

# VOTER ANALYSIS REPORT

2020-2021



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# 2020 ELECTION TURNOUT SUMMARY

		PRIMARY	GENERAL
<b>Turnout</b>	Eligible Voters	3,353,127	4,918,052 *
	Voters	863,009	3,045,042
	Citywide Turnout	25.7%	61.9%
<b>Turnout by Borough</b>	Manhattan	29.5%	65.9%
	Bronx	23.9%	56.5%
	Brooklyn	25.8%	59.4%
	Queens	24.9%	63.1%
	Staten Island	20.6%	69.6%
<b>Turnout by Age</b>	18–29	24.5%	59.3%
	30–39	25.0%	59.0%
	40–49	22.8%	61.9%
	50–59	26.2%	66.7%
	60–69	30.6%	69.0%
	70 and up	25.8%	57.4%
<b>Vote Method of Voters</b>	Absentee	37.4%	21.4%
	Early	6.0%	36.3%
	Election Day	56.6%	40.4%
* Also total number of registered voters			

# EXECUTIVE SUMMARY

## 2020 Election Overview

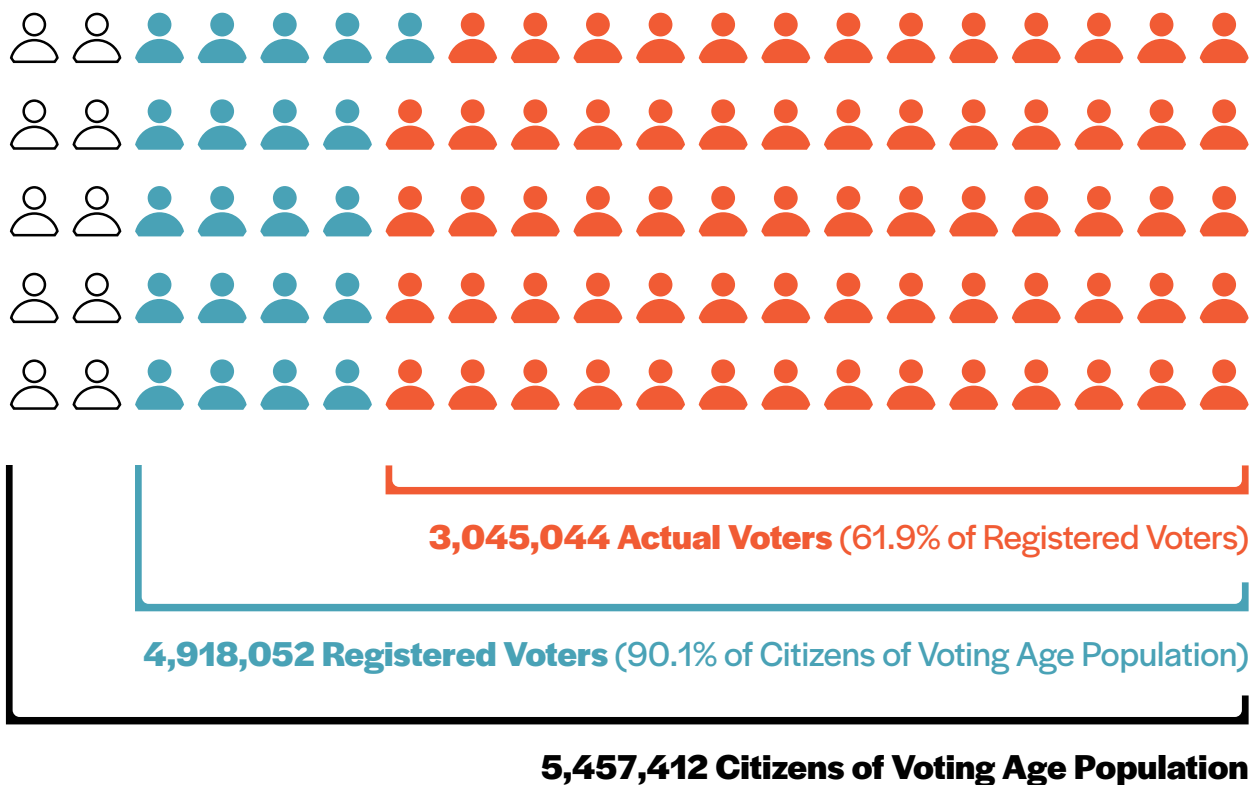
The 2020 election year was dominated by media coverage of the presidential race and mitigating the effects of the COVID-19 pandemic. For the most part, elected officials and election administrators rose to the occasion and New York City voters were resilient and found a way to safely vote in spite of these challenges.

For the first time ever, all voters were able to vote by three ways: by mail, early in person, or on Election Day.

- Absentee voting, or vote by mail, was popular in the primary and general elections: 37.4% of primary election voters and 21.4% of general election voters returned absentee ballots, compared to 2.6% of voters who returned absentee ballots in the 2019 general election.
- Early voting was popular in the general election: 36.3% of general election voters early voted, compared to 7.6% of general election voters in 2019.
- Election Day voting saw its lowest vote method percentage ever with only 56.6% of primary election voters and 40.4% of general election voters choosing to vote in person on Election Day.

Staten Island, which had the lowest voter turnout in the primary election (20.6%), turned out to vote at a high rate in the general election, at almost 70.0%. Turnout disparity can still be seen from a community district level, where the turnout difference between the highest and lowest turnout community districts continues to be about 25.0% in both the primary and the general elections.

**Figure 0.1: General Election Turnout  
Shown with Registered Voters and Citizens of Voting Age**



In presidential election years, voters aged 18 to 29 generally have higher turnout than they do in non-presidential years; in 2020 we also saw an increase in voter turnout compared to the last presidential year. Turnout for this age group increased by 3.4% from the 2016 to the 2020 general election. The youth turnout trend was observable across the entire country, with total national youth turnout estimated to be between 52% to 55% percent nationwide, an increase of about 8% compared to 2016. Total turnout in the 2020 general was 61.9%, representing a slight increase of 1.6% over 2016's turnout of 60.3%.

**Figure 0.2: Turnout for Each Age Group 2020 vs. 2016**

AGE GROUP	2016 GENERAL	2020 GENERAL	INCREASE IN 2020
<b>18-29</b>	56.0%	59.3%	3.4%
<b>30-39</b>	58.6%	59.0%	0.4%
<b>40-49</b>	61.4%	61.9%	0.6%
<b>50-59</b>	65.3%	66.7%	1.4%
<b>60-69</b>	67.0%	69.0%	2.0%
<b>70 and up</b>	55.4%	57.4%	2.0%
<b>All Voters</b>	<b>60.3%</b>	<b>61.9%</b>	<b>1.6%</b>

## **Analysis: Who is early voting?**

The 2020 general election was the second general election cycle with early voting available, which allowed us to look more closely at the characteristics of voters who vote early, using information readily available in the City's voter file.

We found that young voters are just as likely as other voters to vote early, and widespread voter education efforts to encourage early voting in the general election paid dividends for all age groups. The median age of primary 2020 early voters was 52, compared to the overall voter median age of 51. In the general election, the median age of early voters was 49, compared to the overall voter age of 48.

A person who votes early once is extremely likely to continue doing so. We found that people who voted early in 2019 were more likely to vote early in the 2020 primary and general elections than people who had not yet voted early. If a voter voted early in at least one previous election, they were 372% more likely to vote early in the 2020 general.

We will continue to perform additional analysis of the characteristics of early voters and what might drive them to vote early versus on Election Day or by absentee.

## How we responded to COVID-19

We entered 2020 expecting it to be an historic election year in terms of voter turnout, with a highly anticipated presidential election following several years of increasing voter turnout. Like many doing voter engagement across the city, our previous work was heavily reliant on in-person organizing. Our plans were quickly disrupted by COVID-19 which made it unsafe to conduct in-person activities and also drove uncertainty around election dates and voting methods. In short order, we had to pivot our strategy to adapt to the circumstances of the pandemic.

### Some of the things we changed this year:

- We shifted to a digital model of communications and outreach, reaching voters through online methods and deploying new tools for voter engagement, such as peer-to-peer texting.
- We worked with our counterparts at DemocracyNYC in the Mayor's Office to launch a consortium effort to bring together partners across government, civic space, and communities across New York City on weekly virtual calls.
- We directed voters away from Election Day voting and to newly available and safer voting methods. In the primary election, we encouraged voters to request an absentee ballot and to vote absentee. In the general election, we highlighted and heavily promoted early voting.
- We created a TurboVote website to combat the decrease in new voter registrations.
- We set up a successful model of youth engagement through peer-to-peer style education, partnership with CUNY, and We Power NYC Ambassadors.
- We held virtual Voter Assistance Advisory Committee hearings which had record attendance and participation, allowing us to hear from more New York City voters.

## Policy and legislative recommendations

Election year 2020 pressure-tested elections administration in New York State and New York City while also providing more ways to vote than ever before. Our policy recommendations focus on making improvements to flawed existing procedures that were laid bare in 2020, in some cases because it was the first time to be tested on such a massive scale and proved inadequate to the emergency measures that needed to be taken. Our legislative recommendations focus on continuing the important work begun by the State government in 2019 to modernize New York State Election Law.

### Elections Administration and Data Transparency

- Report the return and canvass of absentee ballots in a manner consistent with other unofficial election results.
- Provide election results in machine-readable format (.csv or .xls) and broken down into every political subdivision that exists at the local level.
- Publish other elections data that would allow government agencies, non-profits, and other community groups to tailor and target their voter education and outreach efforts.
- Use internal data to provide greater customer service to voters, such as providing line wait estimates.

### Voter Registration

- Amend the Election Law to streamline the three voter registration deadlines – change of enrollment, new registration, change of address – into one consistent deadline.
- Pass Same Day Voter Registration for the second time, allowing the Constitutional amendment to be put to voters in November 2021.

## Absentee Voting

- Amend the Election Law to permanently allow electronic, phone, fax, and email applications for absentee ballots.
- Push daily updates to the voter-facing absentee tracking portal, to reflect when returned ballots arrive at the Board of Elections office.
- Expand the locations of absentee drop boxes to schools, libraries, and other common locations where voters could conveniently drop off ballots prior to early voting or Election Day.
- Amend the Election Law to cover return postage on absentee ballots in the State budget.
- Provide detailed summary breakdowns of absentee ballot invalid codes so that voter outreach campaigns can be tailored to educate absentee voters.
- Pass No Excuse Absentee voting for the second time, allowing the Constitutional amendment to be put to voters in November 2021.

## Early Voting

- Designate more early voting locations to alleviate long lines during early voting.
- Implement vote centers to allow voters more convenience and flexibility, while also potentially alleviating long lines.
- Compel sites to be used as poll sites, particularly those who receive significant tax breaks or grant funding from the city or state.
- Standardize and lengthen early voting hours, particularly on weekends, to reduce confusion and provide enough hours to accommodate voters.
- Ensure proper resource allocation, such as the number of early voting and Election Day workers and the number of check-in desks, by using internal Board of Elections data.

## Expanding Access to the Polls: Voters with Disabilities

- Create a specific Voter Assistance Hotline for voters with disabilities to call and request information and materials in the accessible format that is best suited for them.
- Engage a cross-section of non-profit and community groups that serve the disability community through a Voting Accessibility Advisory Committee to help review and rate the next Ballot Marking Device (BMD) voting machine provider.

## Expanding Access to the Polls: Voters with Limited English Proficiency

- Create a specific Voter Assistance Hotline for voters with limited English proficiency to call and request information and materials in the language that is best suited for them.
- Create a formal Language Accessibility Advisory Committee modeled after the one that exists in Los Angeles County to ensure best practices are being followed in translation of materials.
- The CFB commits to following the guidelines presented in the City's language access plan and providing its commonly distributed materials in all the designated citywide languages as soon as practicable.

## Expanding Access to the Polls: Rights Restoration for Voters who are on Parole or Probation, or Incarcerated

- Ensure that all New Yorkers, regardless of parolee, probation, or carceral status, have the right to vote.



# INTRODUCTION

**T**his edition of the CFB’s annual Voter Analysis Report looks back at a year without precedent in our collective lived experience.

The events of 2020 strained our democratic institutions nearly to their breaking point. A global pandemic deprived millions of New Yorkers of their health, stability, economic security, or the ability to spend time with friends and family in person. An unspeakable number lost their lives. The pandemic and the measures taken to stem its spread upended the familiar rituals of campaigning and casting a ballot. A dramatic and shocking act of police violence against an unarmed black man in Minneapolis touched off a national reckoning with the enduring effects of systemic racism at every level of American society. This movement played out on the streets of New York City and in public spaces across the country. A president determined to bend the electoral system to his will engaged in an aggressive campaign of disinformation along with his allies aimed at eroding Americans’ trust in the legitimacy of our elections, culminating in a riot at the Capitol on January 6, 2021.

The ambitious election reforms enacted by the State Legislature in 2019 got their first large-scale test under the most difficult circumstances possible. New York has long been a state that makes it difficult to register and vote, and those recently-enacted measures aimed to expand access to the ballot and enfranchise more voters. In practice, the new laws—particularly early voting—ended up providing an important backstop that helped ensure voters could access the polls safely.

Responding to COVID-19, administrators and legislators scrambled to plan elections that minimized the grave health risk to voters and poll workers alike. As did many other states, New York acted to dramatically expand access to absentee voting—which provided voters with a socially-distanced opportunity to cast a ballot, but also created challenges for administrators.

The rapid expansion of mail-in voting was a particular focus of the campaign to delegitimize the 2020 elections. Many New Yorkers were left confused and disenfranchised by the absentee voting process for the June primary. The unprecedented volume of mail-in ballots through the November general election—and the subsequent and necessary time lag in reporting results—proved frustrating for candidates and voters alike, and focused a spotlight on the ways New York Election Law fails to provide administrators with the flexibility to respond to dramatic events.

In the end, the 2020 election was sound. But this year of unparalleled challenge and change exposed significant holes in New York’s electoral system. A lack of flexibility in election law and a lack of transparency in election administration left too many New Yorkers without confidence in their voting experience. With all the energy associated with the 2020 election, overall turnout only increased slightly from the previous presidential election year.

