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## BOARD OF ELECTIONS

IN  
THE CITY OF NEW YORK  
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October 25, 2016

Via e-mail only  
[hearings@council.nyc.ny.us](mailto:hearings@council.nyc.ny.us)

Gary Altman, Esq.  
Legislative Counsel  
Office of the Speaker  
The Council of the City of New York  
City Hall  
New York, NY 10007

**Re: Governmental Operations Committee  
Hearing – October 26, 2016  
Board of Elections Oversight and  
Intro 508 A**

Dear Mr. Altman:

Please be advised that the Board has been in contact with New York City Council staff to discuss the above referenced hearing. All parties acknowledged the circumstances involving this hearing, including notice and proximity to the Presidential General Election Date.

In the spirit of intergovernmental cooperation, the Board's Executive Committee has authorized appearing before the committee tomorrow. Given the time constraints, the Board is not able to provide formal written testimony; however, the Board will provide an overview of election day preparation via oral testimony and be available for questions.

If you have any questions, please do not hesitate to contact me at (212) 487-5403.

Very truly yours,

THE BOARD OF ELECTIONS  
IN THE CITY OF NEW YORK

By: 

\_\_\_\_\_  
Michael J. Ryan  
Executive Director

C: The Commissioners of Elections in the City of New York  
Dawn Sandow, Deputy Executive Director  
Pamela Perkins, Administrative Manager  
Steven Denkberg, Counsel to the Commissioners  
Kenneth Moltner, Counsel to the Commissioners  
Steven H. Richman, General Counsel  
Raphael Savino, Deputy General Counsel



STATE OF NEW YORK  
OFFICE OF THE ATTORNEY GENERAL

ERIC T. SCHNEIDERMAN  
ATTORNEY GENERAL

EXECUTIVE OFFICE

October 26, 2016

The Honorable Ben Kallos  
New York City Council  
Chair, Committee on Governmental Operations  
250 Broadway  
Suite 1807  
New York, NY 10007

Dear Council Member Kallos:

I want to thank the Committee on Governmental Operations for conducting an oversight hearing regarding elections and proposed reforms, and also giving a first hearing to a bill that would establish a system of electronic voter registration in New York City (Proposed Int. No. 508-A). As you know, in April of this year, my office issued an opinion advising Suffolk County that electronic voter registration, including use of electronically affixed signatures, is legal in New York State. The determination was in response to a letter sent by Suffolk County to my office, requesting an opinion as to whether implementing electronic registration would be permitted by State election law.

Voting is the cornerstone of our democracy, and I applaud you for proposing this legislation, which – if enacted – would be an exciting step to make the election process more accessible and simpler for all.

I am enclosing a copy of the Informal Opinion (No. 2016-1m) that we sent to Suffolk County, in the event you wish to read its contents into the record at your hearing. I hope that we can partner with you and the entire City Council to help develop an electronic registration system that can bring our democracy into the 21<sup>st</sup> Century.

Sincerely,

A handwritten signature in black ink, appearing to read "Eric T. Schneiderman".

ERIC T. SCHNEIDERMAN



STATE OF NEW YORK  
OFFICE OF THE ATTORNEY GENERAL

ERIC T. SCHNEIDERMAN  
ATTORNEY GENERAL

BARBARA D. UNDERWOOD  
SOLICITOR GENERAL

April 25, 2016

Dennis M. Brown  
County Attorney  
Suffolk County  
P.O. Box 6100  
Hauppauge, NY 11788-0099

Informal Opinion  
No. 2016-1

Dear Mr. Brown:

You have explained that the County is considering implementing a system whereby a person desiring to register to vote will complete an application online. In light of that, you have asked whether state law governing voter registration requires that the signature of a registrant be handwritten—in other words, written with ink, or a “wet signature.” As explained below, we conclude that state law governing voter registration does not require a wet signature and that a signature can be affixed electronically.

The Legislature has created a comprehensive legislative plan addressing the registration of voters. *Clark v. Cuomo*, 104 A.D.2d 188, 191 (3d Dep’t 1984); *aff’d*, 66 N.Y.2d 185 (1985). As part of that plan, section 5-210 of the Election Law authorizes a prospective voter to apply for registration by mail or by appearing at the county board of elections. Election Law § 5-210(1).

