

New York State Senate  
Democratic Policy Group

# Why Don't More New Yorkers Vote?

## *A Statewide Snapshot Identifying Low Voter Turnout*

Senator Brad Hoylman, *Chair*

Senators Leroy Comrie, Velmanette Montgomery, Kevin S. Parker,  
Diane Savino, José M. Serrano, and David Valesky

*Policy Group Members*



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Senator Andrea Stewart-Cousins  
*Democratic Conference Leader*



Senator Jeff Klein  
*Deputy Democratic Conference Leader*

## EXECUTIVE SUMMARY

The freedom to vote is arguably our country's most important and hard-won right. *New York ranks as 41st in turnout in the nation, and is worst in the Northeast.* The State's system of elections has many problems, including needlessly early registration deadlines, strict absentee ballot rules, and confusing rules for primary elections. As a result, in the 2016 general election, only **57%** of voting-eligible New York voters cast a ballot for a presidential candidate. In the recent special elections, **fewer than one in four** registered voters cast a ballot for a highly-contested State Senate seat in Westchester, while in a Bronx Senate race, the turnout was **less than 2%**.<sup>1</sup>

The Senate Democratic Conference conducted a statewide survey of eligible voters to help determine the source of such low turnout. The results provide a snapshot of reasons voters chose not to go to the polls and point towards legislative solutions to address the problem.

### Key Findings of Voter Survey

- 79% said they would be more likely to vote in an election if early voting was enacted
- 76% said they would be more likely to vote in an election if no-excuse absentee voting was enacted
- 81% who live in counties with voting hours from 12 – 9 p.m. on primary day said they would be more likely to vote in an election if voting hours were extended to 6 a.m. to 9 p.m.
- 28% said they have missed an election because of work or school obligations

The voter survey identified major barriers in New York that discouraged voters from casting their ballots. Respondents named the inability to vote early or easily by absentee ballots in New York as a major impediment. In addition, respondents also cited a lack of awareness among voters of the dates of elections or the timing requirements to register to vote.

The voter survey showed that there are particularly difficult barriers for voters to overcome in party primaries. In New York, voters must navigate complicated laws about when to register to vote, enroll in a party, and even when to cast their ballots. Changing a voter's party enrollment to participate in New York's closed primaries requires a voter to re-enroll 25 days before the *prior* general election.<sup>2</sup> On primary election day, many counties in the State limit their polling hours from 12 – 9 p.m., instead of hours used for general elections (6 a.m. – 9 p.m.), making it difficult for people who work or have other responsibilities to vote. Finally, having separate state and federal primaries sows confusion among voters, not to mention costs more money.

The package of bills put forth by the Democratic Conference, discussed in this report, would address each of these issues, making it easier for New Yorkers to exercise their constitutional

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<sup>1</sup> Based on unofficial results available at <http://www.elections.ny.gov/ENR/NYSENRAccessible.html>.

<sup>2</sup> N.Y. Election Law § 5-304(3).

right to vote and improve the foundation of our representative government. States across the country have enacted similar proposals, and given the historically low voter turnout in the State, New York must now do the same.