As we move forward into the crucial 2021 city election year, city voters will experience further changes, with the first citywide primary election under Ranked Choice Voting coming in

June 2021. Continued vigilance and engagement will be required to ensure our momentum continues to make our elections more accessible, inclusive, and fair.

## 2020 kicks off

As 2020 began, New Yorkers had reason to hope that the year would represent a turning point in our elections. Early voting had seen a successful rollout in November of 2019. For the first time in a generation, the federal and state primary elections would be consolidated on a single date in June.

The year began with the declaration of a special election to fill the office of Queens Borough President, which had become vacant with the election of Melinda Katz as District Attorney in Queens. Mayor de Blasio announced a special election date of March 24.<sup>1</sup> Another declaration came later in the month; after Rafael Espinal resigned his seat in the City Council, Mayor de Blasio declared an election in District 38 for April 28.<sup>2</sup>

As preparations for those special elections began, the events that would shape the year were quickly coming into focus.

On January 24, Mayor de Blasio and city officials held a press conference to discuss the city's preparedness to deal with an outbreak of a new viral disease called COVID-19. By then, the virus had killed 25 in China and made its first appearance in the United States, with one case each reported in the state of Washington and Chicago, Illinois. Mayor de Blasio told New Yorkers that it was "not a question of if, but a question of when" COVID-19 would make an appearance in New York City.<sup>3</sup>

In the meantime, the U.S. Senate was hearing arguments in the impeachment trial of President Trump, who was charged with corruptly pressuring the government of Ukraine to announce an investigation into former Vice President Joe Biden—a potential re-election opponent—threatening to withhold foreign aid if Ukraine officials did not comply.<sup>4</sup> The trial ended on February 5 with a vote for acquittal.<sup>5</sup>

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1 Office of the Mayor, Proclamation of Election, 1/2/20.

2 Office of the Mayor, Proclamation of Election, 1/28/20.

3 City of New York Office of the Mayor. "De Blasio Administration Outlines Preparedness for Novel Coronavirus." January 24, 2020. <https://www1.nyc.gov/office-of-the-mayor/news/037-20/de-blasio-administration-outlines-preparedness-novel-coronavirus#/0>

4 Articles of Impeachment Against Donald John Trump, 12/18/19, <https://www.congress.gov/116/bills/hres755/BILLS-116hres755enr.pdf>

5 Impeachment Related Publications, Impeachment of President Donald J. Trump (2020), <https://www.govinfo.gov/collection/impeachment-related-publications>; NPR, President Trump Acquitted on 2 Counts, <https://www.npr.org/2020/02/05/801429948/not-guilty-trump-acquitted-on-2-articles-of-impeachment-as-historic-trial-closes>.

The presidential election itself officially kicked off with the Iowa Democratic presidential caucus on February 3. The Iowa caucus was marred by significant delays in compiling and releasing results, which were blamed on a mobile app the Iowa Democratic Party built for precinct captains to report the tallies. While full results were made available three days later, an official winner would not be declared until February 27. Party officials frustrated by the counting mishap called for an end to Iowa's lock on the "first in the nation" nominating status.

The campaign for the Democratic nomination for president continued into New Hampshire, Nevada, South Carolina, and the several "Super Tuesday" states. After decisive wins in 10 of the 15 states and territories voting on March 3, most of Biden's opponents cleared the way for him to become the presumptive nominee.

## COVID hits

As February turned to March, the vague warnings about a virus spreading in foreign countries exploded into a full-blown public health crisis in the United States, with New York City as its epicenter. Within weeks, New York City would account for 5.0% of the known COVID cases globally.<sup>6</sup> As public health officials worked feverishly to understand how the virus was transmitted, officials announced dramatic interventions in the conduct of everyday life in order to combat the spread of the virus. Governor Cuomo declared a state of emergency on March 7.<sup>7</sup> Before the end of March, New York City public school buildings were closed, and Governor Cuomo declared a statewide stay-at-home order. On March 22, Governor Cuomo declared a statewide PAUSE,<sup>8</sup> ordering all non-essential businesses closed indefinitely,<sup>9</sup> and canceling all non-essential public gatherings.<sup>10</sup>

The public health crisis response that so thoroughly disrupted the familiar patterns of daily life for practically all New Yorkers would have obvious impacts on the conduct of our elections. As it became clear that large public gatherings were significant vectors of transmission for COVID, officials sought to preserve access to the democratic process for as many New Yorkers as possible.

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6 McKinley, Jesse. "New York City Region is Now the Epicenter of the Coronavirus Pandemic." *The New York Times*. March 22, 2020. <https://www.nytimes.com/2020/03/22/nyregion/Coronavirus-new-York-epicenter.html>

7 Executive Order No. 202: Declaring a Disaster Emergency in the State of New York, 3/7/20; Emergency Executive Order 98: Declaration of Local State of Emergency, 3/12/20.

8 Executive Order No. 202.8, Continuing Temporary Suspension and Modification of Laws Relating to the Disaster Emergency, 3/20/20, <https://www.governor.ny.gov/news/no-2028-continuing-temporary-suspension-and-modification-laws-relating-disaster-emergency>.

9 Executive Order No. 202.4, Continuing Temporary Suspension and Modification of Laws Relating to the Disaster Emergency, 3/16/20, <https://www.governor.ny.gov/news/no-2024-continuing-temporary-suspension-and-modification-laws-relating-disaster-emergency>.

10 Executive Order No. 202.10, Continuing Temporary Suspension and Modification of Laws Relating to the Disaster Emergency, 3/23/20, <https://www.governor.ny.gov/news/no-20210-continuing-temporary-suspension-and-modification-laws-relating-disaster-emergency>.

The most immediate disruption occurred in the March 24th special election for Queens Borough President. Early voting began on March 14, and after 2,600 Queens voters cast their ballots in the first two days of voting, Mayor de Blasio indefinitely postponed that election by executive order on March 15.<sup>11</sup> Nearly two weeks passed before Governor Cuomo officially rescheduled the special elections for Queens Borough President and City Council District 38, along with a special election in Assembly District 31 and the presidential primary (previously scheduled for April 28) to June 23.<sup>12</sup> In doing so, New York joined 15 other states and two territories in postponing their presidential primary due to concerns related to the pandemic.<sup>13</sup>

On the state level, the immediate focus would be on finding ways to allow more voters to vote by mail. Historically, New York's criteria for requesting absentee ballots has prevented most New Yorkers from voting absentee. The State Constitution requires that voters cite a specific excuse if they want to cast a vote by mail, and as a result absentee voting rates in New York have traditionally been very low—under 5.0%.

Shortly after the governor declared a state of emergency, State Senator Alessandra Biaggi introduced a bill on March 10 that would allow voters to request an absentee ballot if they are concerned that voting in person could expose themselves or others to a public health risk.<sup>14</sup> State Senator Zellnor Myrie, chair of the Senate Elections Committee, introduced legislation that would allow voters to request an absentee ballot online without an ink signature.

On March 14, Governor Cuomo signed an executive order permitting all New Yorkers to request an absentee ballot for elections held that month, providing New Yorkers fearful of visiting poll sites with an opportunity to cast a ballot in a socially-distanced manner. Cuomo's order allowed voters to cite the potential of contracting or spreading COVID as an excuse. While a necessary step to protect public health at the start of the pandemic, this would also create a massive burden for Boards of Elections across the state, all of which had never before administered an election with absentee voting at such a large scale.

The basic information about elections in 2020—how, when, and where to vote—suddenly seemed to be changing day-to-day. NYC Votes quickly shifted its strategic focus to become a trusted, authoritative source of information during this confusing time, aiming to provide voters with information about elections that was current, clear, accurate, and actionable.

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11 Emergency Executive Order No. 100, 3/16/20, <https://www1.nyc.gov/assets/home/downloads/pdf/executive-orders/2020/eo-100.pdf>

12 Executive Order No. 202.13 Continuing Temporary Suspension and Modification of Laws Relating to the Disaster Emergency, 3/30/20, <https://www.governor.ny.gov/news/no-20213-continuing-temporary-suspension-and-modification-laws-relating-disaster-emergency>.

13 Corasaniti, Nick and Saul, Stephanie. "16 States Have Postponed Primaries During the Pandemic. Here's a List." *The New York Times*. August 10, 2020. <https://www.nytimes.com/article/2020-campaign-primary-calendar-coronavirus.html?action=click&module=RelatedLinks&pgtype=Article>

14 New York State Senator Alessandra Biaggi. "Senator Biaggi Introduces Bill to Allow Voters to Request Absentee Ballots in Case of Public Health Risk". March 10, 2020. <https://www.nysenate.gov/newsroom/press-releases/alessandra-biaggi/senator-biaggi-introduces-bill-allow-voters-request>

In cooperation with the DemocracyNYC initiative at City Hall, NYC Votes convened a broad consortium of civic organizations and community outreach groups in New York City to share information and amplify a consistent message to the public helping voters understand how to vote safely.

The dramatic surge of COVID cases continued in New York City through the start of April. Barely more than a month after the city's first recorded cases of the virus, there were an average of 5,000 new cases reported per day through the first two weeks of April, with over 700 deaths from the virus each day over the same period. The virus took a particular toll on New York City's most vulnerable residents, particularly in communities through Central Queens.<sup>15</sup> Hospitals across the city did not have available beds or ventilators for all the COVID patients who needed care, and there weren't enough masks and other personal protective equipment to keep health care workers safe. Between March and April, the city's unemployment rate spiked, rising more than 10 points — the largest single-month growth since the government began tracking employment statistics. The impact of the job loss and economic strain that accompanied the pandemic hit hardest in areas where more workers held jobs that require face-to-face interaction, particularly the Bronx and Queens.<sup>16</sup>

On April 8, Governor Cuomo signed another executive order, allowing all residents to request an absentee ballot for the June primaries, mandating the creation of an online request system that would permit voters to submit a request with an electronic signature.<sup>17</sup> Amid concerns that too many voters lacked the capacity to print absentee ballot applications at home, and with the state and City Board of Elections (City BOE) yet to unveil an online request portal, a subsequent executive order from Governor Cuomo on April 24 required that every registered voter be mailed an absentee ballot application with pre-paid postage.<sup>18</sup>

In the meantime, questions continued about which offices and candidates would be on the June 23 ballot. Cuomo's April 24 order also cancelled the special election for Queens Borough President, leaving the office to be filled after the general election in November. Most candidates in the special election joined the June primary race. During petition hearings earlier that week, the City BOE declared only a single candidate eligible for the primary ballot in the Council District 37 race, effectively canceling the election. On April 28, a Kings County

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15 Correal, Annie and Jacobs, Andrew. "A Tragedy is Unfolding: Inside New York's Virus Epicenter." *The New York Times*. April 9, 2020. <https://www.nytimes.com/2020/04/09/nyregion/coronavirus-queens-corona-jackson-heights-elmhurst.html>

16 The Department of Consumer and Worker Protection. "Uneven Impact: What Job Loss During COVID-19 Means for New Yorkers now and Into the Future." December, 2020. [https://www1.nyc.gov/assets/dca/downloads/pdf/partners/Uneven\\_Impact.pdf](https://www1.nyc.gov/assets/dca/downloads/pdf/partners/Uneven_Impact.pdf)

17 Executive Order No. 202.15 Continuing Temporary Suspension and Modification of Laws Relating to the Disaster Emergency, 4/9/20, <https://www.governor.ny.gov/news/no-20215-continuing-temporary-suspension-and-modification-laws-relating-disaster-emergency>.

18 Executive Order No. 202.23 Continuing Temporary Suspension and Modification of Laws Relating to the Disaster Emergency, April 24, 2021, <https://www.governor.ny.gov/news/no-20223-continuing-temporary-suspension-and-modification-laws-relating-disaster-emergency>.

Supreme Court decision restored two candidates to the ballot, which put the primary back on the ballot. A week later, on May 6, the District 37 decision was overturned in the Appellate Division, again cancelling the primary.<sup>19</sup>

On the day of the Governor's April 8 executive order, Bernie Sanders suspended his campaign for the Democratic nomination for president, making Joe Biden the presumptive nominee. The FY2021 New York State budget, adopted the previous week, legislatively granted the State Board of Elections (State BOE) the power to remove presidential candidates from the primary ballot if they publicly announced they had terminated or suspended their campaign.<sup>20</sup> On April 27, the State BOE subsequently canceled New York's presidential primary.

In response, presidential candidate Andrew Yang filed a lawsuit against the State BOE seeking the reinstatement of the primary, saying that the "unprecedented and unwarranted move infringes the rights" of candidates and voters.<sup>21</sup> The U.S. District Court ruled in Yang's favor on May 5, ordering that the state's Democratic presidential primary be held and reinstating all candidates to the ballot.<sup>22</sup> The State BOE appealed the decision, which was affirmed by the Court of Appeals for the Second Circuit on May 19.

With absentee ballot applications in the mail to registered voters, the City BOE introduced their online absentee ballot request system, which allowed voters to avoid the mail directly and request their absentee ballot online. The efforts to build new systems to protect the vote amidst the unfolding chaos of COVID and its impact on the election year were further complicated by the pandemic's strain on government resources. On April 16, Mayor de Blasio projected that the economic slowdown resulting from COVID and the measures taken to slow the spread of the virus would cause a tax revenue shortfall of \$7.4 billion over fiscal years 2020 and 2021.<sup>23</sup> The work of the City BOE and more than 2,500 jurisdictions around the nation to respond to the pandemic would ultimately be subsidized by private grant funding administered by the Center for Tech and Civic Life.<sup>24</sup>

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19 Matter of Council vs. Zapata. <http://www.courts.state.ny.us/courts/ad2/Handdowns/2020/Decisions/D62856.pdf>

20 New York State Senate S7506 (2020). <https://legislation.nysenate.gov/pdf/bills/2019/S7506B> New York State Assembly A9506 (2020) <https://legislation.nysenate.gov/pdf/bills/2019/A9506>

21 Emily Ngo. "Andres Yang Sues State Board of Elections for Cancelling June Presidential Primary." *Spectrum News NY1*. April 29, 2020. <https://www.ny1.com/nyc/all-boroughs/politics/2020/04/29/nyc-elections-2020-whos-running-new-york-cancels-presidential-primary-andrew-yang-sues>

22 Matt Stevens and Nick Corasaniti. "New York Must Hold Democratic Presidential Primary, Judge Rules." *The New York Times*. May 5, 2020. <https://www.nytimes.com/2020/05/05/us/politics/ny-presidential-primary.html>

23 City of New York Office of the Mayor. "Facing Unprecedented Crisis, Mayor De Blasio Unveils Budget that Protects New Yorkers by Prioritizing Health, Safety, Shelter and Access to Food." April 16, 2020. <https://www1.nyc.gov/office-of-the-mayor/news/259-20/facing-unprecedented-crisis-mayor-de-blasio-budget-plan-protects-new-yorkers-by>

24 Center for Tech and Civic Life. "CTCL Program Awards over 2,500 COVID-19 Response Grants." October 29, 2020. <https://www.techandcivicle.org/grant-awards/>

At the same time that officials in New York and around the country raced to scale up their vote-by-mail operations so that voters could cast a ballot safely and securely in the midst of an unprecedented public health crisis, President Trump and his supporters began a campaign to cast doubt on the legitimacy of mail-in voting. In a series of tweets, statements, and interviews, Trump would claim without basis that the decision to mail absentee ballot applications to voters who have not requested them would lead to widespread fraud.

