

**Testimony of  
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Regarding the A.9011/S.6411 – Good Government and Ethics Reform Bill  
Before the 2016 Joint Legislative Budget Committee  
Hearing on Public Protection  
February 4, 2016**

The Brennan Center for Justice at NYU School of Law<sup>1</sup> thanks State Senator Catharine Young, Chair of the Joint Legislative Budget Committee, and the members of the Joint Legislative Budget Committee for the opportunity to share testimony at today’s oversight hearing on **A.9011/S.6411 – Good Government and Ethics Reform Bill contained in the 2016-2017 Executive Budget (“Budget”)**.

The Brennan Center for Justice is a non-partisan law and policy institute that seeks to improve our systems of democracy and justice. We work both to remove barriers to voting and to advance reforms that improve access to the ballot box. We have published numerous studies and reports, and have successfully worked with a wide variety of stakeholders, to make voting free, fair, and accessible for all Americans. Throughout our 20 year history, given our headquarters here in New York, we have worked especially hard to protect and expand New Yorkers’ voting rights.

The Brennan Center applauds Governor Andrew Cuomo for including early voting and automatic voter registration in his Budget and the Joint Legislative Budget Committee for considering these important voting reform proposals. The early voting and automatic voter registration proposals contained in the Budget, if enacted, would modernize New York’s elections and voter registration processes. The Brennan Center respectfully requests that the Senate and the Assembly include adequate funding for these proposals in your respective budget proposals to ensure that early voting and automatic registration can be implemented in a timely and effective way.

Under automatic registration, election officials automatically register all eligible citizens who interact with government offices. This reform leverages two features which should be appealing to New Yorkers: (1) it is paperless and seamless for voters, and (2) it presumes that all eligible citizens should be registered, while allowing those who do not wish to be registered to stay off the rolls. Nobody is registered against their will. New York already has a system to electronically transfer voter registration information from

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<sup>1</sup> This testimony has been prepared by a Center affiliated with New York University School of Law, but does not purport to present the school’s institutional views, if any.

the Department of Motor Vehicle offices (“DMV”) directly to election officials. Automatic registration is the logical next step. As explained in the three recent Brennan Center publications—*The Case for Automatic, Permanent Registration*<sup>2</sup>; *Automatic and Permanent Voter Registration: How it Works*<sup>3</sup>; and *Election Integrity: A Pro-Voter Agenda*<sup>4</sup>—automatic registration creates a process that is more convenient and less error-prone for voters, government-agency staff, and election officials.

The Budget only implements automatic registration at the DMV. We respectfully recommend that this provision be expanded to require other government agencies to implement automatic registration, even if such a requirement is phased in over time. At a minimum, this should include other state agencies, and their local affiliates, who are required to conduct voter registration pursuant to the National Voter Registration Act of 1993.<sup>5</sup> By incorporating this change, New York would take a major step toward the goal of universal voter registration, ensuring that every eligible voter is on the rolls, only eligible voters are on the rolls, and the government takes responsibility to build the rolls and update voters’ registration records. It is also worth noting that such a change would have the effect of positioning New York as a leader in automatic registration while adding millions of new voters to the rolls.

In past elections, including most recently the 2012 election, New York’s voters endured Election Day long lines in order to cast a ballot. While dozens of states allow early voting, New York only allows voters who cannot be present on Election Day to cast an absentee ballot if such voter meets designated qualifications. We commend you for including early voting in the Budget because it will allow all New Yorkers to have the opportunity to have their voice heard without waiting in line for hours. Early voting offers 21st century voters the convenience and flexibility that match the demands of modern life. As discussed in the Brennan Center’s report – *Early Voting: What Works*<sup>6</sup>, early voting has the added election administration benefits of: (i) reducing the stress on the voting system on Election Day; (ii) shortening lines on Election Day; (iii) improving poll worker performance; and (iv) allowing for early identification and correction of registration errors and voting system glitches.

The Brennan Center is poised to share research and best practices to aid consideration of how to smartly early voting and automatic registration systems, and what level of funding would be necessary to ensure successful implementation.

Thank you again for the opportunity to submit written testimony.

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<sup>2</sup>THE CASE FOR AUTOMATIC, PERMANENT VOTER REGISTRATION (2015), *available at*: <http://www.brennancenter.org/publication/case-automatic-permanent-voter-registration>.

<sup>3</sup>AUTOMATIC AND PERMANENT VOTER REGISTRATION: HOW IT WORKS (2015), *available at*: <http://www.brennancenter.org/publication/automatic-and-permanent-voter-registration-how-it-works>.

<sup>4</sup>MYRNA PEREZ, ELECTION INTEGRITY: A PRO-VOTER AGENDA 4-5 (2015), *available at*: <https://www.brennancenter.org/publication/election-integrity-pro-voter-agenda>.

<sup>5</sup>National Voter Registration Act, 52 U.S.C.A. §§ 20501–20511 (1993).

<sup>6</sup>DIANA KASDAN, EARLY VOTING: WHAT WORKS, *available at*: [https://www.brennancenter.org/sites/default/files/publications/VotingReport\\_Web.pdf](https://www.brennancenter.org/sites/default/files/publications/VotingReport_Web.pdf).