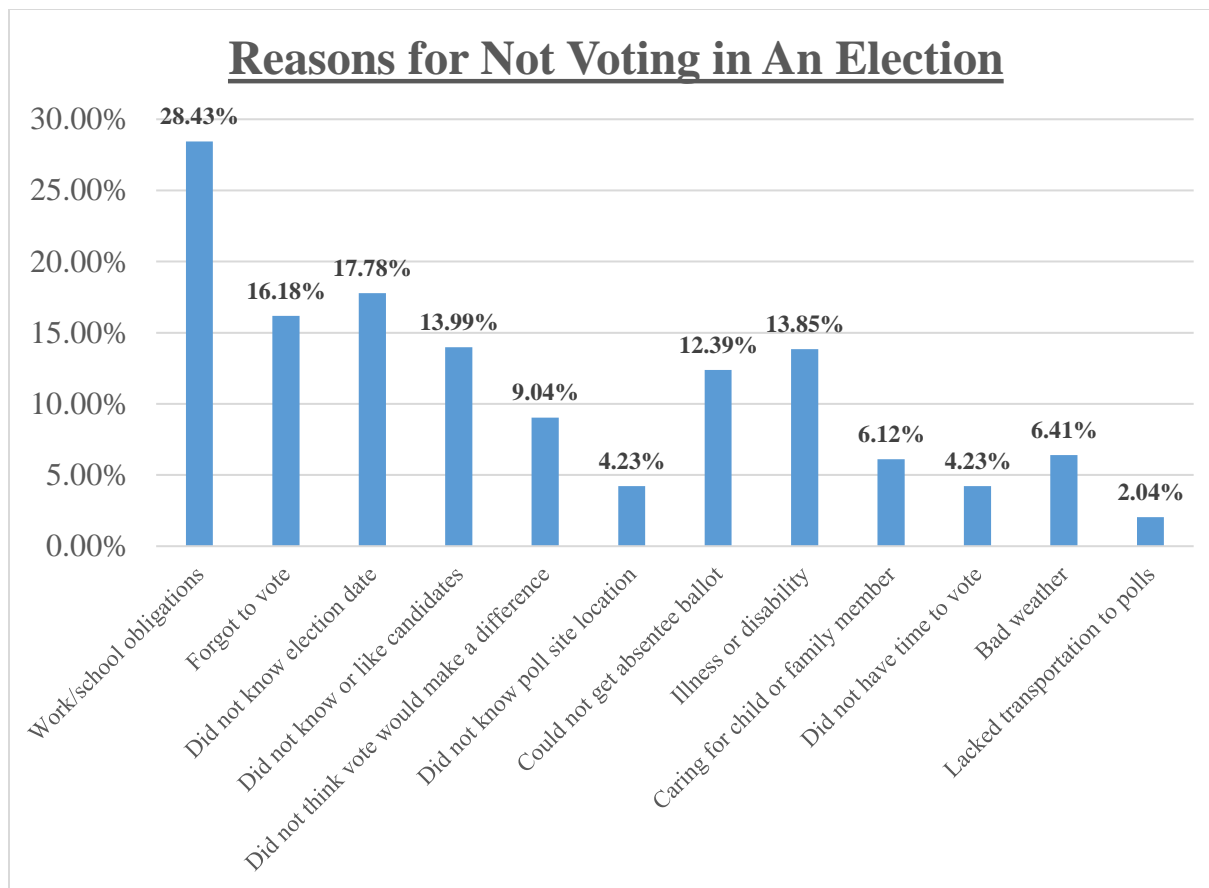
**Increasing Access to the Ballot Box: The Democratic Conference's Voting Agenda**

- Enactment of early voting
- Amendment of the Constitution to permit no-excuse absentee voting
- Automatic voter registration
- Preregistration for 16- and 17-year olds
- Shortening the deadline for party enrollment
- Lengthening primary polling hours Upstate
- Consolidating the federal and state primaries
- Making important information available in more languages
- Requiring mailed notice to voters before primary, special, and general elections

**SURVEY DATA**

Staff surveyed 930 eligible voters in New York in February and March of 2018 about their voting behavior in past elections. In the survey, New Yorkers were asked why they had not voted in past elections. Respondents indicated that they have missed one or more elections for some of the following reasons:

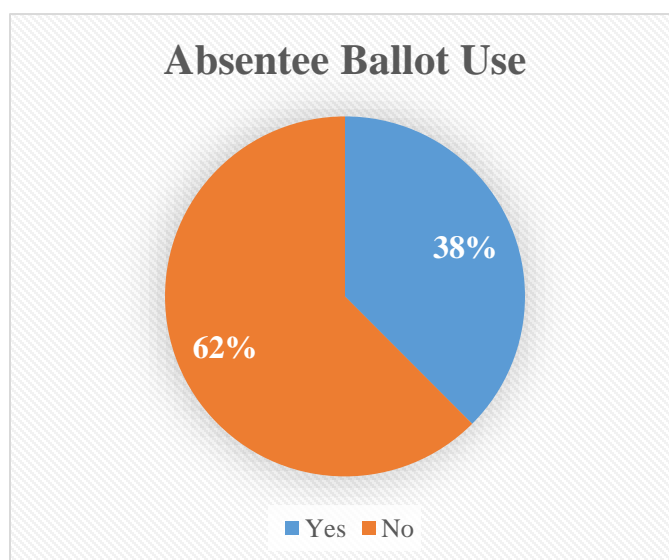
- 28% of respondents said they missed the election because of work or school obligations.
- 6% of respondents said they were busy caring for a family member or child.
- 6% of people decided not to vote because of bad weather on Election Day.
- 14% missed an election due to illness or disability.
- 18% did not know the day of the election.
- 12% could not get an absentee ballot.