## Black Lives Matter

On May 25, George Floyd was killed at the hands of police in Minneapolis, Minnesota. Mass protests demanding accountability and an end to police violence against Black people began in Minneapolis and quickly spread across the country. In New York City, demonstrations began May 28 in Union Square, Lower Manhattan and Brooklyn the following day, and across the city through the weekend that followed.<sup>25</sup> The protests were met with what a Department of Investigation report would call “excessive enforcement” by the NYPD.<sup>26</sup>

The protests in the streets of New York City and the NYPD response consumed New Yorkers’ attention at the start of June, laying bare a public conversation about systemic racism in policing. The intensity, volume, and scale of the protests had not been seen in a generation—and activists in cities around the country took to the streets with voter registration forms aiming to channel protesters’ passion into the ballot box. Subsequent studies showed a surge in voter registration nationwide during the first two weeks of June, making it likely that the Black Lives Matter protests played a significant role in getting more Americans on the rolls.<sup>27</sup> In New York City, however, the start of the protests coincided with the May 29 deadline to register to vote in the June 23 primary election, meaning that most new registrants would not have an opportunity to vote until November.<sup>28</sup>

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25 New York City Department of Investigation. “Investigation into NYPD Response to the George Floyd Protests.” December, 2020. <https://www1.nyc.gov/assets/doi/reports/pdf/2020/DOIRpt.NYPD%20Reponse.%20GeorgeFloyd%20Protests.12.18.2020.pdf>

26 Ali Watkins. “An Unprepared NYPD Badly Mishandled Floyd Protests, Watchdog Says.” *The New York Times*. December 18, 2020. <https://www.nytimes.com/2020/12/18/nyregion/nypd-george-floyd-protests.html?searchResultPosition=6>

27 Nick Corasaniti and Isabella Grullón Paz. “Did the George Floyd Protests Boost Democratic Voter Registration?” *The New York Times*. August 11, 2020. <https://insights.targetsmart.com/september-15-2020-democrats-voter-registration-advantage-increases-in-midwestern-states-home-to-protests.html>  
<https://www.nytimes.com/2020/08/11/us/politics/democrats-voter-registration-george-floyd.html>  
<https://insights.targetsmart.com/september-15-2020-democrats-voter-registration-advantage-increases-in-midwestern-states-home-to-protests.html>

28 In July, the Campaign Finance Board supported a lawsuit filed by the New York Civil Liberties Union to push New York’s registration deadline, currently 25 days prior to the election, to 10 days—the latest date allowed by the Constitution.



## The first election in a pandemic

With the June 23 primary approaching, the Legislature passed Senator Myrie’s bill to codify the ability for voters to apply for absentee ballots electronically, and ensure that ballots postmarked on Election Day would be counted. Voters seeking to avoid crowds at poll sites and cast their ballot safely were planning to vote by mail in unprecedented numbers. More than 33 times as many voters requested absentee ballots for the June 2020 primary than did for the 2016 presidential primary election.

The volume strained the capacity of the City BOE to guarantee every eligible voter access to the franchise. In the days leading up to the primary, scores of voters took to social media to report they had requested an absentee ballot but never received it. During its post-election hearing, the Voter Assistance Advisory Committee heard from 50 voters who applied for absentee ballots and did not receive them timely. Without timely or reliable information about the status of their request, some voters made plans to vote in person; many others whose health conditions left them susceptible to the virus reluctantly stayed home. Across the city, more than 767,000 voters requested absentee ballots, but only 403,000 of them were returned. Of those that were returned, one in five were ultimately rejected on technicalities, far higher than the rejection rate in other states.

Though early voting provided opportunities for socially-distanced in-person voting, barely more than 52,000 voters cast a ballot during the nine days of early voting — only 1.6% of all voters eligible. The final day of in-person voting on June 23 saw other challenges. The MTA’s decision to end 24-hour subway service in April for overnight cleanings meant that many poll workers could not reach their assigned poll sites to open them at 6 a.m. The restoration of the presidential primary meant that most voters in the city would receive a two-page ballot, with their local races on a separate sheet. Reports surfaced on social media and in the press during Election Day that voters at some sites had only been given one page.<sup>29</sup>

The voters who showed up on Election Day looked to be in a mood for change. Sixteen-term U.S. Representative Eliot Engel of the Bronx ended Election Day facing a 17-point deficit to challenger Jamaal Bowman. Engel’s 14-term colleague Carolyn Maloney, who represented the East Side of Manhattan and parts of Queens and Brooklyn, looked to be in a dead heat with challenger Suraj Patel. Five incumbent members of the State Assembly trailed challengers after the in-person ballots were tallied. A sixth, Joe Lentol—who represented Brooklyn’s 50th Assembly District since 1973—led challenger Emily Gallagher 58% to 42%, a margin of nearly 2,000 ballots.

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29 Jeffery C. Mays. “Primary Voters in New York Face Scattered Problems.” *The New York Times*. June 23, 2020. <https://www.nytimes.com/2020/06/23/nyregion/voting-nyc-primary.html>

However, under New York State Election Law, Boards of Elections cannot open and count absentee ballots until a week after Election Day. With nearly four in ten votes cast in the primary made by absentee, numbering in the hundreds of thousands, uncertainty about the results of the primary stretched well into the summer.

The counting of absentee ballots began the week of July 6, and results in some races trickled in over the following several weeks. Reviews by City BOE canvassers led to as many as one in five being disqualified for technical errors, including a missing signature on the oath envelope, or a missing postmark showing the date on which it had been mailed.

While New York State Election Law required ballots to be postmarked by Election Day to be valid, postage-paid return envelopes are typically not postmarked by the U.S. Postal Service, including those sent to voters with their absentee ballots under an executive order issued by Governor Cuomo earlier in the year. The timing of these reviews, starting more than a week after the election, deprived voters of notice or opportunity to cure the defects and have their votes counted. Suraj Patel and Emily Gallagher filed a federal lawsuit on July 17 to challenge the invalidation of thousands of absentee ballots.<sup>30</sup>

On July 22, a month after the last votes were cast in the primary election, Lentol conceded his race to Gallagher after the absentee count put the challenger in the lead for the Democratic nomination in the Greenpoint Assembly district. Other results, including the key Congressional races, remained outstanding. With a national spotlight shining on New York's slow count, the state Legislature quickly acted to shore up the absentee voting system in time for the November general election.

## Preparing to do better in November

In a special session on July 22 to 23<sup>31</sup>, the Assembly and Senate passed bills to ensure voters concerned about the transmission of COVID could request absentee ballots for elections through 2022; to allow Boards of Elections to accept absentee ballots more than 30 days before the election, earlier than previously allowed; to require Boards of Elections to accept absentee ballots missing a postmark as long as they are received by the day after the election; and to provide voters with notice of deficiencies in their absentee ballot and opportunity to cure. The bills were signed by Governor Cuomo the following month.

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30 Karen Matthew. "Challengers Sue Over Absentee Ballots Tossed from NY Primary." *The Associated Press*. July 17, 2020. <https://apnews.com/article/69de9131140768324daa6dcda8832739>

31 Brigid Bergin. "State Legislature Seeks to Clean Up This Summer's Election Chaos in Time for November." *Gothamist*. July 21, 2020. <https://gothamist.com/news/state-legislature-seeks-to-clean-up-this-summers-election-chaos-in-time-for-november>

Nevertheless, President Trump’s misinformation campaign to undermine the legitimacy of mail-in voting continued, as he turned his attention to New York on July 29 on Twitter: “New York Mail-In voting is in a disastrous state of condition. Votes from many weeks ago are missing—a total mess. They have no idea what is going on. Rigged Election.”<sup>32</sup>

On August 3, Judge Analisa Torres ruled in the case brought by Patel and Gallagher that ballots missing a postmark must be counted as long as they were received by June 25th, two days after the election. “When voters have been provided with absentee ballots and assured that their votes on those ballots will be counted,” she wrote, “the state cannot ignore a later discovered, systemic problem that arbitrarily renders those ballots invalid.” The State BOE initially said they would challenge the ruling, but ultimately decided to accept the ballots.<sup>33</sup>

The following day, the City BOE certified the results of the primary election; in doing so, they acknowledged the judge’s order to count additional ballots and committed to stand by for guidance from the State BOE, which agreed the additional ballots must be counted.<sup>34</sup> It would take another three weeks before the results were finally certified in accordance with Judge Torres’ ruling, a full two months after the June 23 primary.

On August 24, Governor Cuomo issued another executive order to address the underlying issues in the suit, and patch the holes in New York’s leaky absentee voting system. It required the BOE to create a new ballot envelope, making it clear where a voter’s signature is required, and mandated Boards of Elections to begin counting ballots two days after the election, instead of seven. The order also required Boards of Elections to send an informational mailer to voters by September 8, including information on early voting and absentee ballots; and it required local Boards of Elections to submit their staffing plans for the general election to the State BOE by September 20.<sup>35</sup>

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32 Jill Terreri Ramos. “Trump tweet mischaracterizes New York’s voting woes.” *Politifact*. August 14, 2020. <https://www.politifact.com/factchecks/2020/aug/15/donald-trump/trump-tweet-mischaracterizes-new-yorks-voting-woes/>

33 Emily Ngo. “State Board of Elections to Appeal Absentee Ballot Ruling.” *Spectrum News NY1*. August 4, 2020. <https://www.ny1.com/nyc/all-boroughs/news/2020/08/04/judge-orders-count-of-absentee-ballots-without-postmarks->

34 Brigid Bergin. “State BOE Orders Absentee Ballot Count to Resume In New York Primary, Dropping Plans to Appeal Postmark Ruling.” *Gothamist*. August 8, 2020. <https://gothamist.com/news/state-boe-orders-absentee-ballot-count-resume-new-york-primary-dropping-plans-appeal-postmark-ruling>

35 Executive Order 202.58, 8/24/20.

Exercising bureaucratic pressure to undermine efforts to scale up absentee voting efforts nationwide, President Trump opposed a \$25 billion funding request for the U.S. Postal Service because he didn't want the funds used to deliver mail-in ballots.<sup>36</sup> The ensuing backlash forced Postmaster General Louis DeJoy, a major donor to Trump's campaign, to suspend several operational changes the Postal Service had sought to implement as cost-cutting measures, in order "to avoid even the appearance of any impact on election mail."<sup>37</sup>

The strain on the absentee system led to an increased focus on early voting as a safe option for voters to cast a ballot in the general election. After Jacob Blake was shot in the back by police in Kenosha, Wisconsin on August 23, members of the Milwaukee Bucks refused to take the court for a playoff game in protest. Along with specific demands for justice and accountability, the players' public statement on their work stoppage urged all citizens to vote.<sup>38</sup> After the NBA's other active teams joined the strike, an agreement between the players' union and the league included an agreement to make NBA arenas available as polling places.<sup>39</sup> In New York City, this included both Madison Square Garden and Barclays Center, which were announced as early voting sites by the City BOE on August 28 and September 1, respectively.

To follow the announcement that the city's premier sporting arenas would open their doors for voting, the City BOE announced further administrative changes meant to improve their process for the general election. On September 4, they unveiled a highly-anticipated absentee ballot tracking system, which promised to finally provide New York City voters with the capacity to follow their absentee ballot request and know when to expect their ballot. The same week, the City BOE announced that secure drop boxes would be available at all early voting and Election Day poll sites, allowing voters to drop off their absentee ballot without waiting in line, postage-free.

Nevertheless, advocates continued to call on the Cuomo administration to require postage-paid return envelopes be included with absentee ballots as they were in the primary election; on September 14, a spokesman for the State Division of the Budget rebuffed the request, claiming the funds were not available.<sup>40</sup>

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36 Kaufman, Ellie et al. "Trump says he opposes funding USPS because of mail-in voting." *CNN*. August, 13, 2020. <https://www.cnn.com/2020/08/13/politics/trump-usps-funding-comments-2020-election/index.html>

37 Cochrane, Emily et al. "Postal Service Suspends Changes After Outcry Over Delivery Slowdown." *The New York Times*. August 18, 2020. <https://www.nytimes.com/2020/08/18/us/politics/postal-service-suspends-changes.html>

38 Milwaukee Bucks @Bucks. "The Milwaukee Bucks have..." August, 26, 2020. <https://twitter.com/Bucks/status/1298772094151467010/photo/4>

39 Raphelson, Samantha. "NBA Agrees to Use Arenas as Polling Places in Deal to Resume Playoffs." *NPR*. August 28, 2020. <https://www.npr.org/sections/live-updates-protests-for-racial-justice/2020/08/28/907101601/nba-agrees-to-use-arenas-as-polling-places-in-deal-to-resume-playoffs>

40 "NYS says it can't afford pre-paid postage for absentee ballots." *WBFO*. September 13, 2020. <https://news.wbfo.org/post/nys-says-it-cant-afford-pre-paid-postage-absentee-ballots> ; <https://www.wsj.com/articles/new-york-eases-absentee-voting-rules-but-advocates-push-further-fixes-11600038000>

In addition to the issues with absentee voting, there was continued attention to how voter registration rates in the city were dramatically lower than expected in a presidential election year. With online voter registration unavailable to New Yorkers who lack DMV IDs, and legislation to enable a city online registration system stalled after passing the Senate, on September 15, NYC Votes announced a partnership with DemocracyWorks, a nonpartisan voter education nonprofit, to provide city voters with a dedicated registration platform and ran a campaign to drive people to register to vote through TurboVote.