The registration application must include an affirmation that the applicant meets the eligibility requirements to register to vote and “a place for the applicant to execute the form on a line which is clearly labeled ‘signature of applicant.’” Election Law § 5-210(5)(k)(xi). The affirmation must be followed by “a space for the date and the aforementioned line for the applicant's signature.” *Id.* Similarly, the term “personal application” is defined to mean a “signed writing which may be delivered by mailing or in person.” *Id.* § 1-104(27). But the Election Law does not specifically require a signature written with ink on a voter registration application. We therefore are of the opinion that the signature requirement of Election Law § 5-210(5) does not preclude a signature affixed by electronic means.

But the electronic registration system to be implemented by the County must fit within the framework of the registration system created by the Legislature. Most importantly, the technology implemented must capture a handwritten signature that can be incorporated into

the registration records and compared with the signature that the applicant will write at the polling location at the time of voting. Election Law § 8-304(1), *see also id.* §§ 5-500(7), 5-506(3). The electronic signature, therefore, must be of a quality and likeness to a signature written with ink.

Further, Election Law § 5-210 provides for individual registration by mail or by appearance at an applicant's local board of elections. Election Law § 5-210(1). No other provision of the Election Law authorizes an applicant to directly transmit a registration application to the local board of elections. *See, e.g.*, Election Law § 5-202 (local registration at scheduled meeting of board of inspectors for election district); *id.* § 5-211 (registration through designated state agencies); *id.* § 5-212 (registration through Department of Motor Vehicles). Thus, we believe that a registration application completed online would have to either (a) be printed and mailed to the local board of elections by the applicant or a third party assisting the applicant or (b) be completed by appearing at the local board of elections. Otherwise, the County would be creating a new system of registration rather than using the existing system outlined by the Legislature. *See Clark v. Cuomo*, 104 A.D.2d at 192.

Our conclusions in this opinion are directly based on what is traditionally understood to be a "signature" and relate simply to whether such a signature must, under the Election Law, be written with ink. For that reason, we need not address the applicability of the Electronic Signatures and Records Act, Article 3 of the State Technology Law (ESRA). We therefore do not consider all forms of signature that are encompassed by ESRA. Nor does this opinion relate to other means of registration via specific agencies, as established by Election Law §§ 5-211 and 5-212.

In sum, we are of the opinion that a registration application can be completed electronically—with an electronically-affixed handwritten signature identifiable as the applicant's—printed, and mailed to the board of elections by the applicant or a third party. Indeed, such electronically-facilitated voter registration is, in our opinion, consistent with the expressed legislative policy of "encourag[ing] the broadest possible voter participation in elections." Election Law § 3-102(14); *see also Clark v. Cuomo*, 66 N.Y.2d 185, 190 (1985).

The Attorney General issues formal opinions only to officers and departments of state government. Thus, this is an informal opinion rendered to assist you in advising the municipality you represent.

Very truly yours,



KATHRYN SHEINGOLD  
Assistant Solicitor General  
In Charge of Opinions



**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**

**City Council Committee on Governmental Operations  
October 26, 2016**

Good afternoon Chair Kallos, and the members of the Governmental Operations Committee. My name is Amy Loprest, and I am Executive Director of the New York City Campaign Finance Board.

Thank you for the invitation to provide testimony.

With a truly important election less than two weeks away, it is of utmost importance that New Yorkers have confidence in the election process. We thank the Council for supporting the Board of Elections in their efforts to administer this year's historic vote in a manner that is efficient, honest, fair, and transparent.

Through our voter engagement arm, NYC Votes, the Campaign Finance Board strongly supports efforts to use technology to make it easier for more New Yorkers to register and vote.

That starts with universally accessible online voter registration. New York has a turnout problem, but we also have a voter registration problem—more than a million New York City residents are eligible, but not registered to vote. We can reduce that number by making voter registration as quick, simple, and easy as any Internet transaction for all New Yorkers, not only for those with driver's licenses or a DMV-issued identification card.