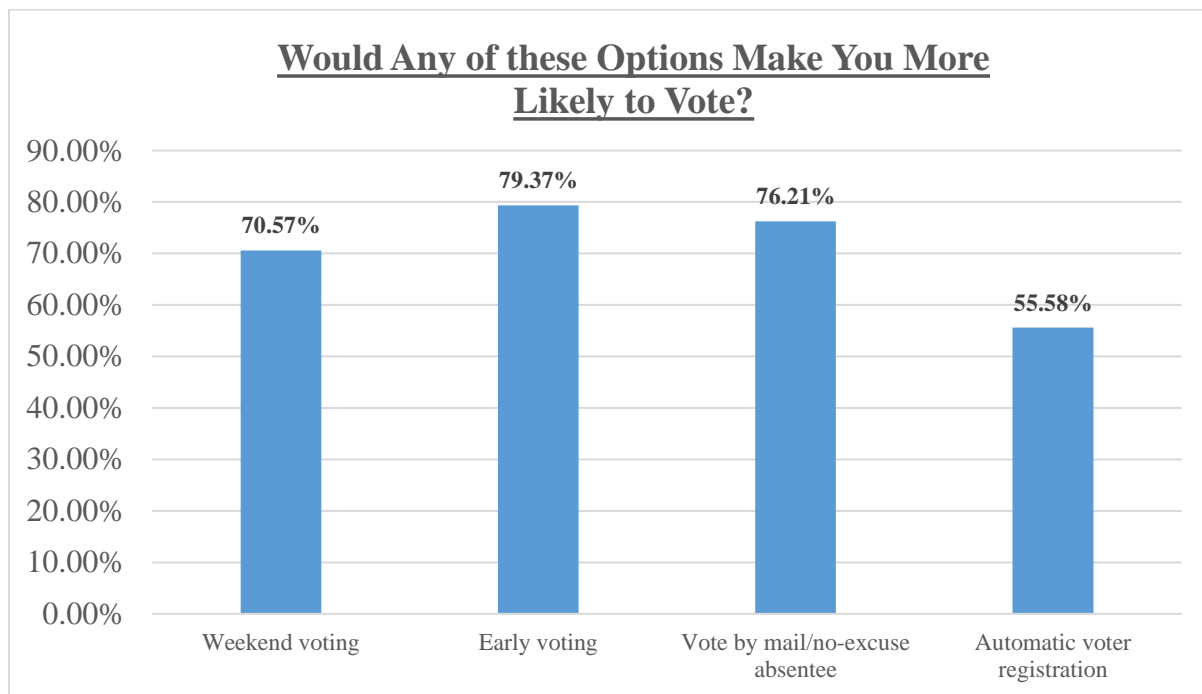
Staff also asked voters whether they had ever voted in New York by absentee ballot. Of those surveyed, **62%** stated that they had never voted by absentee ballot. One individual even stated that they did not know how to get an absentee ballot.

Surveyed voters were also asked what options would make them more likely to vote. About **62%** of respondents surveyed said that they would be more likely to vote in an election if voting was held on a weekend. Further, **79%** of respondents said that they would be more likely to vote in the election if poll sites were open for multiple days or on one of the days prior to the election as done in an early voting format.