On September 28, voters in Brooklyn who had requested absentee ballots began to report that they were receiving ballots with the wrong name printed on the return envelope. Voters posted pictures of their envelopes on social media; some sought the addressee to hand-deliver the envelope. At the following day's meeting of the City BOE, Executive Director Michael Ryan explained that 100,000 voters in Brooklyn were affected by a vendor error, caused by a malfunctioning machine. The vendor, Phoenix Graphics, promised to mail corrected ballots to all voters impacted by the error, which were expected to arrive in early October.

That evening, September 29, the first presidential debate between Donald Trump and Joe Biden was broadcast from Cleveland, Ohio. To open the debate's final segment, moderator Chris Wallace asked the candidates a question about mail-in ballots and the fairness of the upcoming election. Trump's baseless response referenced the delayed count in New York: "They sent two in a Democrat area. They sent out a thousand ballots. Everybody got two ballots. This is going to be a fraud like you've never seen. The other thing, it's nice. On November 3rd, you're watching, and you see who won the election. And I think we're going to do well because people are really happy with the job we've done. But you know what? We won't know. We might not know for months because these ballots are going to be all over. Take a look at what happened in Manhattan."<sup>41</sup>

## Voting begins in the general election

On October 2, with a month to go before Election Day, NYC Votes, DemocracyNYC, and 17 civic groups aligned with the elections consortium issued a statement urging voters not to let the absentee ballot misprint shake their faith in voting: "Voters are understandably frustrated by errors with absentee ballot envelopes in Brooklyn. But we cannot let this mistake prevent us from participating in the election this fall. However New Yorkers choose to vote—by mail, early, or in person on Election Day—your vote will count and be counted."<sup>42</sup>

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41 <https://www.debates.org/voter-education/debate-transcripts/september-29-2020-debate-transcript/>

42 <https://www.nycfb.info/media/press-releases/joint-statement-on-absentee-ballot-envelope-misprint/>

As the election neared, questions about absentee voting persisted. NYC Votes heard from voters wondering about how much postage to put on the return envelope (two stamps, to be safe). Others were concerned that the City BOE's tracker did not show information about their application for an absentee ballot, or whether their ballot had been received; data available through the tracker wasn't updated in a timely manner, or at all, which led to more confusion among voters who were unsure if their ballot was received and counted.

Early voting for the general election began in New York on October 24. With the number of COVID cases in a relative lull, and most New Yorkers accepting that transmission of the airborne virus can be drastically curbed by mask wearing and social distancing, it was immediately clear that many New Yorkers saw early voting as a safe option.

Lines as long as three hours quickly formed at many early voting sites; by the end of the first day, more New Yorkers had voted than in the nine days of early voting in November 2019.<sup>43</sup> Generally, most New Yorkers—including the mayor<sup>44</sup>—waited for their opportunity to cast a ballot in good spirits. Marching bands and celebrities offering snacks and gratitude for performing their civic duty helped voters pass the time.<sup>45</sup>

An NYC Votes analysis published October 27 after the first weekend of early voting showed wide disparities in the number of voters assigned to early poll sites around New York City. While a small handful of sites were expected to serve more than 100,000 voters, many more were assigned 30,000 voters or less, all the way down to the Skirball Center for the Arts at NYU, which was the site for barely more than 8,000 voters.<sup>46</sup>

Overall, 1.1 million New Yorkers cast a ballot during the early voting period. General election voters made a significant shift towards early voting: While only 6.0% of voters who turned out to vote used the early voting period to cast an in-person ballot for the primary, more than 36.0% of votes cast in the general were cast early in person.

Between early and absentee votes, more than 60% of all ballots cast in New York's general election were made before Election Day. Voters who showed up on Election Day found a smoother, more efficient experience than many who voted early.

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43 Brigid Bergin @brigidbergin. "More VOTERS TODAY FOR..." October, 24, 2020. <https://twitter.com/nycvotes/status/1320181190918275072>

44 "After Hours-Long Early Voting Wait in Brooklyn, Mayor de Blasio Casts Ballot." *Spectrum News NY1*. October 27, 2020. <https://www.ny1.com/nyc/all-boroughs/news/2020/10/27/mayor-de-blasio-votes-early-in-brooklyn>

45 Chang, Sophia et al. "Early Voting in New York Kicks Off with a Drumline and Dedicated Voters." *Gothamist*. October 24, 2020. <https://gothamist.com/news/early-voting-new-york-kicks-drumline-and-dedicated-voters>; <https://www.cnn.com/2020/10/29/entertainment/paul-rudd-early-voting-cookie-trnd/index.html>

46 Bergin, Brigid. "About That Long Early Voting Line: Find Out How Many People Were Assigned to Your Poll Site." *Gothamist*. October 27, 2020. <https://gothamist.com/news/about-long-early-voting-line-find-out-how-many-people-were-assigned-your-poll-site>

Some of the challenges experienced by voters came outside the poll sites. With the NYPD on heightened alert for violence and unrest on Election Day, officers were dispatched to polls to prevent voter harassment and voter intimidation. Advocates raised concerns that excessive police presence could deter voters.<sup>47</sup> Those concerns seemed justified after reports of voter interactions with police at poll sites surfaced on Election Day, including a Brooklyn voter who was threatened with arrest by an officer who said his Black Lives Matter t-shirt was a political statement that violated the prohibition against electioneering near a poll site.

At the end of Election Day, the national results were inconclusive, with mail-in votes outstanding in a handful of states that showed close margins. In two of those states — Pennsylvania and Wisconsin—the law prohibited administrators from opening absentee ballots before Election Day; in a third (Michigan) election staff could process incoming ballots the day before but could not start the count until Election Day.<sup>48</sup> While Trump falsely declared victory on Election Night before the votes were counted, large urban areas in each state reported significant absentee ballot backlogs yet to count. With the eyes of the nation, along with the attention of protestors and counter-protestors, focused on Philadelphia, Milwaukee, and Detroit, the counts went forward. By the afternoon of November 4, the Associated Press called Michigan and Wisconsin for Biden. On the morning of November 7, enough of the count had been completed for the Associated Press to call both the state of Pennsylvania and the race for Biden.

In New York, however, counting stretched on for weeks. A swing-district race in south Brooklyn for State Senate between incumbent Andrew Gounardes and challenger Vito Bruno could not be called until December 17, after a 6,000 margin for Bruno on Election Night was ultimately overcome through the absentee ballot count.<sup>49</sup> The second extended vote count of the year prompted calls for legislation to change the absentee balloting process and allow mail-in ballots to be opened before Election Day and begin the count before the polls close.<sup>50</sup>

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47 Chapman, Ben. “NYPD Plans Bigger Presence at Voting Sites on Election Day.” *The Wall Street Journal*. October 20, 2020. <https://www.wsj.com/articles/nypd-plans-bigger-presence-at-voting-sites-on-election-day-11603230253>

48 Corasaniti, Nick and Denise Lu. “How Quickly Will Your Absentee Vote be Counted? A State-by-State Timeline.” *The New York Times*. October 21, 2020. <https://www.nytimes.com/interactive/2020/us/politics/when-votes-counted-tonight-election.html>

49 Pereira, Sydney. “Andrew Gounardes Declares Victory Over Republican Vito Bruno After Surge Of Absentee and Mail-In Ballots.” *Gothamist*. November 18, 2020. <https://gothamist.com/news/andrew-gounardes-declares-victory-over-republican-vito-bruno-after-surge-absentee-and-mail-ballots>

50 Ferreé-Sadurní, Luis. “Why New York Again Trails Almost All States in Counting Votes”. *The New York Times*. November 18, 2020. <https://www.nytimes.com/2020/11/18/nyregion/absentee-ballot-counting.html>

## Conclusion

The civic institutions of our city, state, and nation faced severe tests in 2020. As the pandemic began, we wrote that democracy would persist, and it has. It persisted despite “Stop the Steal” protests undertaken by voters across the country convinced, despite lack of evidence, that massive voter fraud had taken place in the presidential election. It persisted despite the insurrection in Washington D.C. on January 6th, where protestors stormed the Capitol Building to halt the counting of electoral votes that would make Joe Biden the 46th president. This presidential election was unlike any other, occurring among a global pandemic and bookended by impeachment trials of former President Donald Trump, both related to his attempts to interfere with the democratic practices and norms of our elections. The experience of these last twelve months has highlighted the many places where our democracy is weak, and needs to be strengthened.

The work of making the weak places in our democracy strong is well underway. On the federal level, HR1/S1 is a priority of the House and Senate majorities in the U.S. Congress. State legislators in Albany passed automatic voter registration (effective in 2023) along with other reforms in July, and are pushing for further reforms to our state election system. In New York City, as voters prepare to elect the leaders who will direct the city’s recovery, they have more choices than ever, and more opportunity to be heard.

The sections that follow contain further information for policymakers, advocates, and legislators engaged in this work:

- A detailed analysis of voter behavior during the 2020 election year will highlight those communities that need further engagement to realize full participation and representation in New York’s electoral process.
- A review of NYC Votes programs during 2020 will examine our contributions to the effort to build a more inclusive and representative local democracy.
- Specific legislative and administrative recommendations will point the way towards further improvements to New York’s election system that will make it more resilient, accessible, and transparent.



**ON THE  
BALLOT  
IN 2020**

**20<sup>20</sup>** was a momentous election year in that it marked the end of a long and tumultuous presidential election race while also occurring under emergency circumstances of a pandemic. The November 3 general election included races for Congress, State Senate, Assembly, and municipal-level races for City Council District 37 and Queens Borough President, which occurred due to vacancies in their offices.

For the first time, primaries for all offices—federal, state, local, judicial, and political party positions—were consolidated to one election date on June 23. As mentioned in the introduction, spring special elections for Queens Borough President and Council District 37 were canceled by the mayor under emergency circumstances. Just before the end of the year, a Council District 12 special election was held on December 22nd in the Bronx, the last special election to use single-choice rather than Ranked Choice Voting.

For the first time, all voters could choose to cast their ballots by absentee voting, early in-person voting, or voting on Election Day. This radically shifted the typical patterns of voter participation as many voters chose to use a new method of voting for the first time.

## **Voter turnout**

Despite the threats that the pandemic posed to public health and the disruption it caused to everyday life, voter turnout in the primary and general election was relatively high. Presidential election years reliably yield the highest voter turnout in New York City, but it is still notable that voter participation continued unabated in spite of taking place amid extraordinarily challenging circumstances.

The June 23 primary was the first in most voters' lifetimes to take place in the middle of a once-in-a-century pandemic. The City BOE implemented sound safety procedures to ensure voters and poll workers were safe to vote in person either early or on Election Day. The City BOE also dealt with scaling up mail-in voting for eight times the number of usual absentee voters. Due to these enormous logistical and safety challenges, the June primary election was one of the most difficult elections to administer in recent memory, but voters were resilient and turned out in high numbers compared to other primary elections.

The total citywide voter turnout in the primary election was 25.7%, with 867,698 out of 3,328,953 eligible voters casting a ballot.<sup>51</sup> This election had federal (President, Senate, and House), state (Senate and Assembly) and local races (Queens BP) on the ballot.<sup>52</sup>

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51 Turnout rate is calculated as the number of election voters over the number of registered eligible voters unless otherwise specified in a footnote. All turnout calculations use the New York City Board of Elections voter history file compiled February 2021, unless otherwise cited.

52 The 2020 primary election turnout is calculated using the number of registered voters affiliated to the appropriate party and therefore eligible to vote in the Democratic Presidential Primary, Republican Congressional District 11, and Conservative Assembly District 63 races.

**Figure 1.1: Primary Election 2020 – Citywide Voter Turnout**

VOTERS	REGISTERED ELIGIBLE VOTERS	TURNOUT
863,009	3,353,127	25.7%

Prior to 2020, the most recent presidential election year in 2016 had three separate primary elections: the presidential primary in April, the federal primary for congressional races in June, and state offices in September. Moving forward, the consolidated primaries will make turnout comparisons more straightforward, but currently there is no directly comparable primary election to determine how the pandemic may have affected voter turnout.

In 2016, voter turnout was 46.1% for the presidential primary, 7.7% for the Congressional primary, and 10.0% for the state primary, as indicated in Figure 1.3. The 2020 presidential primary is also not directly comparable to 2016 because both the Democratic and Republican parties had relatively competitive races deep into the primary election calendar. By the time the consolidated primary took place in June 2020, the presidential nominees were a foregone conclusion with Donald Trump running for re-election and most of the Democratic field clearing the way for Joseph Biden. However, in spite of a non-competitive Democratic presidential primary and the challenges posed by voting during COVID-19's threat to public health, turnout in the 2020 primary election is still the third highest after 2016's presidential primary and 2018's state primary turnout as indicated in Figure 1.3, which is especially remarkable given the pandemic.

These same races were on the ballot in the general election, which took place as the pandemic continued and national attention was focused on the outcome of the presidential election. In New York City, the total voter turnout in the general election was 61.9%,<sup>53</sup> with 3,045,042 voters casting a ballot out of a total 4,918,052 registered voters. This lagged just behind New York State's 63.6% turnout and the national 66.8% turnout.<sup>54</sup>

53 The 2020 general election turnout is calculated using results of the presidential election, for which every registered voter in New York City was eligible to vote regardless of political party affiliation.

54 Election Project <http://www.electproject.org/2020g>; Turnout rates here are calculated as total ballots cast over total voting-eligible population, not over total registered voters.

**Figure 1.2: General Election 2020 – Citywide Voter Turnout**

VOTERS	REGISTERED ELIGIBLE VOTERS	TURNOUT
3,045,042	4,918,052	61.9%

As for comparing across general elections, 60.4% of registered voters cast ballots in 2016, slightly lower than the turnout in 2020. This was the first time that the number of New York City voters casting ballots exceeded three million.

