations

A Broken Promise: Agency Based Registration in New York City outlines twelve specific recommendations for improving agency based voter registration. The Council, the Mayor's Office and the Voter Assistance Advisory Committee/Campaign Finance Board each have roles to play in improving the city's efforts. The report details failed implementation efforts in city agencies and proposes solutions. Our twelve recommendations are:

1. Train all agency employees who interact with clients about the Pro-Voter Law's voter registration procedures, and administer annual employee refresher trainings.
2. Establish comprehensive protocols by December 31, 2014 to ensure that all agencies provide voter registration applications to clients when they apply for services, renewal or recertification for services and change of address relating to such services; collect and transmit all completed voter registration applications to the NYC Board of Elections ("Board") on a weekly basis; and ensure that all completed voter registration forms in the possession of the agencies are transmitted to the Board within two weeks, and before the registration deadline. Any voter registration application collected within 5 days of a voter registration deadline should be transmitted to the Board on a daily basis, before the close of the voter registration period.
3. Ensure that agency subcontractors provide voter registration opportunities as required under the Pro-Voter Law during the contracting process. Agencies should request semi-annual subcontractor reports of efforts undertaken pursuant to the Pro-Voter Law mandate.
4. Physically integrate voter registration applications into agency intake forms as mandated by the Pro-Voter Law within 12 months or at the next regularly scheduled printing of agency forms, whichever occurs first.
5. Ensure an adequate supply of translated voter registration forms in languages covered by the federal Voting Rights Act of 1965—Spanish, Chinese, Korean, and Bengali—and adequate staffing of bilingual employees at city agencies. Agency websites should also link to voter registration forms translated into these languages, in addition to English. New York City should also expand voter registration opportunities to additional limited-English-proficient agency clients pursuant to New York City Executive Order 120.27
6. Establish mayoral appointments to facilitate voter registration, designating a

citywide Pro-Voter Law coordinator and local coordinators at each covered city agency office. Local coordinators would be responsible for ensuring that the law is being properly implemented, including staff training, voter registration assistance efforts, timely submission of completed voter registration forms, and tracking of subcontractor compliance.

7. Define the role and authority of the non-partisan Voter Assistance Advisory Committee for all facets of Pro-Voter Law implementation and compliance, with an emphasis on its role as an independent monitor.

8. Adopt a comprehensive monitoring program that includes regular data collection on the number of voter registration forms distributed by each agency, the number of voter registration forms completed by agency clients, the number of registration forms transmitted to the Board, tracking of voter registration application rates, and agency staff evaluation.

9. Require agencies to use coded voter registration forms specific to each agency. Solicit quarterly reports by the Board of Elections on the numbers of forms submitted by city agencies (a model protocol is proposed in City Council Intro 356 of 2014).

10. Mandate that agency staff provide the same level of assistance in completing voter registration forms as is given to other agency transactions. This should include verbal assistance.

11. Provide for the electronic transmission of completed voter registration applications to the Board.

12. Amend the law to mandate the following high-traffic city agencies also comply with the Pro-Voter Law to further extend its reach:

- ■ The New York City Housing Authority, which shelters more than 400,000 New Yorkers in public housing developments and provides rental assistance to another 235,000 individuals in private homes.

- ■ The New York City Department of Education, which serves hundreds of thousands of city families each year. The city should include voter registration forms in the annual "blue card" student registration process, which would reach many additional family members who are not currently registered to vote.

Verbal Assistance – A Case Study

As early as 1986, advocates pressed the Koch administration to issue executive order 101 which established a Voter Assistance Program. That program required certain agencies to designate employees to "...be available to assist the public in filling out the mail registration forms." Some 30 years later, city agencies under Pro-Voter still fail to offer assistance despite the legal option to do so.

