



## **New York City Campaign Finance Board**

100 Church Street, 12<sup>th</sup> Floor, New York, NY 10007  
212.409.1800 | [www.nyccfb.info](http://www.nyccfb.info)

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

**New York City Council  
Committee on Government Operations  
March 3, 2015**

Good morning Chair Kallos and members of the Government Operations Committee. My name is Amy Loprest, Executive Director of the New York City Campaign Finance Board (CFB). I am joined today by Eric Friedman, our Assistant Executive Director for Public Affairs. Thank you for the opportunity to testify on the bills under consideration today.

While it seems like the 2014 elections are not that far behind us, it is already time to start preparing for the 2016 elections. A presidential election year brings greater interest and higher participation, and we should focus now on ensuring that New Yorkers will have the smoothest possible voting experience. It's simple: if we want to encourage more New Yorkers to think of voting as a habit, it should be our mission to make the act of voting as simple and meaningful as possible.

In any election, some voters will be unable to make it to their pollsite, and will have to request an absentee ballot to cast their vote. In the last presidential election, 340,169 New Yorkers cast absentee ballots around the state, according to the Election Assistance Commission's 2012 Election Administration and Voting Survey. Of those, 16,534 were rejected for reasons that were not reported. While this data is for the entire state and not specific to New York City, we imagine that a sizable number of those ballots were cast by city voters. This means at least some city voters were effectively disenfranchised due to problems with their absentee ballot.

Current law requires that voter registration forms be submitted no later than 25 days before an election. Applications for an absentee ballot may be submitted no later than 7 days before an election. This window should provide enough time to verify a voter's registration and allow that voter the time to make an absentee ballot request. However, it creates a two-step process that can act as an unnecessary barrier to participation.

Our experience in direct voter engagement has provided further evidence on this point. In November 2014, CFB staff and volunteers conducted a GOTV phone bank under the

auspices of our NYC Votes campaign, reminding voters we registered on National Voter Registration Day to cast their ballot. We reached a number of newly registered voters who planned to be out of town on Election Day, and had failed to request an absentee ballot.

Compressing these two steps in one transaction would simplify the process, especially for new voters who are unfamiliar with New York State's voting requirements. We support making it easier to register to vote and apply for an absentee ballot to the extent that current state law allows.

We support Intro 659, which would provide the ability for voters to track the status of their absentee ballot application online. Widely available technology can improve every step in the voting experience, and provide voters with the same level of convenience and transparency we expect in our everyday lives. We can all track our packages online, and we should be able to track our votes the same way. Online tracking would give absentee voters the confidence that when they drop their ballot in the mail, they are casting a ballot that counts. For those voters who mail in ballots that are later rejected, the system can provide an explanation why, whether the reason was a missing signature or a missed deadline.

A handful of states have online absentee ballot tracking systems modeled after the 2009 Military and Overseas Voter Empowerment (MOVE) Act, which allows overseas voters to track the receipt of their absentee ballots. Florida, Iowa, Massachusetts, Michigan, and Virginia all allow domestic absentee voters various tracking capabilities. This legislation provides an opportunity for New York City to be a local leader in the use of technology to boost confidence in our elections.

We support making the absentee voting process simpler and more transparent. No voter who needs an absentee ballot should forfeit their vote due to a missed deadline. Voters who cast an absentee ballot through the mail should have the same certainty their vote counts as if they ran it through a scanner at their polling place.

As always, we look forward to communicating with the Council on these and other issues. I thank you once again for the opportunity to testify today, and I look forward to answering any questions you may have.

###



**TESTIMONY OF LAUREN GEORGE  
ASSOCIATE DIRECTOR, COMMON CAUSE NEW YORK  
BEFORE THE  
NEW YORK CITY COUNCIL COMMITTEE GOVERNMENTAL OPERATIONS  
March 3, 2015**

Thank you for the opportunity to speak today. Common Cause is a nonpartisan, nonprofit organization founded to serve as a vehicle for citizens to make their voices heard in the political process. Accordingly, ensuring that our elections are accessible, well administered and fair is part of our core mission to promote civic engagement and accountability in government.

We have long advocated for election reform, working to improve accessibility, accuracy, transparency, and verifiability in our democratic process at the city, state and national level. For a number of years, our national Common Cause Education Fund has conducted research into how we conduct elections, looking at voting issues across the country and examining reforms as implemented in various states as well as in other countries. Common Cause is also part of the Election Protection effort, fielding volunteer poll monitors in numerous states. Here in New York we also receive reports of problems at polling places through our crowd-sourcing mobile website, PollWatchUSA, and co-facilitate the NY State Voters Coalition.

