

March 27, 2019

The Honorable Andrew M. Cuomo  
Governor of New York State  
State Capitol Building  
Albany, NY 12224

The Honorable Andrea Stewart-Cousins  
Temporary President and Majority Leader  
188 State Street Room 907, Legislative Office Building  
Albany, NY 12247

The Honorable Carl E. Heastie  
Speaker of the New York State Assembly  
LOB 932  
Albany, NY 12248

Dear Governor Cuomo, Senator Stewart-Cousins, and Assemblymember Heastie:

We thank you for your leadership and commitment to prioritizing electoral reform this session. With important improvements to New York's voting laws already accomplished this year, we are primed for New York to establish itself as a national leader on voting rights by passing Automatic Voter Registration. We encourage you to champion legislation and support adjustments to the AVR proposal in this year's New York State budget to incorporate "back-end" AVR with the state agencies that – in the normal course of business – collect information that demonstrate eligibility to vote. This approach, of utilizing "back-end" AVR with such agencies that have reliable systems for separating personal applications from citizens and from non-citizens, such as the Department of Health, while utilizing "front-end" AVR at other agencies, will ultimately add the highest number of eligible but unregistered voters to New York's rolls while keeping them secure and accurate.

One of the essential goals of AVR is to bring as many eligible voters into the democratic process as possible. This is especially acute in New York as our state has chronically low registration and turnout rates, with just two-thirds of eligible citizens registered to vote. That makes New York 46<sup>th</sup> in the nation for registration, by far the lowest in the Northeast. 4.6 million eligible New Yorkers are not registered to vote.<sup>1</sup>

Data and research from states that have implemented AVR policies has shown many more new eligible voters are registered with models that utilize back-end where possible. A back-end model automatically adds individuals who elections officials know are eligible to vote to the rolls without requiring additional action from the individual at the agency and gives them the opportunity to opt out via mail. By comparison, a front-end model requires individuals to take the time to make decisions related to registration during their interaction with the agency or else they won't have the chance to be added to the voter rolls.

Voting reform that expands access to the ballot and closes demographic gaps in voter registration and participation is a racial justice issue. Historically, people of color have faced significant barriers to registering to vote and casting ballots, ultimately leaving them out of our political process. Though one

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<sup>1</sup> Fiscal Policy Institute. "Automatic Voter Registration in New York: Good for Democracy and Sound Fiscal Sense," 2019. Retrieved February 19, 2019 from <http://fiscalpolicy.org/wp-content/uploads/2019/02/Costs-and-Benefits-of-AVR-in-New-York-2019-02-11.pdf>

would like to believe these barriers for citizens of color are relics of the past, research shows this is not the case. According to the Center for American Progress, communities of color, young people, and low-income individuals are disproportionately burdened by registration barriers, making it more difficult for these groups to vote.<sup>2</sup> To this day, differences of race, education level, and income determine gaps in voter participation.

For people of color, the ability to cast a ballot is often the only way to hold elected officials accountable and fight for fair, equitable systems. Every day in Albany important decisions are being made regarding our system of bail, discovery, rent regulations and other laws that have a disproportionate impact on people of color. Far from being abstractions, these policies can be the difference between freedom and unjust incarceration or between shelter and the street. Given these all too real consequences, Automatic Voter Registration is not just a proposal but an imperative for a free and fair society.

While demographics vary by state, other back-end systems have registered and turned out voting populations that are more reflective of the respective state's citizenry. In Oregon, which has seen great success from its back-end system, voters who were registered via the state's AVR policy were more racially diverse. The average AVR Oregon registrant lived in an area that was 1.6 percent less white and 1.8 percent more Hispanic than the comparable area of a traditional registrant.<sup>3</sup> If New York were to implement a model similar to Oregon's back-end system, it's estimated a full 1.5 million new voters would be registered in the first year.<sup>4</sup>

As we mentioned, one of the goals of AVR is to increase voter registration rates among individuals in "hard-to-reach" populations, including low-income families, communities of color, and anyone who may not have access to a computer for online registration or access to transportation. To accomplish this, we advocate using multiple source agencies to ensure no eligible New Yorker is left out of our political process, particularly those who are less likely to be registered to vote. For example, the New York Department of Health operates the second largest Medicaid program in the country, with 6.5 million people enrolled as of July 2018; this program serves a portion of New Yorkers who are less likely to interact with the Department of Motor Vehicles.<sup>5</sup>