In the interim, the voters of the city overwhelmingly passed Ballot Proposition 6 in

1988 establishing the Voter Assistance Commission, (VAC) and its mandate to coordinate the registration activities of city agencies. In 1993 the NVRA brought mandated verbal assistance to DMV and some public assistance agencies like HRA across the country – but not to the many city residents who don't have drivers licenses or receive public assistance. In 2000, the Council passed the Pro-Voter law to force the Giuliani administration to finally put agency plans in place. Unfortunately the Giuliani and Bloomberg years witnessed little direction from City Hall to have agencies properly implement the law. Indeed, both administrations intentionally decided not to have agencies offer verbal assistance to clients who were filling out registration applications – an option that was explicitly allowed under Pro-Voter. They even failed to have agencies integrate voter registration applications into their existing applications as required by law.

Our report shows the legacy of 14 years of a lack of commitment to Pro-Voter from City Hall. In the vast majority of client interactions – 84% – agency officials failed to provide voter registration forms as required by the law. And while the Voter Assistance Advisory Committee holds annual briefings on the law for agency coordinators, the city has failed to train agency staff to answer even the most basic questions clients might have about the registration process.

What makes this lack of verbal assistance in Pro-Voter agencies particularly distressing is that city employees already do provide such assistance in NVRA/Motor Voter agencies. There are current working models on how to train city agency personnel in this effort, as well as NVRA protocols for collecting and transmitting forms to the Board of Elections.

Given this sad history of compliance, NYPIRG urges the Mayor's office to include verbal assistance, as well as collection and transmittal of forms and the physical integration of forms onto intake materials in the agency plans now being developed under Mayoral Directive One. We are heartened by the directive and attention being focused on compliance, but a failure to include improvements like verbal assistance within a year will be just that – a failure.

Intro 493, Intro 356, Council and Mayoral Initiatives

We are heartened by the introduction of Intros 493 and 356 and commend their sponsors, Committee Chair Kallos and Council Member Williams. It is clear that they understand the potential of the Pro-Voter law and have identified important reforms to increase its impact. We have previously detailed our groups' suggested reforms for Pro-Voter from *A Broken Promise*. We look forward to working with the Council and Mayor on legislation to make these meaningful improvements to the law.

We're particularly glad that the Council is considering designating new Pro-Voter agencies and look forward to that discussion. Of great importance would be the inclusion of the Department of Education, which serves hundreds of thousands of families each year. We believe the Council has the authority to include them. We also urge the de Blasio administration to ensure that the Housing Authority implements an effective agency-based registration program through its appointments to the NYCHA Board. We hope that any legislation ensures that voters are given

postage paid registration forms just as other registrants receive across the city.

Unfortunately, it's difficult to determine how well specific agencies are doing complying with the law and distributing forms. Coding forms and requiring the Board to report on forms received is a simple and efficient way at helping determine how effective these efforts are and to identify areas for improvement.

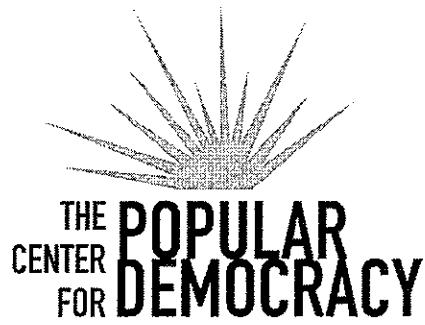
Central to the coding system's effectiveness are the Board of Elections protocols for entering and recognizing the codes. While the Board has improved its data entry procedures to report more coded forms, it still relies on a human worker entering the code into the Board's system. This poses particular problems creating uniform compliance across five borough offices, especially when large numbers of forms are entered close to the deadline by hard-pressed staff and temporary workers. We urge that the Council require the Board to update their scanning software and protocols to automatically recognize a coded form. This is a simple fix that will benefit the Board and oversight.

We also hope the Mayor's office will begin the process of automated transmittal of voter registration forms to the Board of Elections. The Board has indicated a willingness to accept electronic transmittal of forms and already does so for DMV offices. We see no valid reason to prevent the transfer of registration records electronically. The process promises to be quicker, more accurate and efficient and we commend the Board for its willingness to work with the city to accept electronic transmittal.