That is why we have long supported reforms to that State Election Law that would bring our outdated, pen-and-paper voter registration system into the 21<sup>st</sup> century. The Voter Empowerment Act would enable online voter registration through the state Board of Elections, allow New Yorkers more control over their own voter registration records, and provide New Yorkers an automatic opportunity to register when they access government services. It would add efficiency and improve the accuracy of the voter rolls, by eliminating much of the data entry performed by BOE staff. There was a resolution considered in this committee earlier this year (Res. No. 1060-2016) in support of this important legislation.

We were encouraged, as were many advocates for better elections technology, when the Attorney General advised in April that online voter registration is consistent with current State Election Law—including the use of an electronic signature. However, the same opinion concluded that Election Law requires a form completed with an electronic signature to be printed and delivered to the local Board of Elections. The result? Voters can access something that looks like electronic registration, but administrators behind the scenes are left working with the same old paper-based system.

This is a step forward, but an incremental one at best. Intro. No. 508-A would codify an incomplete and temporary solution into the City Charter.

We understand and appreciate the Council’s desire to move forward in this area. However, we believe our primary objective should be to seek changes to State Election Law that will enable electronic transmission of the *entire* voter record to the relevant Board of Elections.

We offered testimony on much of the remaining legislation on today’s agenda in previous appearances before this Committee, and we refer you to our previous testimony for comment on those bills.

Many thanks for the opportunity to provide testimony today.



**Testimony to the Committee on Government Operations of the New York City Council**

Brandon West  
Vice President of Political Affairs and Policy  
October 26th 2016

Thank you to Chair Kallos and members of the committee for the opportunity to submit testimony regarding pending legislation related to the operations of the New York City Board of Elections.

The New Kings Democrats is a progressive, grassroots political organization committed to bringing transparency, accountability, and inclusionary democracy to the Kings County Democratic Party. To those ends, we strive to prioritize issues and advance policy platforms that shape the conversation around local progressive politics, and good government.

Despite being a partisan political club, NKD has a strong commitment to advocating for ways to make government work better for all voters, and we hope that more partisan political clubs will join the nonpartisan effort to improve the way our elections are managed. We support Intro 508 and all efforts to make voter registration more accessible to everyday people, and we support the adoption of best practices that are popular in other parts of this country.

In September of last year, NKD adopted a platform for voting rights, which included full online voter registration. Other reforms we seek to implement are automatic registration; same day enrollment; lowering the voting age to 16; noncitizen voting in municipal elections; an ability to correct registration errors at the polls; and full voting rights for those previously convicted of a felony, those awaiting trial, and those currently serving a sentence. We know these reforms will take a lot of work at the state and local level, but we urge the Council to consider them and work to make it easier to participate in our elections.

While NKD is interested in working with the Board of Elections in any way that we can, we are greatly dismayed at both their refusal to accept 20 million dollars in funding from the Mayor's office in exchange for modest reforms, and also the recorded comments of Manhattan BOE commissioner Alan Schulkin, expressing xenophobic and factually incorrect views on voter fraud in the city. These comments reflect poorly on an organization that we all rely on, but also are not founded in fact, and promote animosity and unhelpful stereotypes about non-white neighbors. Comments like this have been distressingly common this year at the national level in regards to the "integrity" of our elections. We expect more from our Board, and we need to empower them



to not only deliver more to the citizens of the city, but to lead the country as New York City leads in many ways already.

We thank you again for this opportunity and are open to discuss our reform ideas in detail at any opportunity.



## **CITIZENS UNION OF THE CITY OF NEW YORK**

### **Testimony to the New York City Council Government Operations Committee On Proposed Intro 508-A To Create a New York City Online Voter Registration Website October 26, 2016**

Good afternoon Chair Kallos and members of the Governmental Operations Committee. My name is Rachel Bloom and I am the new Director of Public Policy and Programs at Citizens Union. Citizens Union is a nonpartisan good government group dedicated to making democracy work for all New Yorkers. Citizens Union serves as a civic watchdog, combating corruption and fighting for political reform.

A modern and streamlined voter registration process is vital to the mission of Citizens Union and we thank you for this opportunity to present our thoughts on the creation of a New York City online voter registration website and mobile application. We know voter registration and participation is central to this committee, and applaud the work you have undertaken on this issue.