Other proposals to potentially increase voter turnout also received similar

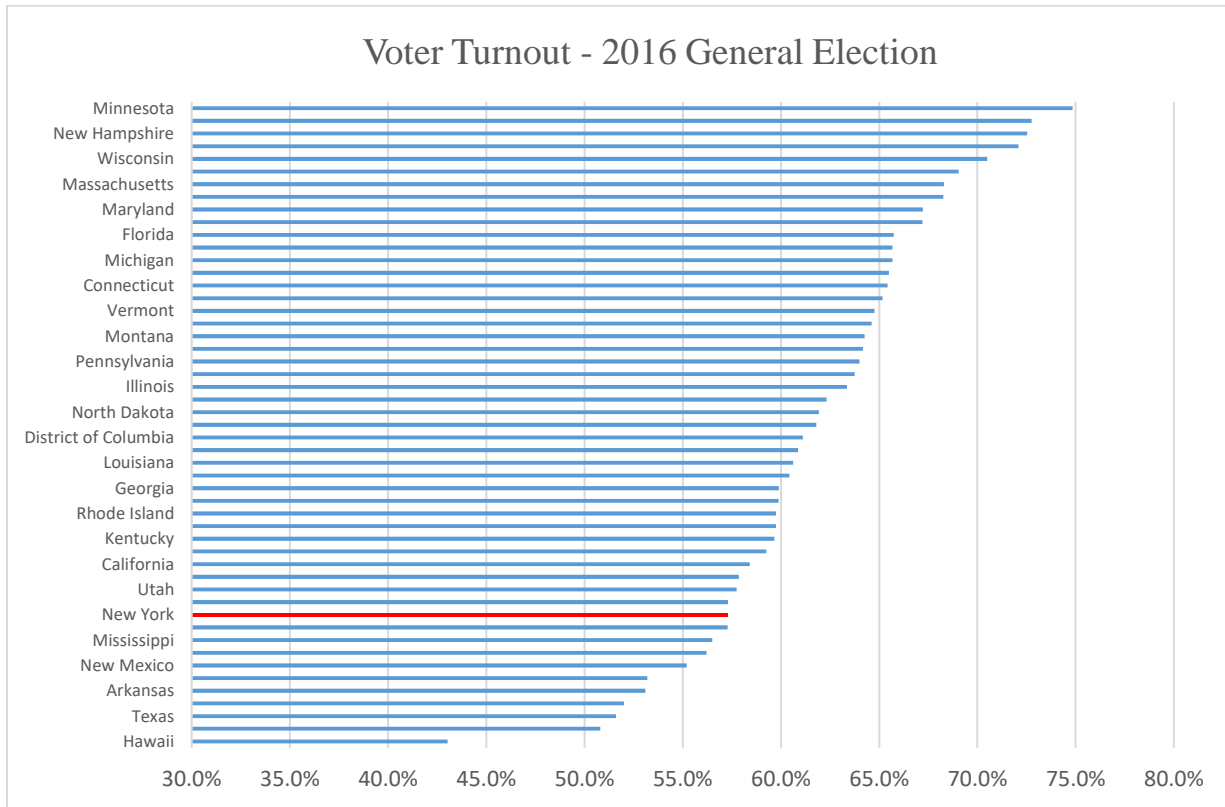


enthusiasm. Almost **76%** of respondents said they would be more likely to vote if they could vote by mail in a no-excuse absentee ballot program. Moreover, about **56%** of respondents said that automatic voter registration through the DMV or another state agency would make them more likely to vote.



Lastly, the survey asked voters if they would be more likely to vote if poll hours were lengthened in upstate counties that only have voting from noon on primary day to 9:00 p.m. In the survey, **81%** of respondents who live in counties with shortened voting hours said that they would be more likely to vote in primaries if the poll sites were open for an additional six hours, from 6:00 a.m. to 9 p.m.

## THE DEMOCRATIC CONFERENCE'S AGENDA



*\*Data courtesy of the U.S. Election Project<sup>3</sup>*

New York State ranked 41st in the country for voter turnout for the 2016 general election, as only 57% of the voting-eligible population cast a ballot. This is less than the national voter turnout percentage in 2016, which was 60.2%. The state with the greatest turnout was Minnesota, with 74.8% turnout, and this state notably has broader access to the ballot with both early voting and no-excuse absentee balloting.

New York's low rate of turnout is likely due in part to the state's archaic voting rules. New York lacks early voting, automatic and flexible voter registration, no-excuse absentee ballots, and clear information about voting. For example, none of the existing statutory reasons to be eligible for an absentee ballot includes child care, caring for a family member, or work obligations. Yet a large number of surveyed New Yorkers cited these reasons as barriers to their ability to vote. In addition, although permanent illness or physical disability is an allowable reason to currently vote absentee, a voter being temporarily sick on election day is not a sufficient reason to vote under the state's election law. Yet 14% of respondents say they missed the opportunity to vote solely because of temporary or mild illness on Election Day, meaning that a bad flu season could be suppressing thousands of voters every year.