Conclusion

Each year, NYPIRG staff and students submit between 10,000 and 50,000 registration forms from new applicants and voters seeking to update their registration info. We're proud of our efforts, but the experience also shows us first-hand just how many New Yorkers want and need the opportunity to fill out a form. In Presidential years in particular, our street drives net droves of citizens who are desperate to register and simply have been unaware of deadlines or how to sign-up.

NYPIRG is honored to have worked with our colleagues from The Center for Popular Democracy, Citizens Union, The Brennan Center for Justice at NYU School of Law and the Asian American Legal Defense and Education Fund on *A Broken Promise...* The report finds that the Pro-Voter law has been running on life support and needs both an infusion of attention from City Hall and strengthening from the Council. Agency-based registration is a proven and effective model to reach eligible, unregistered New Yorkers. Government has a vital role to play in eliminating the barriers to voter participation and we look forward to action by the Council to monitor and improve the city's efforts.



New York City Council Committee on Government Operations

Oversight – Agency-Based Voter Registration

October 23, 2014

Testimony of Steven Carbó

Director of Voting Rights and Democracy Initiatives

The Center for Popular Democracy

Good morning Chairman Kallos and members of the Committee on Government Operations. Thank you for this opportunity to testify our work on the New York City Pro-Voter Law. My name is Steven Carbó. I serve as the Director of Voting Rights and Democracy Initiatives at the Center for Popular Democracy (CPD). CPD is a nonprofit organization that promotes equity, opportunity, and a dynamic democracy in partnership with innovative base-building organizations, organizing networks and alliances, and progressive unions across the country.

Extensive opportunities to register to vote are an essential predicate to citizen participation in elections. The fact is that voter registration is the number one barrier to the vote. An estimated 51 million eligible citizens, more than 24 percent of the electorate, could not cast a ballot in the 2012 presidential election solely because they had not been registered.¹ Registration and voting rates are particularly low for families with annual incomes below \$20,000, voters of color, naturalized citizens, and those with limited English proficiency.² Civic engagement levels are even worse in New York State. Fewer New Yorkers were registered to vote and cast a ballot in the November 2012 general election than the national average.³

One proven method of increasing voter participation, particularly among underrepresented citizens, is voter registration at public agencies (“agency-based registration”). Well-administered voter registration programs established at these agencies pursuant to federal law have helped register 15 to 20 percent of agency applicants.⁴ Agency-based voter registration is particularly important in New York City, where a large share of the adult population does not

have a driver's license and the opportunity to register to vote at the department of voter vehicles, where many other Americans register.

As you know, New York City sought to expand voter registration opportunities at municipal agencies in 2000 by enacting Local Law 29 ("the Pro-Voter Law"), which requires 18 city agencies and, under certain circumstances, their associated subcontractors, to offer voter registration forms to all persons submitting applications, renewals or recertification for agency services, or notifying the agency of a change of address. The law included each of the city's 59 community boards as well.⁵

Compliance with the Pro-Voter Law

The last and only evaluation of the Pro-Voter Law, undertaken by the New York City Council over a decade ago, found that agencies were failing to offer voter registration.⁶ Concerned that New Yorkers were still being denied the opportunity to register to vote, CPD, the New York Public Interest Research Group, the Brennan Center for Justice at NYU School of Law, and the Citizens Union of the City of New York (the "Pro-Voter Law Coalition") launched a new project earlier this year to assess agencies' compliance with the Pro-Voter Law and opportunities to enhance the law's impact. We filed Freedom of Information Law (FOIL) requests with the 18 Pro-Voter Law agencies, requesting documents that would evidence compliance with the law;⁷ and recruited, trained, and fielded a team of staff and volunteers to interview agency clients and frontline workers about voter registration opportunities offered at 14 city offices subject to the Pro-Voter Law. The Asian American Legal Defense and Education Fund and Make the Road New York joined in the field investigations. We also met with the city's Voter Assistance

Advisory Committee (VAAC) to discuss their efforts to help city agencies comply with the Pro-Voter Law, pursuant to VAAC's authority under the New York City Charter.⁸

As detailed in *A Broken Promise*, a report that the Coalition released on October 21, 2014 and which is included in the committee report, our findings were deeply troubling. We found little evidence that voter registration was being offered at Pro-Voter Law agencies. See <http://populardemocracy.org/news/broken-promise-agency-based-voter-registration-new-york-city>.