In this age of devastatingly low voter confidence in our elections and low voter turnout, making voting easy and convenient for citizens is of critical importance. Given that roughly one in five Americans votes absentee, protecting those voters' access to democracy is essential, and keeping track of their ballots will help do that. The absentee ballot tracking proposed by Intro 659 is a welcome improvement to increase voter confidence in voting by mail. It is very hard for voters to find information about the status of their absentee ballot or whether it was indeed counted. Very little information is made available to the public as to how many absentee ballot applications are received by the BOE each year.

According to the NYC BOE 2013 Annual Report<sup>1</sup> only 2.6% of the total (1,102,400) votes cast in the 2013 general election were by absentee ballot, raising concern as to why the New York City data is so different from nationwide trends (again around 20% vote via absentee ballot nationwide). Could there be thousands of New Yorkers out there trying to cast absentee ballots that are not counted?

This last election, as we have in every general election for the past several years, we received numerous calls from frustrated voters who had not received their absentee ballot and had no way of finding out where in the process their application was. Many of them had requested an absentee ballot more than once but received nothing from the BOE. Others who mail in their absentee ballots can never be quite sure whether their vote was counted or not. Voters often call us after they have gotten no satisfaction from the BOE, reporting that clerks tell people to just keep waiting.

Intro 659 would increase voters' confidence in casting ballots by mail and in our elections overall. According to Pew Trusts, in 2012 a total of 32 states had lookup tools that allowed voters to track the

---

<sup>1</sup> <http://vote.nyc.ny.us/downloads/pdf/documents/boe/AnnualReports/BOEAnnualReport13.pdf>



status of their absentee ballot<sup>2</sup>. By tracking when an absentee ballot application is received, whether it has been rejected and why, the status of a ballot being mailed, the receipt of the filled out ballot by the BOE, and most importantly whether it was counted, Intro 659 could drastically reduce wasted staff time among BOE clerks and uncertainty among voters.

The technology exists already. The retail industry (Amazon, Netflix) utilizes Intelligent Mail Barcodes to track packages in real time to and from customers. In some areas the US Postal Service already uses barcodes to track ballots as they go to voters and as they come back. This should reduce call volume to election staff at the busiest time of year and also give voters more assurance that their ballot hasn't been lost in the mail on either end. It also gives election officials an internal dashboard through which they can anticipate voter contact and see progress through the mail.

A system to introduce bar codes on absentee ballots in order to instantly track and monitor them at each phase could be implemented at relatively low cost. A modest amount of increased funding would allow the BOE to implement these tracking procedures / improvements, and would likely save the agency in the long run in staff time.

In light of this, we are eager to hear about the NYC BOE's own internal performance metrics, both existing and planned:

- What exactly does the BOE measure when it comes to absentee voting?
- How many absentee ballots are sent out each election?
- What is the average time from BOE receipt of absentee ballot request to mailing out the ballot?
- What proportion of absentee ballots issued to voters are received back?

Intro 536, proposing contemporaneous voter registration and absentee ballot application, is likewise a commonsense measure that could drastically increase efficiency at the county Board offices. This change is analogous to what has already been done at the state level with affidavit ballots. In 2010, the New York State legislature amended NYS Election Law Section 8-302 to ensure affidavit ballots are treated as applications to register to vote or change party enrollment.

This bill could increase voter participation and administrative efficiency. NYC BOE would simply have to design its own form that consolidates the absentee ballot application form with the questions required to gather information to register a new voter. A concern raised by Intro 536 is whether the voter's registration in this instance would only be valid for NYC elections. Common Cause will advocate at the state level to reform current statutes so that state Election Law Section 8-402 allows such contemporaneous registration.

---

<sup>2</sup> [http://www.pewtrusts.org/~media/legacy/uploadedfiles/pcs\\_assets/2013/Pew\\_2012\\_Online\\_Lookup\\_Tools.pdf?la=en](http://www.pewtrusts.org/~media/legacy/uploadedfiles/pcs_assets/2013/Pew_2012_Online_Lookup_Tools.pdf?la=en)



## **Testimony to the NYC Council Committee On Governmental Operations**

**RE: Int. No. 536 – In relation to contemporaneous registration and absentee ballot application.**

**Int. No. 659 – In relation to allowing absentee voters to track the status of their absentee application and ballot.**

**Tuesday, March 3, 2015**

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 registration, and voter service, 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 law, including the NY State Constitution, we would be in support of Int. No. 536, a local law to amend the NYC Charter in relation to Contemporaneous Voter Registration and Absentee Ballot Application. We note however that the Absentee Ballot Application form currently used by the NYC Board of Elections is the New York State form. It requires the applicant to affirm that they are “a qualified and registered voter.”

Is the Council of the City of NY, by this Int. suggesting a change in the NY State form, or is the Council intending to codify, in the charter, language to be used by the NYC Board of Elections in a form of its own design?

The League supports measures that would shorten and smooth the process of applying for an absentee ballot. Voters often find themselves disenfranchised when their application is rejected and returned, because they are otherwise qualified, but unregistered. Even if the Board of Elections mails a registration form to the voter - with a letter explaining why the application was rejected, the time involved for this back and forth, results in missed deadlines, and votes uncast or not counted.