#### **Citizens Union Long History in Support of Online Registration**

Citizens Union has long been a leader in the push for comprehensive online voter registration in New York City and State. With the second lowest voter turnout in the country, we firmly believe New York must do as much as it can to make voting and voter registration as accessible as possible.

For several years, Citizens Union has been urging city and state elections officials to institute true online voter registration, without the requirement of a wet signature and this legislation is a step in that direction. We have maintained that only in select instances does state election law require an "original signature" and does not explicitly define an "original signature" as a wet or hand-written signature. We made this point to the Attorney General back in 2013 unleashing a review process and a legal analysis that resulted in Suffolk County requesting a formal advisory opinion on this very topic. Consequentially, Attorney General Schneiderman agreed with Citizens Union and earlier this year issued an advisory opinion stating that online registration including use of electronically affixed handwritten signatures, is legal in New York State.

We therefore believe a digital signature could be provided by registrants via an electronic stylus, a finger on one's phone, or as outlined in this legislation through the uploading of an electronic file containing a copy of a handwritten signature or the approval of a signature previously provided to the city or state.

We also urge the council to amend the bill to include making this portal available to nonprofit organizations and other public sector institutions which may wish to post the program or application on their websites or send out to their supporters in digital communications.

### **Streamlining of Online Voter Registration**

While we are very happy to see any legislation that would make it easier for New Yorkers to register to vote, Citizens Union believes that the broader online voter registration system can and should be simplified. Upon passage of Int. 508-A, New York City will have an online voter registration system that consists of three steps. First, the individual registering to vote online must fill out the online application form and provide an electronic signature. Second, the office of operations must print and electronically-affix the signature, and mail it to the New York City Board of Elections. Third, the NYC Board of Elections must receive and process the hard-copy application form. In the future, Citizens Union hopes that this process can be condensed into a single step as a result of needed state legislative change, where the online application form is sent directly to the NYC Board of Elections to be processed like a physical copy would be.

This bill is an excellent step in the direction of true online voter registration for residents of New York City. While we strongly support this legislation, we also urge the City Council to press the state to implement true online voter registration. Online voter registration will not only make registering to vote considerably easier, it will save New York City a considerable amount of time and money. In Maricopa County, Arizona (which includes Phoenix), processing a paper voter registration form costs 83¢, compared to an average of 3¢ for applications received electronically from the DMV or through the online system. Additionally a true system of online voter registration will eliminate a considerable amount of human error, as registrants will be entering their information themselves, as opposed to individuals inputting information by hand from a voter registration form.

We strongly support this legislation with our proposed amendment and thank you for the opportunity to testify today.

**THE COUNCIL  
THE CITY OF NEW YORK**

Appearance Card

I intend to appear and speak on Int. No. 508A Res. No. \_\_\_\_\_

in favor  in opposition

Date: \_\_\_\_\_

(PLEASE PRINT)

Name: Rachel Bloom

Address: 299 Broadway, Suite 700

I represent: Citizen Union

Address: 29

**THE COUNCIL  
THE CITY OF NEW YORK**

Appearance Card

I intend to appear and speak on Int. No. 508A Res. No. \_\_\_\_\_

in favor  in opposition

Date: 10/26/16

(PLEASE PRINT)

Name: Ethan Gringer-Sameth

Address: 299 Broadway, NY, NY 10007

I represent: Citizens Union

Address: x 299 Broadway

**THE COUNCIL  
THE CITY OF NEW YORK**

Appearance Card

I intend to appear and speak on Int. No. 508A Res. No. \_\_\_\_\_

in favor  in opposition

Date: \_\_\_\_\_

(PLEASE PRINT)

Name: Rachel Bloom

Address: 299 Broadway

I represent: Citizens Union

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

**THE COUNCIL  
THE CITY OF NEW YORK**

Appearance Card

I intend to appear and speak on Int. No. 528A <sup>ALL</sup> Res. No. \_\_\_\_\_

in favor     in opposition

Date: \_\_\_\_\_

(PLEASE PRINT)

Name: Neal Rosenstein

Address: 417 4TH ST Brooklyn

I represent: NYPIRG

Address: 9 Murray St

◆ 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: \_\_\_\_\_

(PLEASE PRINT)

Name: Michael Ryan

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

I represent: NYC BOE

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

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