**Figure 1.3: Voter Turnout by Election Cycle 2016–2020**

YEAR	ON THE BALLOT IN NEW YORK CITY	PRIMARY TURNOUT	GENERAL TURNOUT
<b>2016</b>	President	46.1%	60.4%
	U.S. Congress	7.7%	
	State Senate, State Assembly	10.0%	
<b>2017</b>	Mayor, Public Advocate, Comptroller, Borough President, City Council	14.6%	25.2%
<b>2018</b>	U.S. Congress	11.3%	46.0%
	Governor, Lt. Governor, Attorney General, Comptroller, State Senate, State Assembly	28.4%	
	Citywide Ballot Ballot Proposals	n/a	
<b>2019</b>	Council District 45, Queens DA	11.9%	17.2%
	Public Advocate, Citywide Ballot Ballot Proposals	n/a	
<b>2020</b>	President, U.S. Congress, State Senate, State Assembly, Queens BP	25.7%	61.9%
	Council District 37	n/a	

## Special Elections

Former Council Member Andrew King’s expulsion from the City Council on October 5, 2020 led to a vacancy in Council District 12 in the Bronx. The special election to fill that vacancy was held on December 22, 2020 and drew a voter turnout of 6.2%.

**Figure 1.4: City Council District 12 Special Election Turnout**

VOTERS	REGISTERED ELIGIBLE VOTERS	TURNOUT
6,254	101,069	6.2%

While recent special elections, particularly ones for city office, have shown higher voter turnout than in years past, turnout still significantly lags behind turnout for primary and general elections. Historically, turnout in special elections for city office fare slightly better than those for state office, but are regularly in the single digits.

## Location of Voters

Primary election turnout exceeded the citywide primary voter turnout of 25.7% in only two boroughs: Manhattan with 29.5% and Brooklyn with 25.8%. In spite of competitive Congressional races in NY-15 (Bronx), NY-16 (Bronx) and NY-11 (Staten Island/Brooklyn), as well as high-attention Assembly races in Queens, voter turnout in those boroughs fell below the citywide primary voter turnout rate. Staten Island’s participation trailed the most at 20.6%.

**Figure 1.5: Primary Turnout by Borough 2016 vs. 2020**

BOROUGH	CONSOLIDATED 2020		PRESIDENTIAL 2016		FEDERAL 2016		STATE 2016	
	Voters	Turnout	Voters	Turnout	Voters	Turnout	Voters	Turnout
Manhattan	212,209	29.5%	405,873	57.0%	77,700	11.8%	47,021	13.5%
Bronx	133,251	23.9%	234,045	42.5%	16,133	4.4%	36,235	8.2%
Brooklyn	279,790	25.8%	470,463	44.2%	3,982	3.9%	58,450	9.1%
Queens	192,828	24.9%	347,424	42.9%	1,685	3.6%	31,762	8.5%
Staten Island	44,931	20.6%	82,049	40.9%	N/A	N/A	3,168	9.0%
Citywide	863,009	25.7%	1,539,854	46.1%	99,500	7.7%	176,636	10.0%

However, in the general election, Staten Island had by far the highest voter turnout of the five boroughs with 69.6%. Manhattan and Queens also had voter turnout greater than the citywide turnout with 65.9% and 63.1% respectively. The turnout of Brooklyn (59.4%) and the Bronx (56.5%) fell below the citywide turnout.

**Figure 1.6: General Turnout by Borough 2016 vs. 2020<sup>55</sup>**

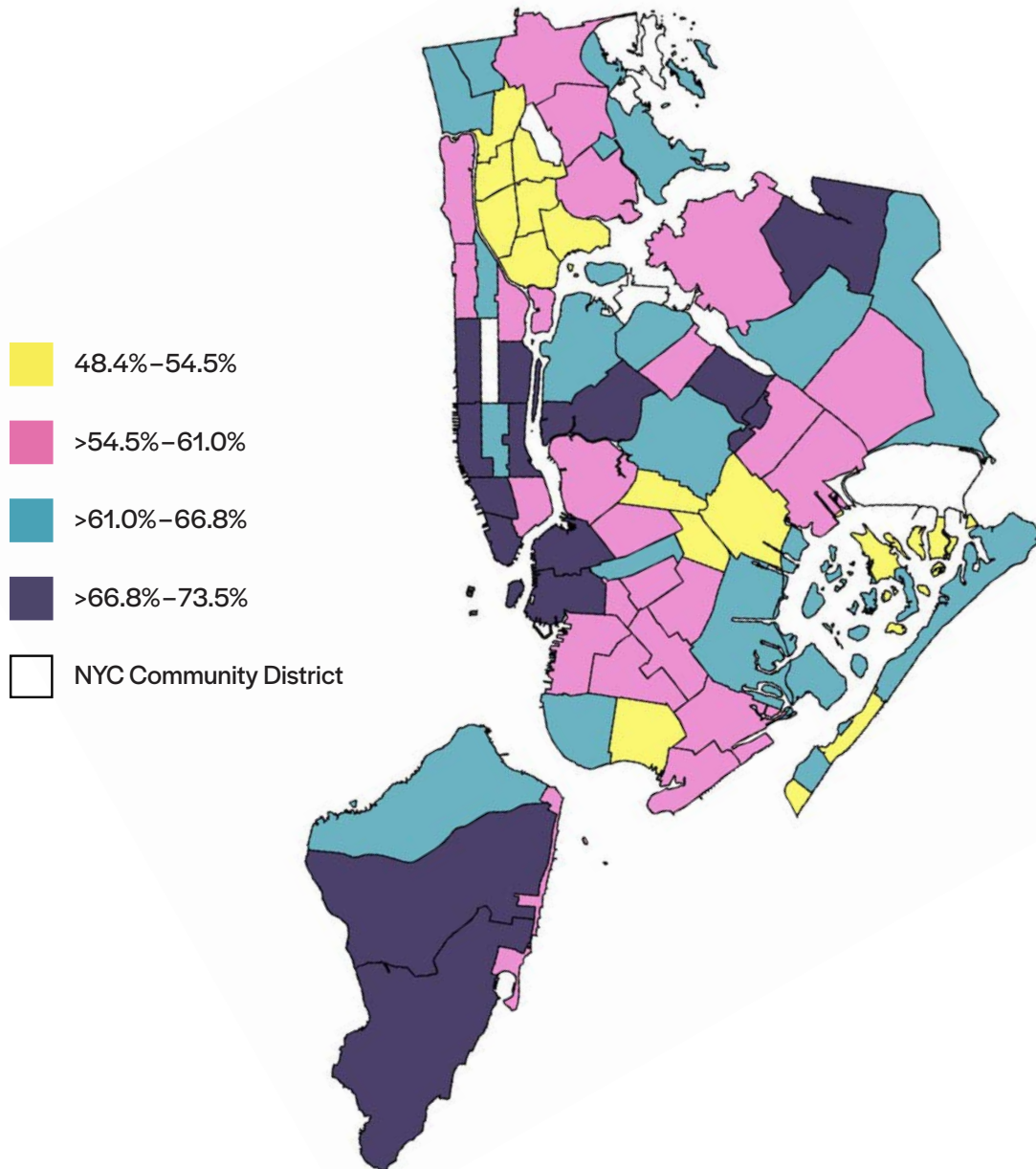
BOROUGH	2020		2016	
	Voters	Turnout	Voters	Turnout
Manhattan	693,933	65.9%	666,902	66.5%
Bronx	429,773	56.5%	400,121	56.4%
Brooklyn	915,970	59.4%	803,995	57.0%
Queens	788,106	63.1%	687,113	60.6%
Staten Island	217,260	69.6%	181,823	63.8%
Citywide	3,045,042	61.9%	2,739,954	60.3%

Turnout disparity can still be seen across the City’s 59 community districts, the administrative boundaries for the city’s community boards. In both elections, the turnout difference between the highest and lowest turnout community districts continues to be about 25%.

In the primary election, Brooklyn Community District 6 (Carroll Gardens and Park Slope) had turnout almost 12.8% higher than the citywide turnout, while Brooklyn Community District 11 (Bath Beach, Gravesend, Mapleton, and Bensonhurst) had turnout almost 12.0% lower than the citywide turnout. In the general election, Staten Island Community District 3 (Tottenville, Great Kills & Annadale) had turnout 11.7% higher than the citywide turnout and Bronx Community District 1 (Mott Haven, Melrose, and Port Morris) had 13.4% lower turnout than the citywide turnout. A map of turnout by Community District is located in this report and an interactive version can be found at our website for more detail on how each district participated.

<sup>55</sup> New York State Board of Elections. Enrollment by County. November 1, 2020. <https://www.elections.ny.gov/EnrollmentCounty.html>

**Figure 1.7: Map of General Election 2020  
Voter Turnout By Community District**



## Age of voters

Increasing youth turnout is an area of strategic focus for NYC Votes. Youth voter turnout consistently lags behind those of the general voting population in state and local primary and general election years. However, in presidential election years like 2020, voters aged 18 to 29 generally participate at the same level as other age groups; the same held true in



the 2020 presidential election. Turnout for voters under 30 was 24.5% in the primary election and 59.3% in the general election. This age group also saw a 3.4 percent increase in turnout from the 2016 to the 2020 general election as shown in Figure 1.8. The youth turnout trend was observable across the entire country, with total national youth turnout estimated to be between 52 to 55%,<sup>56</sup> an increase of about 8% compared to 2016.<sup>57</sup>

**Figure 1.8: Turnout for Each Age Group 2020 vs. 2016**

AGE GROUP	2016 GENERAL	2020 GENERAL	INCREASE IN 2020
<b>18–29</b>	56.0%	59.3%	3.4%
<b>30–39</b>	58.6%	59.0%	0.4%
<b>40–49</b>	61.4%	61.9%	0.6%
<b>50–59</b>	65.3%	66.7%	1.4%
<b>60–69</b>	67.0%	69.0%	2.0%
<b>70 and up</b>	55.4%	57.4%	2.0%
<b>All Voters</b>	<b>60.3%</b>	<b>61.9%</b>	<b>1.6%</b>

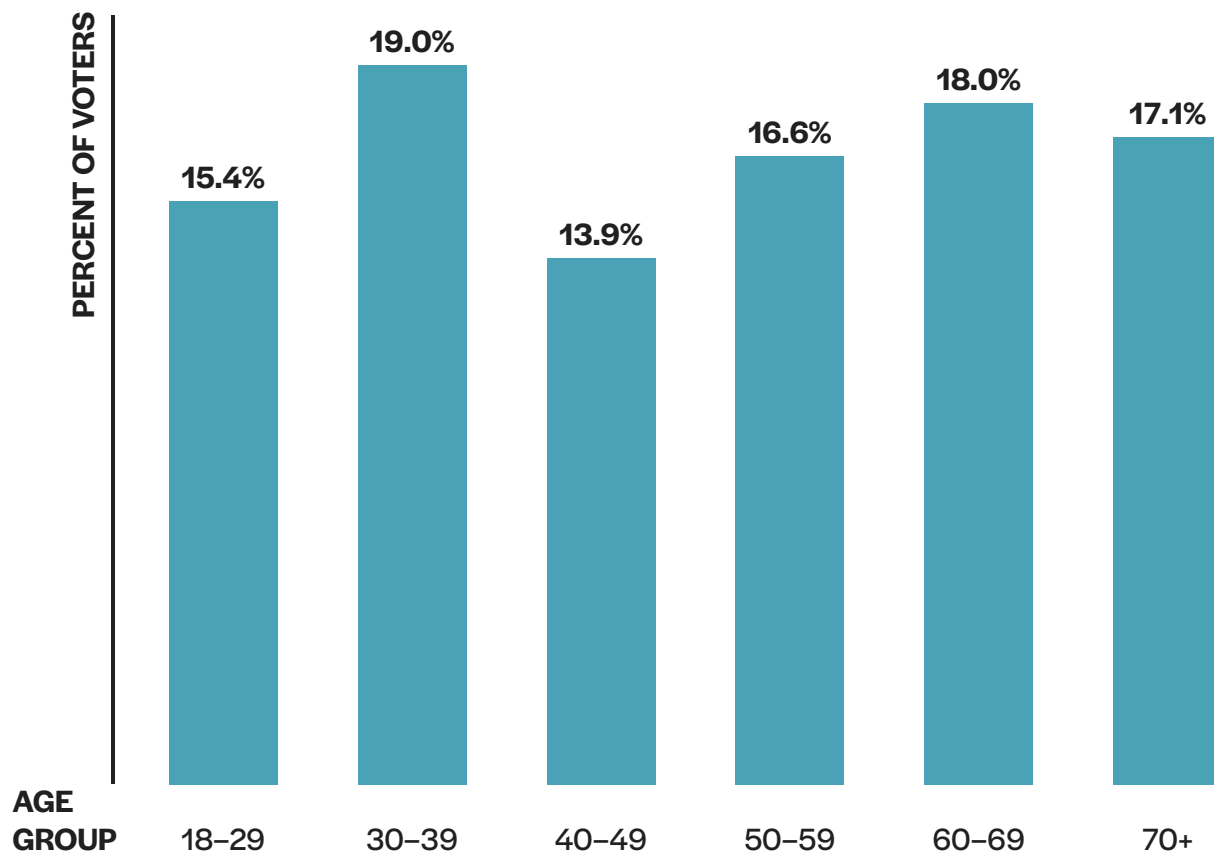
By looking at the share of total voters who are part of each age group rather than the turnout rate within in each group, it is more clear how much each age group impacts the final election results. While it is not always the case that voters under 30 participate at a high level in elections, they did in 2020, potentially attributable to the consolidated primary and the inclusion of a presidential race on the ballot. Contrary to past participation patterns in primary elections, voters under 30 turned out at a similar level to other age groups, as shown in Figure 1.9. In the three primaries that took place in 2016, 18 to 29 year olds made up 15.4% of the presidential primary electorate, compared to 5.6% in the federal primary and 5.4% in the state primary of that same year.