Of 74 citizens who were engaged in Pro-Voter Law activities at city agencies,

- 95 percent were never asked if they would like to register to vote;
- 84 percent were never given a voter registration form; and
- Only 2 of 7 agency clients whose primary language was not English were given a translated voter registration application.

Worse, frontline agency staff at 60 percent of the city offices reported that voter registration applications were unavailable. 75 percent of agency staff admitted that voter registration applications were not being given to each agency applicant or service recipient.

Only one city agency, the Administration for Children's Services, appears to use an integrated form that includes both an application for agency services and voter registration, as mandated since 2000 by the Pro-Voter Law. Integrated forms are particularly important because they minimize chances that the voter registration mandate will be marginalized or ignored by agency staff.

Agencies only sporadically use numerically coded voter registration applications (a blanket code “9”) provided by the Board of Elections – another Pro-Voter Law requirement. Coded forms allow the city to count the number of persons registering through agency-based voter registration programs. However, the blanket use of one numerical code does not allow analysis of individual agency performance.

And finally, agencies are not training staff on Pro-Voter Law requirements. All 11 of the agency employees who responded to a question about staff training admitted that employees receive no regular training on voter registration procedures.

Renewing New York City’s Commitment to Agency-Based Voter Registration

Expanding opportunities for New Yorkers to register to vote at municipal agencies consistent with the Pro-Voter Law will require a concerted commitment by the Mayor, the City Council, and the municipal agency themselves. Fourteen years after law’s enactment, and more than a decade since the City Council’s damning 2003 investigation and report, municipal agencies have yet to implement the Pro-Voter Law.

The Pro-Voter Law Coalition is nonetheless hopeful that the new mayoral administration and City Council leadership will set a new course on voter registration in the city. Mayor de Blasio signaled a clear break from past administrations with his first mayoral directive, issued on July 11, 2014, which required that each covered agency submit a Pro-Voter Law compliance plan within 60 days, and thereafter issue semi-annual reports on their implementation of the directive.⁹ We are equally heartened by the City Council’s manifest interest in oversight over the Pro-Voter Law and openness to suggestions on how the existing law can be improved.

Accordingly, we make the following recommendations to the Mayor, the City Council, and the municipal agencies.

RECOMMENDATIONS

1. **Train all agency employees** who interact with clients about the Pro-Voter Law's voter registration procedures, and administer annual employee refresher trainings.
2. **Establish comprehensive protocols by December 31, 2014** to ensure that all agencies provide voter registration applications to clients when they apply for services, renewal or recertification for services and change of address relating to such services; collect and transmit all completed voter registration applications to the New York City Board of Elections ("Board") on a weekly basis; and ensure that all completed voter registration forms in the possession of the agencies are transmitted to the Board within two weeks, and before the registration deadline. Any voter registration applications collected within 5 days of a voter registration deadline should be transmitted to the Board on a daily basis, before the close of the voter registration period.
3. **Ensure that agency subcontractors provide voter registration opportunities** as required under the Pro-Voter Law during the contracting process. Agencies should request semi-annual subcontractor reports of efforts undertaken pursuant to the Pro-Voter Law mandate.
4. **Physically integrate voter registration applications** into agency intake forms as mandated by the Pro-Voter Law within 12 months or at the next regularly scheduled printing of agency forms, whichever occurs first.
5. **Ensure an adequate supply of translated voter registration forms** in languages covered by the federal Voting Rights Act of 1965 – Spanish, Chinese, Korean, and Bengali – and adequate staffing of bilingual employees at city agencies. Agency websites should also link to voter registration forms translated into these languages, in addition to English. New York City should also expand voter registration opportunities to additional limited-English-proficient agency clients pursuant to New York City Executive Order 120.¹⁰
6. **Establish mayoral appointments to facilitate voter registration**, designating a citywide Pro-Voter Law coordinator and local coordinators at each covered agency office. Local coordinators would be responsible for ensuring that the law is being

properly implemented, including staff training, voter registration assistance efforts, timely submission of completed voter registration forms, and tracking of subcontractor compliance.