<sup>3</sup> See <http://www.electproject.org/2016g>



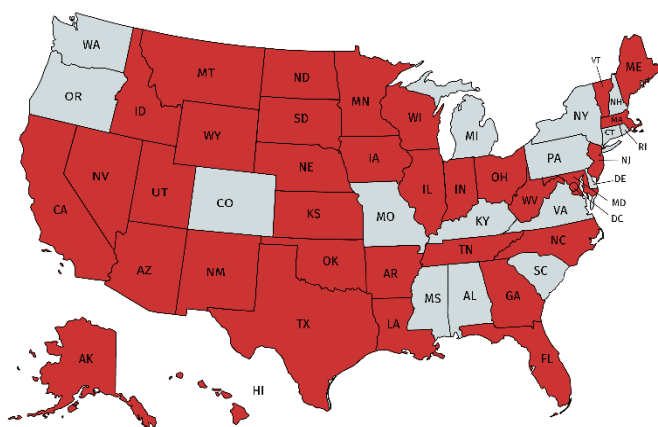
In response to these survey results, New York could enact a litany of policies addressing the common reasons why New Yorkers do not vote. The following analysis discusses common ways that other states expand voting access, and other tools that New York could enact to address common concerns of survey respondents.

“When voting is made easier,  
more people vote.”

-New York Times

### Early Voting

Thirty-four states plus the District of Columbia have enacted some form of early voting or in-person absentee voting, leaving New York in the minority of states that do not allow voters to cast a ballot before Election Day. In-person absentee voting, which is similar to early voting, allows absentee-eligible voters to fill out an absentee ballot and drop off the ballot in person at the board of elections during a designated time period prior to Election Day.



According to the National Conference of State Legislatures, the average length of early voting among the states that have implemented early voting is 19 days, ranging in length from four days to 45 days.<sup>4</sup> The average starting date for early voting is 22 days before Election Day, with the range being 45 days before the election or as short as the Friday before Election Day. States as diverse as Georgia, Texas, California, and Vermont have

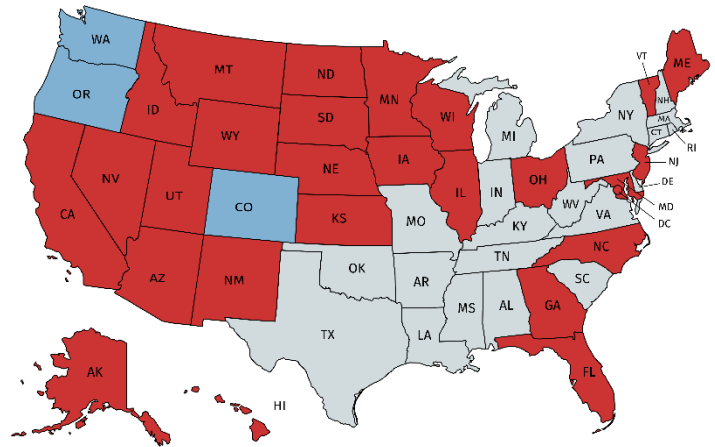
all enacted early voting. These states have all recognized that residents want greater flexibility in when they decide to vote.

To give New Yorkers much-needed flexibility in exercising their right to vote, the Legislature should pass S7400A/Kavanagh, which would authorize eight days of early voting. It would also create a dedicated funding mechanism for early voting.

<sup>4</sup> National Conference of State Legislatures, Absentee and Early Voting, <http://www.ncsl.org/research/elections-and-campaigns/absentee-and-early-voting.aspx>

### No-Excuse Absentee Voting

Under current New York election law, an absentee ballot can only be submitted by a voter for a primary, general or special election for the following reasons: 1) absence from the county or NYC on election day; 2) permanent illness or physical disability; 3) primary care duties of a disabled person; 4) patient or resident of a veterans hospital; or 5) awaiting a criminal proceeding or incarcerated for a misdemeanor.<sup>5</sup> Thus, a voter who has extended work or family obligations throughout Election Day or some other legitimate reason is not eligible to receive an absentee ballot.



Currently, 27 states plus the District of Columbia, as seen in the map above, have enacted no-excuse absentee voting, in which an absentee ballot can be cast for any reason.<sup>6</sup> In addition, voting by mail is the only method of voting in Colorado, Oregon, and Washington. Notably, these three states have substantially higher rates of turnout than New York; indeed, all three are in the top twelve nationwide.

So that New Yorkers can vote by mail for any reason, the Legislature should pass S840/Comrie, which would amend the Constitution to allow for no-excuse absentee voting and which has already been passed by the Assembly.

