

January 8, 2019

TO: Assembly Speaker Carl Heastie  
Senate Majority Leader Andrea Stewart-Cousins  
Assemblyman Charles Lavine, Chair, Committee on Election Law  
Senator Zellnor Myrie, Chair, Elections Committee

FR: AVR NOW  
Center for Popular Democracy  
Common Cause New York  
Make the Road New York  
Working Families Party  
Indivisible

RE: Automatic Voter Registration in New York

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As the legislative session approaches, we thank you for your leadership and commitment to prioritizing electoral reform this session. One of the crucial reforms, which our organizations all strongly support, is Automatic Voter Registration (AVR).

The problems with New York's voting systems are well-documented. Just this past November, New York ranked a woeful 48th in turnout. Now is the time for bold, common-sense improvements to New York's antiquated system. AVR ensures that voter rolls are accurate and up-to-date while dramatically simplifying the registration process.

Different states have advanced different approaches to AVR. As the Assembly and Senate move forward with legislation, we want to share the principles that our organizations believe are crucial to ensuring the most robust and accurate system possible.

1) A "Back-End" System is Far Superior to a "Front-End" System

A "back-end" approach to AVR automatically adds eligible voters to the rolls without requiring the prospective voter to take any action at the target agency (such as Department of Motor Vehicles or Department of Health). It gives individuals the chance to opt out via mail afterward. A "front-end" policy asks eligible voters to make decisions about registration including opting out while interacting with the target agency.

Since AVR is now the law of the land in multiple states, we now have solid data to demonstrate that **a back-end system registers a much higher percentage of eligible voters** than a front-end system, and thus ensures that the voting population is more reflective of the citizenry.

Additionally, **a back-end system is more accurate and less prone to human error** than a frontend system.

With respect to registration percentages, a back-end system is superior because it doesn't ask prospective voters to do anything at the agency. Individuals interacting with agencies like DMV usually want to get through the agency process as quickly as possible. This often leads them to skip questions about voter registration. In Oregon, which has been utilizing a state-of-the-art back-end system since 2016, a full 94 percent of individuals who interacted with the DMV and were eligible to vote were registered. Front-end systems have proven to be much less effective.

With respect to accuracy, a back-end system does much more to protect ineligible voters from being automatically registered. A back-end system determines eligibility by using data individuals already provide in their interaction with the government agency. Relying on automation and existing documentation reduces the risk of human error present in a front-end system, where individuals are registered based on their attestations at an agency, which is often a stress-filled, rushed environment. Again looking at Oregon, that state's AVR system has had fewer than one error per million since implementation in 2016.

## 2) Multiple Source Agencies Are Better Than One

We advocate that New York look beyond the Department of Motor Vehicles and include other source agencies to ensure that communities that do not interact with DMV have the opportunity to benefit. The New York Department of Health is an especially promising agency: it operates the second largest Medicaid program in the country, with 6.5 million people enrolled as of July 2018, and keeps especially good data. Including these two agencies and others would create a robust automatic voter registration system with reach into communities which have historically had lower rates of voter registration.

## 3) Protect Vulnerable Communities from Being Inadvertently Registered

We support an AVR policy that maximizes measures to ensure non-citizens are not inadvertently registered. That's among the reasons we support a back-end policy because human error is much less likely. Additionally, we believe there should be clear warnings on mailers, strong safe harbor provisions for any inadvertent registrations of non-citizens, and explicit data privacy protections.

Additionally, New York's automatic voter registration policy must ensure that the confidentiality of victims of domestic violence and others whose safety needs require it are met. Other states have done so effectively, and we think New York can and must as well.

We are at the ready to work closely with you to swiftly advance a robust system of automatic voter registration that will make New York a model for the rest of the country. Thank you for your consideration of our point of view.