Working with the Department of Health and other agencies that collect reliable information will create a robust system with reach into a diverse range of New York's communities. Essential to this process too is helping agencies that are not yet equipped to collect and separate the data to shore up their systems or create new ones, as necessary. With 4.3 million New York Medicaid recipients of voting age, and more than two-thirds people of color, a safe, effective back-end AVR program would open the door to millions of voters who have previously been left out of the political process.

If New York's results follow the trends in other states, those registered through back-end AVR will be younger, lower-income, and from more racially diverse areas than those already on the rolls.<sup>6</sup>

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<sup>2</sup> Center for American Progress. "Increasing Voter Participation in America," 2018. Retrieved February 27, 2019, from <https://www.americanprogress.org/issues/democracy/reports/2018/07/11/453319/increasing-voter-participation-america/>

<sup>3</sup> Center for American Progress. "Who Votes with Automatic Voter Registration?" 2017. Retrieved February 27, 2019, from <https://www.americanprogress.org/issues/democracy/reports/2017/06/07/433677/votes-automatic-voter-registration/>

<sup>4</sup> Center for American Progress. "Close Elections, Missing Voices, and Automatic Voter Registration Projected Impact in 50 States." 2017. Retrieved February 19, 2019 from <https://cdn.americanprogress.org/content/uploads/2017/11/27134904/50stateAVR-brief.pdf>

<sup>5</sup> <https://www.demos.org/publication/toward-more-representative-electorate-progress-and-potential-voter-registration-through->

<sup>6</sup> Center for American Progress. "Increasing Voter Participation in America," 2018. Retrieved February 19, 2019, from <https://www.americanprogress.org/issues/democracy/reports/2018/07/11/453319/increasing-voter-participation-america/>

With regard to the legislation, concerns have been raised that AVR systems could put victims of domestic violence at risk. We strongly advocate for the AVR bill to include legislative language that would require the New York Board of Elections and all participating source agencies to enter into legal agreements ensuring the privacy of all transmitted information. Lawmakers should also include a provision that information used for voter registration cannot be released for public inspection.

Additionally, with the Trump Administration's heartless deportation efforts in full force, it's especially important New York does all it can to ensure that no individuals who are ineligible to vote are added to the voter rolls. A back-end system relies on database transfers and documentation-based verification to ensure that only individuals who have provided sufficient information to demonstrate their eligibility move through the AVR system, limiting the possibility of human error and the potential legal consequences should a non-citizen inadvertently be added to the voter rolls. Oregon's back-end AVR system, the first in the nation, has had fewer than one error per million since implementation in 2016 according to the Oregon Secretary of State. Legislation should also include clear safe harbor provisions for any inadvertent registrations.

We also recommend the creation of an Automatic Voter Registration Task Force to convene the appropriate stakeholders and experts in order to aid the implementation process. An AVR Task Force would give the public confidence in the security of the new systems and would provide the support agencies need to implement successfully. We are committing to supporting the passage of this important legislation as well as to ensuring that the proposal is as robust as possible.

We want to help make the voting process more accessible by eliminating the barriers keeping millions of New Yorkers from exercising their civic duty. We urge you to ensure that a robust back-end AVR measure with strong safe harbor provisions, and continued support through an AVR Task Force, passes this year. We know that no legacy could be more powerful than one that ensures citizens from every corner of New York's diverse population can participate in our democracy.

Sincerely,

AVR NOW

Demos

Center for Popular Democracy

Make the Road New York

New York Communities for Change

Heather McGhee, Former President of Demos

Empire State Indivisible, Rockland United, Indivisible Upper East Side, Inwood Indivisible, Caring for Us Indivisible, Indivisible Do or Die, NYCD-16 Indivisible and IndivisibleWeStand UWS, Rise and Resist, United Thru Action, Indivisible Harlem, Morningside Heights Resistance

cc: Members of the New York State Senate  
Members of the New York State Assembly

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