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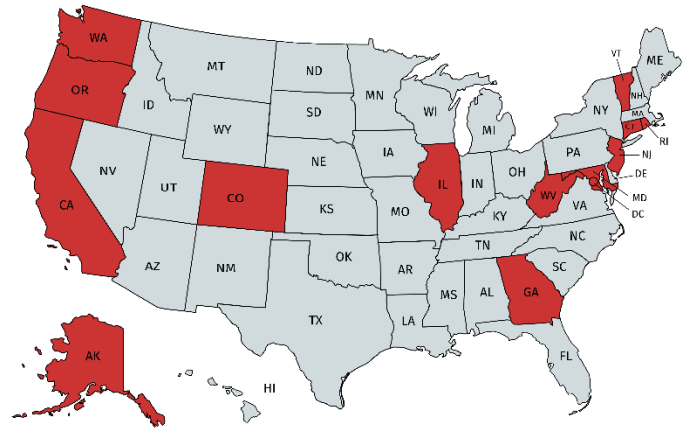
<sup>5</sup> N.Y. Const. Art. II, § 2; N.Y. Election Law § 8-400

<sup>6</sup> National Conference of State Legislatures, Absentee and Early Voting, <http://www.ncsl.org/research/elections-and-campaigns/absentee-and-early-voting.aspx>



### Automatic Voter Registration

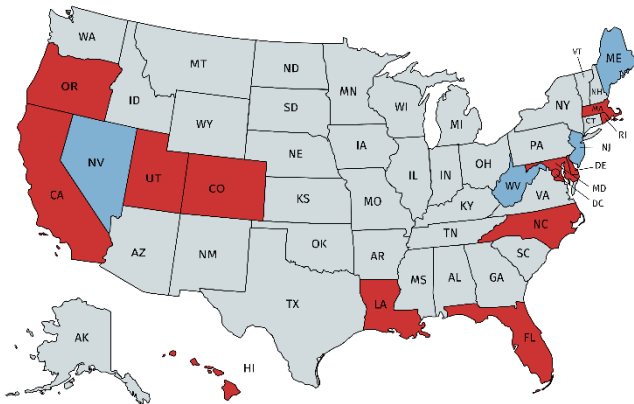
Under New York law, a person must fill out and submit a voter registration form to the board of elections or indicate their intent to vote on an application form through the Department of Motor Vehicles. Thirteen states plus the District of Columbia have enacted automatic voter registration, which would register a voter whenever he or she interacts with a state agency. Additionally, voters moving across county lines must re-register at their new address.



The Legislature should pass S3409/Parker, which would automatically register voters who interact with most state or local agencies unless they affirmatively opt not to do so. The Legislature should also pass S3304/Gianaris, which would automatically transfer the registration of voters who move within the State.

### Registration by Young People

There are 13 states plus the District of Columbia that allow all 16-year olds to pre-register to vote and 17 states that allow all 17-year olds to pre-register to vote. In addition, four other states allow certain 17-year olds to pre-register to vote depending on when they turn age 18.<sup>7</sup> In New York, a person must be 18 years old by December 31 of the year in which they register to vote and must be 18 years old to cast a ballot in that election in which the person wants to vote.<sup>8</sup>



Pre-registration is particularly useful as students may be enrolled in history, politics, or civics classes during high school and are learning about their civic responsibilities. Pre-registration would allow these young people to further engage in

<sup>7</sup> NCSL, Preregistration for Young Voters, <http://www.ncsl.org/research/elections-and-campaigns/preregistration-for-young-voters.aspx>

<sup>8</sup> N.Y. Election Law § 5-102.

the political process and prepare to become active voters.

Accordingly, the Legislature should enact S4440/Montgomery, which would enable 16- and 17-year olds to pre-register to vote.

### Primary Election Reform

Primary turnout is particularly poor in New York. Though turnout in the 2016 general election was 57%, in the 2016 presidential primary, turnout was only 21%.<sup>9</sup> Turnout for other offices was even lower, rarely cracking double digits.<sup>10</sup> Three factors hold down primary turnout:

*Voting Hours.* All across the state, poll sites must be open from 6:00 a.m. to 9 p.m. on the day of a general election or special election. However, on primary days, poll sites' opening hours vary. Polling places in New York City and the counties of Nassau, Suffolk, Westchester, Rockland, Orange, Putnam, Dutchess, and Erie are open from 6:00 a.m. to 9 p.m. However, in all other counties (including populous counties such as Monroe, Oneida, Albany, and Onondaga), voting hours are only from noon to 9 p.m.<sup>11</sup> This six-hour difference in voting hours can be the difference between voting before heading to work and not having the time. To address this issue, the Legislature should pass S7264/Valesky, which would ensure uniformity of primary voting hours across the State from 6:00 a.m. to 9 p.m.