7. **Define the role and authority of the Voter Assistance Advisory Committee** for all facets of Pro-Voter Law implementation and compliance, with an emphasis on its role as an independent monitor.
8. **Adopt a comprehensive monitoring program** that includes regular data collection on the number of voter registration forms distributed by each agency, the number of voter registration forms completed by agency clients, the number of registration forms transmitted to the Board, tracking of voter registration application rates, and agency staff evaluation.
9. **Require agencies to use coded voter registration forms** specific to each agency. Solicit quarterly reports by the Board of Elections on the numbers of forms submitted by city agencies (a model protocol is proposed in City Council Intro 356 of 2014).
10. **Mandate that agency staff provide the same level of assistance** in completing voter registration forms as is given to other agency transactions. This should include verbal assistance.
11. **Provide for the electronic transmission** of completed voter registration applications to the Board.
12. **Amend the law to mandate that the following high-traffic city agencies** also comply with the Pro-Voter Law to further extend its reach:
 - The **New York City Housing Authority**, which shelters more than 400,000 New Yorkers in public housing developments and provides rental assistance to another 235,000 individuals in private homes.
 - The **New York City Department of Education**, which serves hundreds of thousands of city families each year. The city should include voter registration forms in the annual “blue card” student registration process, which would reach many additional family members who are not currently registered to vote.

Conclusion

Agency-based voter registration is a powerful tool for increasing voter registration and helping facilitate greater citizen engagement in elections. Programs like these are especially necessary in New York, where voting rates lag behind the nation— particularly among immigrants, lower-income or, limited-English-proficient communities and communities of color. Properly implemented and appropriately updated, the Pro-Voter Law can meet that demand and serve as a model to other cities across the nation. We stand ready to work with city leaders to help realize that goal.

¹ The Pew Center on the States, *Inaccurate, Costly and Inefficient: Evidence That America's Voter Registration System Needs an Upgrade* (February 14, 2012), available at <http://www.pewstates.org/research/reports/inaccurate-costly-and-inefficient-85899378437>.

² U.S. Census Bureau, Voting and Registration in the Election of November 2012, Tables 4a, 4c, <http://www.census.gov/hhes/www/socdemo/voting/publications/p20/2012/tables.html>; U.S. Census Bureau, Historical Time Series Tables, <https://www.census.gov/hhes/www/socdemo/voting/publications/historical/>; U.S. Census Bureau, Historical Time Series Tables, <https://www.census.gov/hhes/www/socdemo/voting/publications/historical/>.

³ U.S. Census Bureau, Voting and Registration in the Election of November 2012, Table 4a, <http://www.census.gov/hhes/www/socdemo/voting/publications/p20/2012/tables.html>.

⁴ Phone conversation with Niyati Shah, Election Counsel, Project Vote (Sept. 26, 2014). Subsequent to settlement of lawsuits filed in Ohio (2006) and Missouri (2009), 15-20 percent of persons who applied in-person for public assistance at state agencies also registered to vote. See National Voter Registration Act of 1993, 42 USC § 1973gg-5.

⁵ New York City Charter, Chapter 46, § 1057(a).

⁶ The Council of the City of New York, *Voter Registration Forms Not Available Here*, Staff Report to the Committee on Oversight and Investigations (Sept. 2003).

⁷ FOIL requests were not submitted to the City's 59 community boards. The Pro-Voter Law Coalition understood that the Voter Assistance and Advisory Committee was in dialogue with the community boards about compliance with the Pro-Voter Law.

⁸ New York City Charter, Chapter 46, § 1057(a).

⁹ Included in FOIL response provided Department of Citywide Administrative Services, Aug. 4, 2014, on file at the Center for Popular Democracy.