56 Tufts Center for Information Research on Civic Learning and Engagement. 2020 Election Center. <https://circle.tufts.edu/2020-election-center>

57 Pike, Lili. "Why so many young people showed up on Election Day". Vox. November 7, 2020. <https://www.vox.com/2020/11/7/21552248/youth-vote-2020-georgia-biden-covid-19-racism-climate-change>

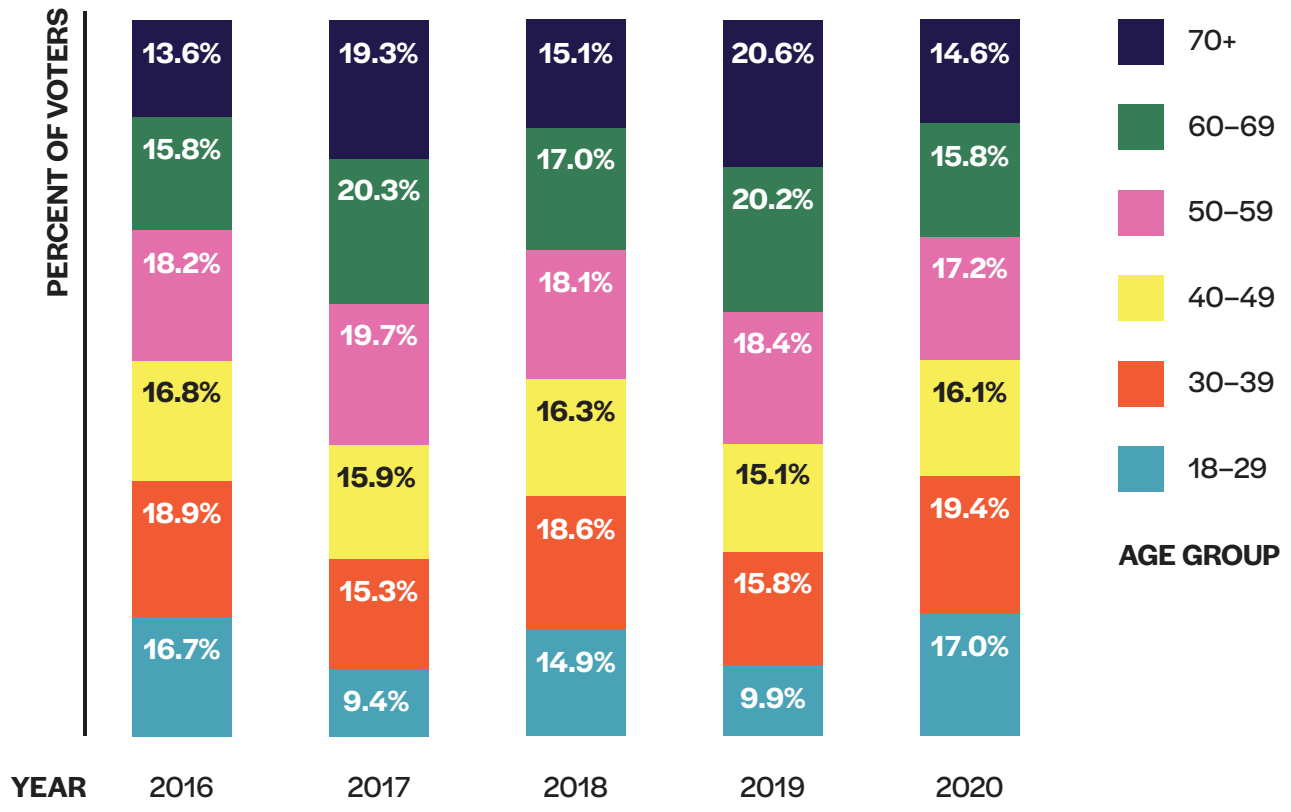
Voters between ages 30-39 actually made up the largest portion at 19.0% of the primary electorate, out of all the voter age groups shown in Figure 1.9. In the three primaries that took place in 2016, 30 to 39 year olds made up only 15.5% of the presidential primary electorate, compared to 7.8% in the federal primary and 8.3% in the state primary of that same year.

**Figure 1.9: Primary Election 2020  
Distribution of Voters by Age Group**



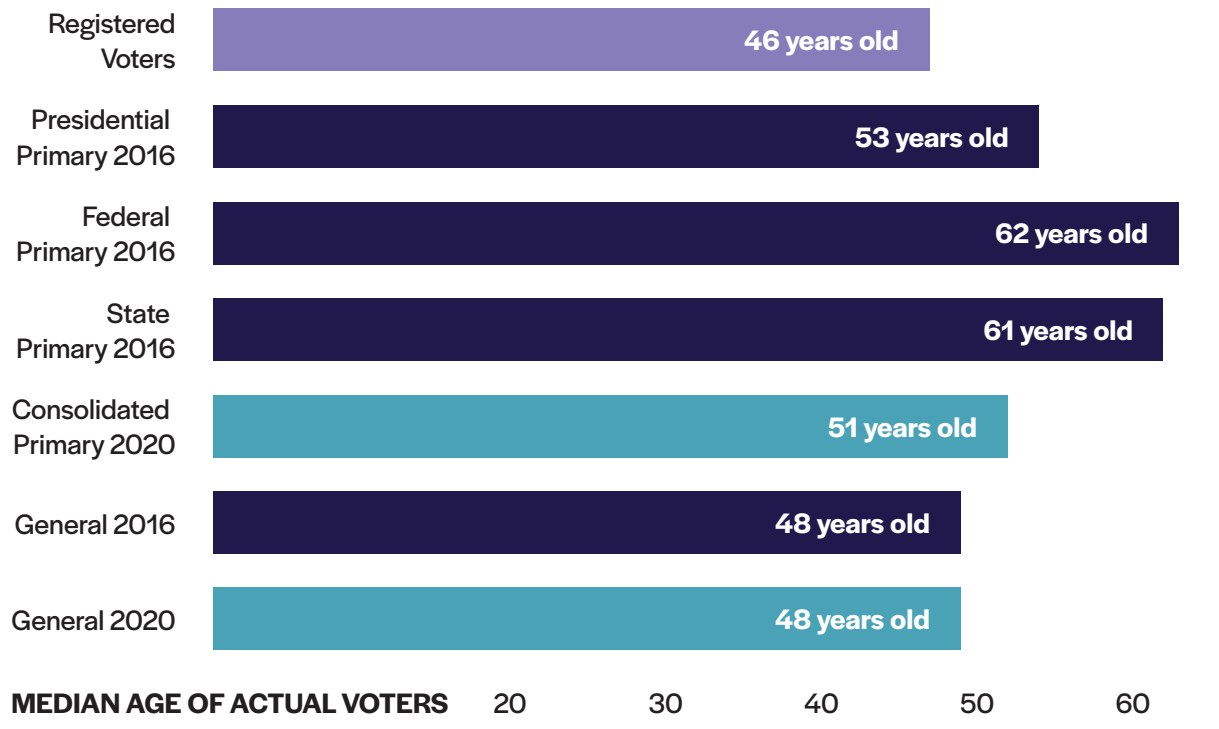
The trend of youth making up a larger part of the electorate continued from the primary to the general election. Here we can compare the percentage of the electorate for each age group measured in Figure 1.10 over the last four years of general elections. Compared to 2016, young voters made up slightly more of the electorate in 2020.

**Figure 1.10: General Election 2016–2020**  
**Distribution of Voters by Age Group**



The median age of the average voter in each election is useful to compare to the median age of registered voters to see if the electorate skews older or younger. In 2020, the median age of the average general election voter was only two years older than the median age of the average registered voter, same as the median age of 2016 general election voters. However, the median age of 2020 primary voters was far younger than the median age of voters in any of the three primary elections that took place in 2016.

**Figure 1.11: Registered Voters Versus Actual Voters**



## Voting method: Absentee, Early, and Election Day

Historically the majority of ballots in New York City have been cast on Election Day; early voting was not available before November 2019, and very few New Yorkers voted by absentee ballot due to the limited circumstances in which they could request one. In 2020 for the first time, due to election law changes and emergency actions brought about by the pandemic, voters were able to vote three different ways: absentee, early, and on Election Day.

The primary election marked only the second time that New Yorkers could vote early ten days before Election Day; it was also the first time that absentee voting was open to all voters, due to the executive order that allowed all voters to cite temporary illness due to COVID as an “excuse” on their absentee ballot application. Of all primary voters who turned out, 37.4% chose to vote by absentee ballots, 6.0% chose to vote early in person, and 56.6% voted in person on Election Day.

**Figure 1.12:  
Primary Election 2020–Voter Turnout by Vote Method**

ABSENTEE	EARLY	ELECTION DAY
37.4%	6.0%	56.6%

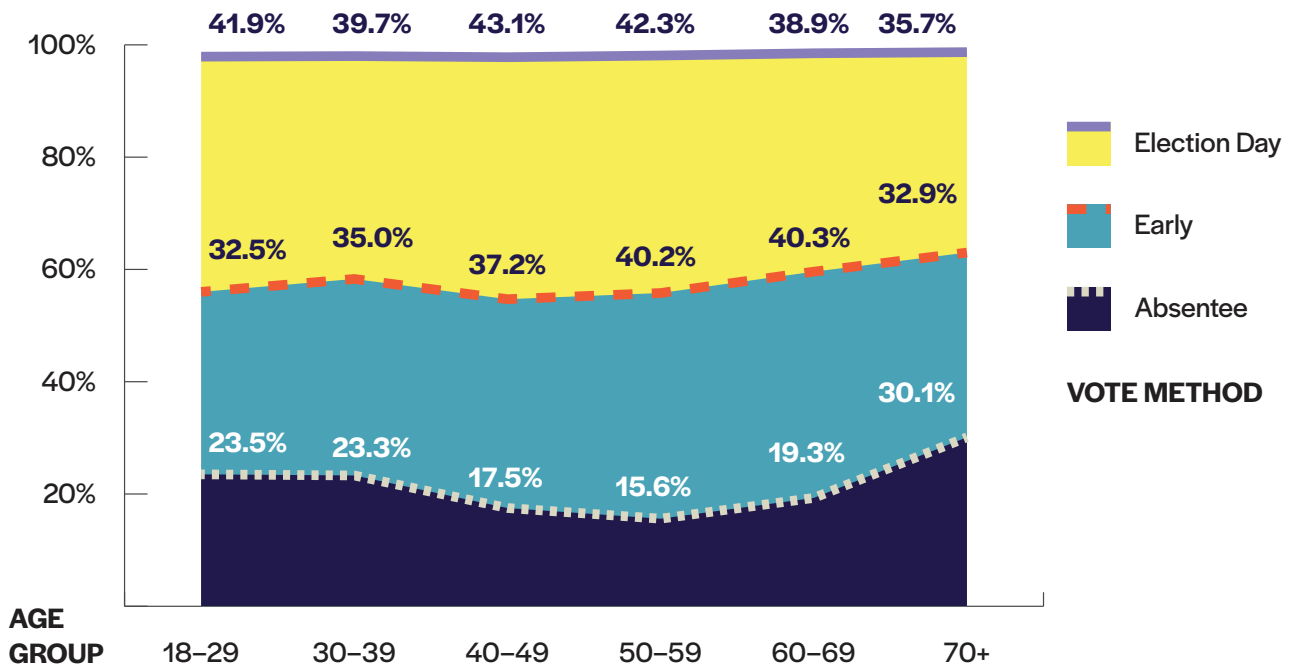
In shifting from the primary election to the general election, a number of organizations made a major push to encourage early voting with the expectation that around 3 million voters would turn out and produce a huge volume of absentee ballots that could cause time pressure to count with Electoral College deadlines. There was a major shift in voter behavior between the primary and general election, with over a third opting to cast their ballot in person during the early voting period. Of all general election voters, 21.4% chose to vote by mailing in their absentee ballots, 36.3% chose to vote early in person, and 40.4% voted in person on Election Day.

**Figure 1.13:  
General Election 2020–Voter Turnout by Vote Method**

ABSENTEE	EARLY	ELECTION DAY
21.4%	36.3%	40.4%

While many focused on older voters for absentee outreach due to their increased health risks from COVID-19, the average age of absentee voters in the 2020 primary was 49.5. This was slightly younger than the median voter age of 51. In the general election, young voters ages 18 to 39 voted by absentee at a higher rate than voters aged 40 to 70. Only voters over age 70 had a higher rate of absentee voting. Overall, there were not huge variations of vote method selection by age.

**Figure 1.14: General Election Vote Method by Age Group**



### Analysis: Who is voting early?

After analyzing early voters in 2019, there was not enough information to conclude anything meaningful about their behavior in order to change our voter outreach efforts in 2020. Now that early voting has been available for two general election cycles, including a high-turnout presidential election, we were able to more closely observe the characteristics of voters who vote early. In particular, we looked at information observable in the voter file, such as age, whether a voter was newly registered, and whether it was a voter’s first time voting in New York. Finally, we looked at whether people who voted early in the 2019 general election or 2020 primary also voted early in the 2020 general.

Overall, the median age of primary 2020 early voters was 52, compared to the overall voter median age of 51. In the general election, the median age of early voters was 49, compared to the overall median age of 48.

In the primary election, absentee and Election Day voting were used by more young voters than early voting. However, in the general election, with early voting being advertised as a safe and easy method of voting, about a third of all younger voters voted early.

**Figure 1.15: Vote Method by Age Group<sup>58</sup>**

AGE GROUP	GENERAL ELECTION			PRIMARY ELECTION		
	Absentee	Early	Election Day	Absentee	Early	Election Day
18–29	23.5%	<b>32.5%</b>	41.9%	42.1%	<b>4.7%</b>	51.5%
30–39	23.3%	<b>35.0%</b>	39.7%	44.0%	<b>5.0%</b>	49.5%
40–49	17.5%	<b>37.2%</b>	43.1%	33.6%	<b>5.6%</b>	59.3%
50–59	15.6%	<b>40.2%</b>	42.3%	27.4%	<b>6.7%</b>	64.4%
60–69	19.3%	<b>40.3%</b>	38.9%	32.1%	<b>7.4%</b>	59.1%
70+	30.1%	<b>32.9%</b>	35.7%	41.6%	<b>6.8%</b>	50.3%

**Younger voters** are as likely as older voters to vote early, and widespread voter education efforts to encourage early voting in the general election paid dividends for all age groups. In the general election, younger voters made up a larger share of the early voting electorate nationwide than they did in either 2018 or 2016.<sup>59</sup> Younger voters appear as likely as more experienced voters to adopt new methods of voting, which we also saw reflected in the percentage of young voters who absentee voted.<sup>60</sup>

58 Absentee, early, and Election Day percentages do not add up exactly to 100% due to different ballot types that are not reflective of these methods.