*Party Enrollment Deadline.* Currently, voters must also change their party enrollment 25 days before the previous general election,<sup>12</sup> which is nearly *eleven months* prior to the fall primary. As many learned in 2016, extremely early registration deadlines prevent otherwise enthusiastic voters from enrolling in their chosen party and participating in a primary election. Because this deadline is unreasonably early, the Legislature should pass S5615/Krueger, which would allow a voter to change their party enrollment up to 90 days before the primary. This deadline is rationally related to the actual date of the primary, but far enough out to discourage dishonest “cross-over” voting.

*State and Federal Primaries.* In 2016, voters were asked to go to the polls *four times* in a single year: once for the presidential primary, once for other federal offices, once for state offices, and finally the general election. Holding so many elections is expensive to the State, and lowers turnout because voters may not be aware of the multiple primaries. According to research included in legislation by Assemblyman Michael Cusick, New York could have saved \$25 million statewide in 2016 just by consolidating state and federal non-Presidential primaries, and

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<sup>9</sup> <http://www.electproject.org/2016P>

<sup>10</sup> See <https://www.elections.ny.gov/NYSBOE/elections/2016/Primary/FederalPrimaryResults.pdf>, <https://www.elections.ny.gov/NYSBOE/elections/2016/Primary/2016StateLocalPrimaryElectionResults.pdf>

<sup>11</sup> N.Y. Election Law § 8-100(2).

<sup>12</sup> N.Y. Election Law § 5-304(3).

voters could have focused on voting in fewer elections with more offices at stake.<sup>13</sup> To improve turnout and save the State money, the Legislature should enact S3562A/Stewart-Cousins to consolidate the federal and state primaries on the fourth Tuesday in June.

### Language Access

New Yorkers have ancestors from all around the world, speaking hundreds upon hundreds of languages. In New York City, only 51% of the population speaks English in the home. Approximately 25% of New York City residents speak Spanish; hundreds of thousands of residents speak Chinese, Korean, Russian, Haitian Creole, or an Indian language.<sup>14</sup> New York City has voluntarily improved access to languages, beyond the requirements of the federal Voting Rights Act, on voter registration forms, but other documentation—including ballots—is still not available in many languages.<sup>15</sup> Research has also shown that making voting information available in other languages increases turnout.<sup>16</sup> Additionally, many voters are not aware that information and assistance in their language is available at polling places.

To ensure that voters understand their ballots and the voting process, the Legislature should enact S5602/Carlucci, S3869/Comrie, and S5825/Savino, which would increase available materials in Haitian Creole, Bengali, Punjabi, Hindi, and Russian in areas with large numbers of voters who speak those languages.

### Awareness of the Date of Elections

Many voters are often unaware of the dates of elections, particularly those of primary and special elections. Currently, New York City's Board of Elections produces a "voter guide" for citywide offices, which is mailed to households with registered voters,<sup>17</sup> but State law does not require other localities to do so. Providing mail notice prior to all primary, general, and special elections would help to boost turnout across the State. To ensure that voters are aware of upcoming elections, the Legislature should enact S5527/Avella and S6733/Benjamin, which together would require boards of elections to mail notice to voters shortly prior to primary, general, and special elections.

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<sup>13</sup> See <http://nyassembly.gov/Press/20160202d/>

<sup>14</sup> See <https://www.wnyc.org/story/255668-blog-census-languages-new-yorkers-speak/>

<sup>15</sup> See <https://www.pbs.org/newshour/politics/new-york-city-voter-registration-languages>

<sup>16</sup> Daniel J. Hopkins, *Translating into Votes: The Electoral Impacts of Spanish-Language Ballots*, American Journal of Political Science (2011).

<sup>17</sup> N.Y. City Charter, ch. 46 § 1053.

## **CONCLUSION**

For too long, New York has languished behind other states in voter turnout at the federal, state, and local level. This package of progressive voting reform bills put forth by the Democratic Conference seeks to improve the lives of New Yorkers and increase voter turnout through common sense solutions such as early voting, automatic voter registration, no-excuse absentee voting, and expanding voter registration deadlines. Further, as this report demonstrated, support for these voter reforms has widespread support among New Yorkers and across the country, in blue states and red states. We call for the Legislature to enact these reforms this year and make voting more accessible to all New Yorkers.