Perhaps the Absentee Ballot Application should come with an envelope as does the Affidavit Ballot, which is offered to voters on Election Day, and doubles as a Voter Registration Form.



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

4 WEST 43rd STREET, SUITE 615, NEW YORK, NY 10036  
PHONE: (212) 725-3541 • FAX: (212) 725-3443  
WWW.LWVNYC.ORG • OFFICE@LWVNYC.ORG

With respect to Int. No. 659, the League does not object to a secure website provided by the Board of Elections, but we question the diversion of attention and resources needed to build it.

An accurate, up to date voter registration list is essential to more efficient voter service on Election Day. And we believe that it is a “must-have,” precursor to the website described in this bill. We know that Board of Elections Executive Management is committed to the goal of an accurate voter registration list. We urge you, and The Dept. of Information Technology & Telecommunications (DOITT) to provide all reasonable support in furtherance of the Board’s effort. DOITT successfully teamed with the BOE in the past to produce Sample Ballots on the Board’s website. An accurate, reliable voter registration list may be a larger challenge, but it should be the priority.

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.



**CITIZENS UNION OF THE CITY OF NEW YORK**  
**Testimony to the New York City Council Committees on Governmental Operations**  
**Re: Int. No. 536 and Int. No. 659**  
**March 3, 2015**

---

Citizens Union, a nonpartisan good government group dedicated to making democracy work for all New Yorker, submits this testimony concerning two bills aimed at absentee voting in New York City, Int. No. 536 and Int. No. 659.

**Int. No. 536** would amend the New York City Charter to add a new section to permit a qualified person who is not yet registered to vote to apply for an absentee ballot, so long as the person submits a completed registration form that is timely for voting in the election for which the person seeks an absentee ballot. Citizens Union would like more information about whether the proposed bill if enacted would increase voter participation rates in the New York City. Citizens Union strongly supports reducing barriers to registration and voting, however, we believe legislation, even very well-intentioned legislation, should be reserved for solving problems that rise to a great enough level of significance that a new law will make a difference. Citizens Union is also aware that a state law preemption problem may emerge here. While we favor greater home rule, especially in the conduct of elections, and look for every opportunity to promote the city's authority to adopt local laws on issues that affect city residents, those in favor of the status quo may argue that the state's statutory and regulatory scheme demonstrates a legislative intent to occupy this area of law. Citizens Union would like more information on whether enactment would trigger a home rule legal challenge.

**Int. No. 659** would provide absentee voters tools to track the status of their applications for absentee ballots and their ballots. The bill if enacted would establish a secure website that would permit a voter to determine whether the New York City board of elections had received his or her request for an absentee ballot, approved or rejected the request, mailed it, received the voter's completed absentee ballot, and counted or rejected it. Tools for tracking transactions have become a regular feature of the economy and importing them to civic life will lead to increased voter engagement and public assurance that the board of elections is operating effectively. For these reasons, Citizens Union fully supports this bill.

**THE COUNCIL  
THE CITY OF NEW YORK**

Appearance Card

I intend to appear and speak on Int. No. 536+639 Res. No. \_\_\_\_\_

in favor  in opposition

Date: 3/3/15

(PLEASE PRINT)

Name: MICHAEL J. Ryan

Address: 42 BROADWAY 7th FL. NY NY 10004

I represent: NYC Bd. OF ELECTIONS

Address: 310/A

**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: Dawn Sandau

Address: 42 Broadway

I represent: Bd of Elections

Address: 42 Broadway

**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: Amy Loprest

Address: 100 Church St. 12th Floor

I represent: NYC Campaign Finance Board

Address: \_\_\_\_\_

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. \_\_\_\_\_

in favor  in opposition

Date: 3/3/2015

(PLEASE PRINT)

Name: Amy Loprest

Address: 100 Church St

I represent: NYC Campaign Finance Board

Address: \_\_\_\_\_

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. 536 or 659 Res. No. \_\_\_\_\_

in favor  in opposition

Date: 03/03/15

(PLEASE PRINT)

Name: Kate Doran

Address: 11 Polkems Pl. Bklyn. NY 11215

I represent: League of Women Voters

Address: 4 West 43rd St. NY, NY

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. 659/536 Res. No. \_\_\_\_\_

in favor     in opposition

Date: 3/3/15

(PLEASE PRINT)

Name: Lauren George

Address: \_\_\_\_\_

I represent: Common Cause NY

Address: \_\_\_\_\_

▶ 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. \_\_\_\_\_

in favor     in opposition

Date: 3/3/2015

(PLEASE PRINT)

Name: Seth Flaxman

Address: 360 President St. #2 Brooklyn, NY

I represent: \_\_\_\_\_

Address: \_\_\_\_\_

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