59 Laura Barron-Lopez. “No, seriously, young people are voting.” *Politico*. October 26, 2020. <https://www.politico.com/newsletters/politico-nightly/2020/10/26/no-seriously-young-people-are-voting-490710>

60 Tufts Center for Information Research on Civic Learning and Engagement. Young People Embraced Voting by Mail, but Improvements Still Needed to Engage All Youth. February 26, 2021. <https://circle.tufts.edu/latest-research/young-people-embraced-voting-mail-improvements-still-needed-engage-all-youth>

**Newly registered voters** are voters who had never been eligible to vote in any election until one this year. This group may include voters who just turned 18, new American citizens, or people who recently moved to New York. They made up 3.0% of registered voters in 2020, and voted early slightly more often than voters who had been eligible for at least one election prior to the 2020 primary. In the primary election, 11.2% of newly registered voters voted early versus 9.6% of non-new voters. The same occurred in the 2020 general, where 47.4% of newly registered voters voted early versus 46.7% of non-new in-person voters.

**First-time voters** are voters who have been eligible to vote in more than one election but did not vote until the 2020 consolidated primary election; essentially they are people who are registered to vote but have never actually voted until this year. They made up 9.0% of registered voters in 2020. First-time voters voted early in the 2020 consolidated primary less often than voters who have voted before in New York City: 7.2% of first-time voters voted early while 9.8% non-first-time voters voted early. This trend was also true in the 2020 general election: 36.4% of first-time voters voted early while 48.2% non-first-time voters voted early.

**Early voting as a habit.** One of the main things we learned in our analysis is that once a voter uses early voting once they are extremely likely to continue early voting. We found that people who voted early in 2019 were more likely to vote early in the 2020 primary than people who voted in 2019 but did not vote early. The same trend held when we looked at 2020 general election voters. We found that people who voted early in 2019 or in the 2020 primary were more likely to choose to vote early in the 2020 general than people who voted in 2019 or the 2020 primary but did not vote early in either election. If a voter voted early in at least one previous election, they were 372% more likely to vote early in the 2020 general.

We look forward to more closely analyzing the characteristics of early voters and doing further analysis into what might drive them to vote early versus on Election Day or by absentee.



## Spotlight: Primary election postcard study

NYC Votes sent election reminder postcards to all voters eligible to vote in the Democratic primaries for Congressional District 15, Council District 37, and Queens Borough President. The purpose of this postcard was to make voters aware of the ways they could safely vote during a pandemic and direct them to our website for additional information about early voting and absentee voting. However, we also used this as an opportunity to see whether “social pressure” was an effective tool to promote voter turnout. Social pressure is a voter persuasion technique that reminds voters that their voting history is public information and provides a voter with that information alongside a message comparing their voting record to that of their neighbors.<sup>61</sup> Research shows that registered voters who are presented with this information may be motivated to vote based on knowing where they stand as reliable voters compared to other registered voters. NYC Votes will be required to send voters a copy of their voting history with each citywide Voter Guide mailing starting in 2021, and this was a method to test proof of concept.



61 Miller, Sean J. “In a Year Dominated by Digital GOTV, Social Pressure is Playing a Big Role”. Campaigns and Elections October 21, 2020. <https://www.campaignsandelections.com/campaign-insider/in-a-year-dominated-by-digital-gotv-social-pressure-is-playing-a-big-role>; “What are Hard, Gentle, and Positive Social Pressure?” The Analyst Institute. October 7, 2019.

The back of each postcard included an individual voter's voting history showing whether they had voted in the last four primary and general elections using icons as follows:

**✓** *mark indicated the voter had voted and was eligible to vote*

**x** *indicated the voter had not voted but was eligible to vote*

**NA** *indicated that a voter was not eligible to vote in the election.*

A randomly selected sample of the total mailing also tested out a very short “social pressure” message comparing each voter's voting record to that of the average New Yorker. To do this, we split voters into two categories using their four-year individual Voter Participation Score and whether they had a higher or lower score compared to the average New Yorker.<sup>62</sup>

- Voters with a higher four-year individual Voter Participation Score compared to the average New Yorker received the positive social message “You voted more often than the average New Yorker in the last 4 years. Thank you for voting!”
- Voters with a lower four-year individual Voter Participation Score compared to the average New Yorker received the negative social message “You voted less often than the average New Yorker in the last 4 years. Remember to vote this year!”

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<sup>62</sup> This participation score is a ratio of the number of elections a person voted in over the number of elections they were eligible to vote in. For more information please see the CFB's 2019–2020 Voter Analysis Report.



**New York City Campaign Finance Board**  
 100 Church Street, 12<sup>th</sup> Floor, New York, NY 10007  
 www.nyccfb.info/nycvotes

PRSR STD  
 POSTAGE & FEES PAID  
 NYC CFB  
 PERMIT NO. 246

**There is more than one way for you to vote safely! Go vote at your early voting site or request a mail-in ballot.**

- JUNE 13–21** Early Voting
- JUNE 16** Deadline to Request Absentee (Mail-In) Ballot
- JUNE 22** Completed Ballot Deadline
- JUNE 23** **ELECTION DAY**

**YOUR VOTING HISTORY**    **2016**   **2017**   **2018**   **2019**

Presidential Primary Election	✓	NA	NA	NA
Federal Primary Election	✓	✓	x	✓
Primary Election	x	x	✓	x
General Election	✓	✓	✓	x

JANE DOE  
 123 5TH AVENUE, APT 14C  
 NEW YORK, NY 10001  
 XXXXXXXXXXXXXXXXXXXXXXXXXXXXXXXXXXXXXXX

**You voted more than the average New Yorker in the last 4 years.**

*Information is subject to change. Visit [voting.nyc](http://voting.nyc) for the latest updates.*

Our research on this postcard outreach found that adding a message comparing voting records to the average New Yorkers correlated to increased turnout among high-propensity voters (voters who, along with their voting history, received a message saying “you voted more often than the average New Yorker”) and correlated to decreased turnout among low-propensity voters (voters who, along with their voting history, received a message saying “you voted less often than the average New Yorker”).

For high propensity voters, 50% of people who received the message along with their vote history voted in the primary, versus 24% of people who did not receive the message. For low propensity voters, 9% of people who received the message along with their vote history voted in the primary, versus 24% of people who did not receive the message.

This result was surprising given that social pressure research indicates that low- and middle-propensity voters see the greatest increase in turnout compared to high-propensity voters, the opposite of what our postcard experiment showed.<sup>63</sup> Both the positive and negative social pressure messages included on our postcard were fairly gentle or weak messages, meaning they were not designed to evoke strong feelings of pride, guilt, or shame in the recipient. Interestingly, studies that included a negative social pressure message designed to evoke greater guilt and shame in the recipient appeared more successful at increasing turnout. For example, in one study voters were informed that all voters' names would be published in the local newspaper alongside another list of all people who did not vote.<sup>64</sup>

Other studies have suggested that social pressure, and other social norm compliance strategies, might be more effective in smaller communities where a person's behavior can be more closely monitored by their neighbors, which may mean that more studies are necessary in urban metropolitan areas such as New York City, where people may not know all or many of their immediate neighbors.<sup>65</sup> Lastly, we only sent out a single postcard; in a study analyzing how much social pressure was optimal to change voter behavior, the effect of just a single mailer was greatest for high-propensity voters, while low-propensity voters needed two or three mailings to impact behavior.<sup>66</sup>

We look forward to monitoring the impacts of this change more closely as we include voter history information on every Voter Guide mailed out to registered voters this coming June.

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63 Rogers, Green, Ternovski, Ferrerosa Young. "Social pressure and voting: A field experiment conducted in a high-salience election." *Electoral Studies* 46 (2017) 87-100. [https://scholar.harvard.edu/files/todd\\_rogers/files/social\\_pressure.pdf](https://scholar.harvard.edu/files/todd_rogers/files/social_pressure.pdf); Gerber, Green, Larimer. "Social Pressure and Voter Turnout: Evidence from a Large-scale Field Experiment." *American Political Science Review*: (February 2008) Vol 102 No. 1. DOI: 10.1017/S000305540808009X; Panagopoulos. "Affect, Social Pressure and Prosocial Motivation: Field Experimental Evidence of the Mobilizing Effects of Pride, Shame and Publicizing Voting Behavior." *Political Behavior* (September 2010) 32(3):369-386. DOI: 10.1007/s11109-010-9114-0; Woolfalk and Schwam-Baird. "Principles of GOTV: Social Pressure." *The Analyst Institute*. February 2018.

64 Gerber, et al. "Social Pressure and Voter Turnout: Evidence from a Large-scale Field Experiment." *American Political Science Review* Volume 102. February 2008. <https://www.cambridge.org/core/journals/american-political-science-review/article/abs/social-pressure-and-voter-turnout-evidence-from-a-largescale-field-experiment/11E84AF4C0B7FBD1D20C855972C2C3EB>

65 Stephen Knack. *Civic Norms, Social Sanctions, and Voter Turnout*. *Rationality and Society*, 4, 133–156. April 1, 1992.

66 Kate Duch. "How much is Enough? Examining the Returns to Multiple Pieces of Social Pressure Mail." *League of Conservation Voters and The Analyst Institute*. 2013.

# HOW NYC VOTES RESPONDED TO COVID-19

**W**e entered 2020 expecting it to be an historic election year in terms of voter turnout, with a highly anticipated presidential election following several years of increasing voter turnout. We anticipated focusing on registering new voters and converting them into first-time voters during the presidential election, and leveraging presidential turnout to increase the number of voters participating in the 2021 citywide elections.

Like many doing voter engagement across the city, our previous work was heavily reliant on in-person organizing. Prior to COVID-19, we registered voters on a weekly basis at naturalization ceremonies with our longtime partner, Dominicanos USA, which was the source of thousands of new voter registrations each year. Before each election, we would recruit volunteers to come to our downtown Manhattan office to phone bank. We were discussing the need to shift to a digital-first strategy in order to scale our reach, but initially anticipated this would be phased in over time.

Our plans were quickly disrupted by COVID-19 when the city shut down in mid-March, making it impossible to conduct in-person activities such as the Days of Action we had planned with partners in Brooklyn and Queens to register new voters. At the same time, news about elections changed day by day and hour by hour, increasing the urgency to keep voters informed about how to participate.

In short order, we had to pivot our strategy to adapt to the circumstances of the pandemic. We reframed our initial goals to focus on being a trusted source of information, aiming to deliver voters with information that was clear, accurate, and actionable. This felt particularly urgent at a time when election information was changing rapidly at the state level, and we were contending with disinformation and undermining of trust in the electoral system at the national level.

To respond to the moment, we created a webpage about voting during COVID, which we updated within 24 hours every time there was an executive order or election change. We ran campaigns that drove people to take action and directed them to our web resources. We increased signups for text and email, and also increased our following on social media.

We also had to rethink how to achieve our voter engagement goals to increase engagement in immigrant communities and to increase youth voter turnout when we could no longer organize in person. We shifted to a digital model in 2020, reaching voters through online methods and deployed new tools for voter engagement.

## Organizing differently

With the threat that COVID-19 posed to both voter participation and the ability to participate safely in elections, we knew that a different field approach was needed and we would need to closely coordinate with partners on a level never before achieved. We worked with our counterparts at DemocracyNYC in the Mayor's Office to launch a consortium effort to bring together partners across government, civic space, and communities across New York City. We launched this effort during the height of the pandemic in the spring, and had near-daily coordinating calls to share information and pool resources.

We had weekly Policy Working Group calls, where organizational representatives would provide expertise and share out updates on what changes were being made through executive orders and legislation; conduct analysis of what was happening on the ground in terms of voter registration, absentee requests and counting, and voter turnout; and discuss additional changes that needed to be made in order to make elections more flexible for disaster scenarios and improve the voter experience. During weekly Communications Working Group calls, organizational representatives would discuss strategies around advertising and digital communication, as well as media outreach to raise awareness of different safe voting options. The members of the Working Group shared resources such as an FAQ document for any organization to pick up and use, advertising creative and social media assets, toolkits, and other materials. An Outreach Working Group met periodically to discuss different engagement strategies for the pandemic, and to share information about upcoming volunteer opportunities for text banking, phone banking, and a handful of in-person registration events in the fall.

The NYC Elections Consortium included participation from offices across government, including the Civic Engagement Commission, the Public Advocate's Office, and City Council staff; good government groups such as Common Cause, Citizens Union, and the League of Women Voters; advocates and voter engagement organizations such as New York Civil Liberties Union, New York Immigration Coalition, NALEO, Dominicanos USA, Chinese American Planning Council, Disability Rights New York, Center for Independence of the Disabled, and others.

# Informing New Yorkers

## June Primary Election

From the time of the city's shutdown on March 13th through the June primary, New York saw rising cases of COVID-19 and New York City was the global epicenter for the virus. In an effort to curb transmission risk at poll sites, Governor Cuomo issued an executive order that all New Yorkers could use "temporary illness" as a valid excuse to obtain an absentee ballot and vote safely from home. Because of New York's restrictive absentee laws, the challenge presented to us was that few New Yorkers had experience requesting and filling out an absentee ballot, and an education campaign was needed to walk people through how they could request a ballot and fill it out.

We ran an ad campaign that focused on how voters could request an absentee by mail, or even more easily online once the City BOE rolled out its online absentee request system at [nycabsentee.com](http://nycabsentee.com). We also worked with DemocracyNYC, the Civic Engagement Commission, and an advertising vendor to create a companion explainer video about how New Yorkers could fill out and return an absentee ballot. Additionally, we worked with the Mayor's Office for Immigrant Affairs to translate our video into languages beyond those covered by the Voting Rights Act.

Through this campaign, we increased our digital audience and drove people to [voting.nyc](http://voting.nyc):

- We added 7,762 new followers to our social media channels, including tripling our Instagram following by adding 6,438 followers.
- We had 7,551 signups to our email list and 2,124 signups to our text message list, for 9,675 signups overall.
- We drove 246,803 visitors to [voting.nyc](http://voting.nyc), and 154,596 unique views of the 2020 Voter Guide.