¹⁰ City of New York, Executive Order No. 120, Citywide Policy on Language Access to Ensure the Effective Delivery of City Services, July 22, 2008. See NYC Mayor's Office of Immigrant Affairs, <http://www.nyc.gov/html/imm/html/eoll/eo120.shtml>.



**THE LEAGUE OF WOMEN
VOTERS OF THE CITY OF NEW YORK**

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**Testimony to the New York City Council Committee on
Governmental Operations**

RE: Oversight –Agency Based Voter Registration

Thursday, October 23, 2014

Good morning. My name is Kate Doran. I serve on the Board of the League of Women Voters of the City of New York. As a multi-issue, non-partisan political organization we encourage informed and active citizen participation in government, work to increase understanding of major policy issues, and influence public policy through advocacy and education.

For over 95 years, voter education, voter service, and voter registration have been priorities for the League of Women Voters in New York. Accordingly we appreciate this opportunity to comment today.

Assuming that it is fully consistent with all state and federal laws designed to protect the privacy of citizens registering to vote, we would be in support of Int. No 356 a local law to amend the NYC Charter in relation to improving compliance with the city's pro-voter law. The use of coded voter registration forms can be viewed as reasonable and necessary for the collection of data in order to determine compliance with related sections of the NYC Charter. We are pleased to see the additional requirement that the Board of Elections in the city of New York provide a listing of the number of coded registration forms distributed and returned.

We support Int. 493 a local law in relation to expanding agency based voter registration to additional city agencies, assuming it can be done through a local law. We endorse the mandating language of "shall," replacing "may," in connection with providing assistance to applicants, and transmitting forms. However we believe that these proposed local laws could be better, and do more.

The League of Women Voters has previously testified before this committee (Dec. 18, 2013) that we strongly support Online Voter Registration. It is more accurate, more secure, and less expensive than paper registration. We know that the Board of Elections in NYC no longer receives any paper voter registrations from the Dept. of Motor Vehicles, and we believe that the board is comfortable with this 100% electronic system. We suggest that the laws under discussion here be further amended to include a provision for collaboration between agencies, and the Board of Elections, to transition from paper to electronic registration within a reasonable period of time.

We thank the Governmental Operations Committee for its continuing commitment to expanding the franchise and to serving the voters of the City of New York.

**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: 10/23/14

(PLEASE PRINT)

Name: Denora Getachew

Address: _____

I represent: Breman Center for Justice @ NYU school of Law

Address: 161 6th Avenue, 12th floor, NY, NY 10013

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in favor in opposition

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Name: Down San Daw

Address: 42 Broadway

I represent: Bd of Elections

Address: 42 Broadway

**THE COUNCIL
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Appearance Card

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

in favor in opposition

Date: _____

(PLEASE PRINT)

Name: Kate Doran

Address: 11 Polhemus Pl, BKlyn NY 11215

I represent: LWV of The City of NY

Address: 4 W. 43rd St., NYC 10036

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THE CITY OF NEW YORK**

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Name: Rachael Fauss

Address: _____

I represent: Citizens Union

Address: 299 Broadway Suite 700 NY 10007

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Name: Amy Loprest, Art Chavira

Address: 100 Church St.

I represent: Campaign Finance Board

Address: 100 Church St.

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Name: Neal Rosenstein

Address: 9 Murray St NYC 10007

I represent: NYPTRG

Address: _____

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Name: Henry Berger

Address: City Hall

I represent: Mayor's office

Address: _____

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Name: Mindy Tarlow

Address: City Hall

I represent: Mayor's office

Address: _____

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THE CITY OF NEW YORK**

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(PLEASE PRINT)

Name: Bonda Lee-Cunningham

Address: City Hall

I represent: Mayor's office

Address: _____

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THE CITY OF NEW YORK**

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Date: _____

(PLEASE PRINT)

Name: Stacy Corba

Address: 185 4th St # 204 Bkln, NY

I represent: The Center for Popular Democracy

Address: 802 Kent Ave, Bkln, NY 11205

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