## November General Election

Over the summer and throughout the fall, New York City flattened the curve as COVID cases dropped and remained under 3%. Media coverage around elections over the summer focused on problems with New York City's counting of absentee ballots, even receiving national attention. Of more than 767,000 absentee ballots, only 403,000 were returned, with many individuals reporting in the press and on social media that their absentee ballots did not arrive in time for the election. Of those ballots, 1 in 5 were rejected for technicalities, and voters did not have an opportunity to correct those ballots under state law. The state legislature pursued corrective action, passing legislation that would allow a cure period for certain types of deficiencies in absentee ballots. The City BOE also made improvements to their process, including releasing an absentee ballot tracking system.

Nonetheless, after the issues that happened during the June primary, we had concerns about continuing to promote absentee voting as a reliable method given shaken voter trust in the system. Early voting was also an underutilized option in the June primary, with only 6.0% of voters casting their ballots early in person. Because of a combination of lower COVID cases and also knowledge that transmission of the virus is airborne and can be drastically curbed by mask wearing and social distancing, we pivoted our fall campaign to focus on early voting as a safe option. Our goal was to see 15% of voters who turned out in November to use early voting; the city surpassed this at the midway point of the early voting period, with 33% of voters overall using this option and extensive media coverage of the hours-long lines at early voting sites.

In addition to the issues with absentee voting, there was continued attention to how voter registration rates in the city were dramatically lower than expected in the run up to the voter registration deadline. Due to the lack of easily accessible online options or state legislative action to advance our online registration system, we engaged TurboVote to provide voters with an alternative method and ran a campaign to drive people to register to vote.

We used insights from the June ad campaign that influencer posts generated more engagement than traditional creative advertising, and used both methods of traditional ads and more organic content through influencers. We also tested methods such as geofencing for mobile devices, connected digital TV advertising, and native advertising through a BuzzFeed quiz to learn what methods are effective and an efficient use of ad dollars.

Through our advertising campaigns, voters took action:

- 14,501 people used our TurboVote platform, including 11,239 who requested voter registration assistance;
- We increased our Instagram following to 13.2K followers;
- We added 8,251 email signups and 3,598 text signups, or 11,849 overall;
- We had 310,110 users visit voting.nyc.

## Engaging voters

### Youth engagement

We initially set an ambitious goal to nearly double youth voter turnout in local elections, increasing it from 13.5% in 2017 to 25% in 2021. We based our strategy for doing so on findings from our previous voter turnout research, showing that the best time to register new voters and convert them into first-time voters is in a presidential year, and then pivoting to retaining presidential voters in the citywide election. A major focus of our youth engagement work was shifting to peer-to-peer style education, training young voters to talk to their friends and other young voters about civic engagement and election participation. Much of our work in 2020 was focused on getting that model into place, with the work of the We Power NYC ambassador program and CUNY partnership described further below.

### We Power NYC campaign

We began working with Soze, a youth-oriented marketing firm, in the fall of 2019 to create a youth campaign and engagement strategy. We helped recruit focus group participants for an in-person session at our office, where the Soze team asked young people questions to learn more about youth in the city, including how they engage, what they do for fun, where they get their information, and how they would describe young people in their boroughs. The Soze team also presented initial concept mood boards to collect feedback on visual design ideas. From there, they refined the visual design and collected additional feedback to create the We Power NYC look, which they presented to us along with strategy ideas to increase youth voter turnout.

We first rolled out We Power NYC branded materials at the CUNY youth voter summit in February. From there, we began to redesign all youth-focused materials using both continued assistance from Soze and in-house resources. We created branded content about youth turnout and engagement for social media, primarily Instagram. Our fall voter registration campaign, described above, used We Power NYC branding to drive young people to our TurboVote site. We also redesigned the youth workshops, described in further detail below.

While NYC Votes has long had a focus on engaging young people and increasing youth turnout, this is the first time we had a dedicated brand and campaign for young voters; this helped drive engagement across platforms.

## CUNY partnership

In February 2020, we kicked off our partnership with CUNY at a youth summit with the campus youth voter coordinators, University Student Senate (USS), NYPIRG, and other student leaders. Just a month after our successful kickoff event, campuses then had to shut down due to COVID-19 and contend with the shift to fully remote instruction; this operational shift as well as other disruptions in the CUNY system created uncertainty around what we could achieve together in youth voter engagement. Our Youth Engagement Coordinator continued to work with CUNY's University-Wide Voter Registration Coordinator to create strategies to engage students around elections. We began to recruit student groups on CUNY campuses to serve as connectors to other students in their organizations who needed voting information.

Our Youth Engagement Coordinator created a program open to all organizations, with requirements that participating organizations: attend one training on branding, messaging, and outreach, and attend a training on voter registration, election deadlines, and absentee voting; share voter information and reminders through their social media or listserv; host one virtual voter registration event; and complete two check-ins with NYC Votes. Overall, we recruited 21 organizations across CUNY, 14 of which remained active and 7 that were inactive or dropped out. The breakdown for those organizations is as follows:

CAMPUS BOROUGH	NUMBER OF ORGANIZATIONS
Bronx	1
Brooklyn	2
Manhattan	10
Queens	4
Staten Island	0
CUNY-wide	4
<b>Total</b>	<b>21</b>

COLLEGE TYPE	NUMBER OF ORGANIZATIONS
2- year program	5
4- year program	9
Graduate program	3
CUNY-wide	4
<b>Total</b>	<b>21</b>

Active organizations included CUNY-wide groups Coalition for Students with Disabilities, USS, Black Student Union of CUNY, and NYPIRG; the Pre-Law Society at Baruch College; the Student Government Association at the Graduate School of Public Health & Policy; Student Athletic Advisory Committee at Hunter College; Leading Womxn of Tomorrow and Master of Public Administration Student Association at John Jay College of Criminal Justice; Student Success Mentorship and Peer Advisory Academy at LaGuardia Community College; Student Government at New York City College of Technology; Phi Alpha Delta International Law Fraternity—Pauli Murray Chapter at the School of Law; and Student Government at York College.

Moving forward, our goals for 2021 are to onboard at least 5 active student organizations from two-year colleges and 1 organization from each of the Bronx campuses (Bronx Community College, Hostos Community College, and Lehman College) to ensure we are reaching students from historically disenfranchised communities.

## We Power NYC ambassador pilot

Over the summer of 2020, we created a pilot program for our first round of We Power NYC youth ambassadors. We had an initial goal of recruiting 25 ambassadors across the city, from a diverse cross-section of backgrounds; our goal was to retain 50% by the end of the summer. We put out an open call for interested applications, and also recruited young people through CUNY USS, NYPIRG, Urban Word, Teens Take Charge, YVote, Commonpoint Queens, and Coalition Z. We exceeded our recruitment goals, selecting 33 ambassadors from across the city. Ambassadors were between the ages of 14 to 24, and had a diversity of backgrounds and a broad range of experience levels; overall, 22 ambassadors were in high school, 8 were in college, and 3 had graduated and were working. By the end of the summer, all but 2 remaining engaged in the program, for a retention rate of 94%.

Due to the pandemic, programming focused heavily on online engagement. In weekly meetings, ambassadors discussed current events, planned youth programming such as GOTV events and the 2nd annual youth-focused VAAC hearing, participated in community building, learned about local history, and engaged in professional development opportunities. Ambassadors organized and participated in events such as a vote by mail town hall, volunteering on a Common Cause phone bank calling Bronx voters ahead of the primary, a Vote Forward letter writing campaign to voters in swing states, working with Commonpoint Queens to call senior citizens about requesting absentee ballots, and conducting voter registration with the Brooklyn Nets.

Ambassadors were trained on effective digital organizing and communications strategies, which included posting on social media to promote voter participation among young New Yorkers. The ambassadors also participated in #WePowerWednesday Instagram takeovers on the NYC Votes account. Posts focused on spreading awareness of upcoming elections, reminding young people to register, sharing information about voting rights, and promoting the We Power NYC brand. Of the 15 #WePowerWednesday Instagram takeovers, 10 featured our ambassadors.

The We Power NYC ambassadors brought an important youth perspective to media coverage of the election. The program kicked off with an op-ed in *City Limits*;<sup>67</sup> the Public Relations unit also worked closely with one of the ambassadors, Tim Hunter, to publish a *City Limits* op-ed on how “New York Needs Its Own Voting Rights Act.”<sup>68</sup> One of the ambassadors, Wali Ullah, was interviewed in the *Wall Street Journal* article about the drop in youth registrations, and was also featured in *Gothamist* and *WNYC* about the poll worker experience.

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67 Vesneske, Maya and Olivia Brady. “Want Young People to Vote? Let Them Organize Themselves.” *City Limits*. June 11, 2020. <https://citylimits.org/2020/06/11/opinion-want-young-people-vote-let-them-organize-themselves/>

68 Hunter, Timothy. “New York Needs Its Own Voting Rights Act.” *City Limits*, August 27, 2020. <https://citylimits.org/2020/08/27/opinion-new-york-needs-its-own-voting-rights-act/>

## Youth workshops

In 2019, our Summer Street Team made a number of recommendations to revamp the youth workshops that they delivered out in the community, primarily at Summer Youth Employment Program (SYEP) orientations with non-profit service providers. This revamp included ways to make the presentation more engaging and accessible to young people who knew little about elections and voter turnout, to turn the focus to basic civics education, make it issues-focused on things young people care about (such as education, criminal justice and policing reform, the environment, etc.), and include how every individual has a sphere of influence within their immediate social circles, schools, work, and community. In 2020, our Youth Engagement Coordinator further refined the presentation, and worked with Soze to create a We Power NYC branded version.

We delivered those workshops regularly throughout the year. Our previous practice had been to schedule presentations upon request, though audience sizes could greatly vary. To make our use of time more efficient, we began to funnel teachers and students making requests to our pre-scheduled trainings to the extent possible. Between the end of July and mid-October, we had 230 people RSVP for either a civic engagement or voter mobilization training, with 69 ultimately attending.

Our youth engagement coordinator also worked with our contracted instructional designer to record the workshops, along with selected We Power NYC ambassadors. Those are now the first workshops posted to our Kajabi training site at <https://wepowernyc.mykajabi.com>.

In 2021, we are working to partner with a different agency each month to cohost trainings with us and expand our audience, such as the Department of Education, Department of Youth and Community Development, and Administration for Children's Services. The training series will also expand to include three trainings: the Civic Engagement Workshop, the Voter Mobilization Training, and a Ranked Choice Voting Training.

## Get Out the Vote (GOTV)

The inability to do in-person organizing accelerated our shift to digital GOTV outreach. We worked over the summer to secure a platform for peer-to-peer texting, and hosted our first text banks in the fall. We significantly scaled up our outreach as a result. In previous years, we reached up to 8,500 voters that we registered through phone banking; we reached 21 times more voters through text banking, and sent messages to 162,000 young voters under 30 with cell phones encouraging them to vote. We created a sense of community for volunteers through a Zoom hangout we used while texting, answering questions there and on a volunteer Slack channel; volunteers gave us feedback that they had a positive experience, even saying these were the best text banks they had ever attended. We also tested a couple of methods to determine if we should scale those for future elections.

The first tactic that we tested was a small pilot where we texted 3,000 unregistered voters under 30, asking if they wanted to register to vote. This provided an opportunity to learn the ThruText platform, which was new to us, as well as assessing whether this form of digital outreach would be effective at increasing registrations. We ultimately determined that this was not an effective method to reach unregistered voters, based on a high volume of wrong numbers, low response rates, and few people using the link to the TurboVote platform. Given this was a less effective driver to TurboVote than traditional digital advertising, we decided to forego both scaling up and using this for future elections.

Additionally, we asked 8 youth ambassadors to help us with a pilot of our relational organizing platform, Empower. The Empower platform allows voters to select 5 to 10 contacts within their social circle to communicate with about different asks that we asked them to relay. These weekly asks focused on asking contacts what issues were most important to them, if they were registered to vote, and if they had a voting plan. Overall, we found that platform engagement was high in the beginning, but dropped off towards the end of the pilot when our asks to organizers were happening weekly, so that only 2 or 3 organizers were active at the end. Moving forward, we plan to have one monthly ask until we are in the weeks before the election, when we will increase outreach to every other week.

In our large-scale GOTV effort, in which we hosted virtual text banks for the first time, we focused on contacting registered voters under 30 during the first and second weekends of the early voting period. In total, we had 230 volunteers RSVP, with 110 following through and volunteering. We were able to text just over 162,000 people across four days. The reply rate for each day's text universe was between 6 to 9%, and volunteers sent an average number of 1,300 to 2,000 texts per day.

## Voter Assistance Advisory Committee (VAAC) virtual hearings

After the primary election, we hosted a well-attended post-election VAAC hearing on July 1, 2020, where we released new initial data analysis showing the drop in voter registrations, usage of vote methods, volume of absentee requests and returns, and some projections for the presidential election. The VAAC hearing was mentioned in Gothamist, News 4 NY, PIX11, The City<sup>69</sup> and on NY1. This coverage continued into the fall and became a storyline of the 2020 presidential election.<sup>70</sup> This coverage continued into the fall and became a storyline of the 2020 presidential election.

We invited New Yorkers to testify at the hearing about their experience voting in this unique election. Over 75 New Yorkers and community groups submitted written testimony for the hearing. Voters from all corners of the city provided thoughtful feedback, suggesting changes to the absentee ballot process, updates to the early voting period, and clarity on the proper postage for absentee ballots. These recommendations helped shape our formal policy proposals that appear in this report.

On August 12, 2020, we hosted our second annual We the Young People hearing. At this hearing, we invited New Yorkers aged 14–25 to discuss increasing civic engagement for our youngest voters and future voters. We solicited feedback from dozens of young people. Many young people highlighted the need for our government to engage young people online. Specifically, young people noted that election administration and outreach should meet young voters online, as opposed to traditional paper based options.

At our October 14, 2020 VAAC hearing, we looked ahead to the upcoming elections. First, we discussed the November election, and highlighted some of the issues voters were raising on our social media channels. Then, we launched into our outreach plan for Ranked Choice Voting. Finally, staff highlighted our web traffic and key performance indicators for our online engagement initiatives.

On December 9, 2020, we held our final VAAC hearing of the year. Like our July VAAC hearing, we encouraged New Yorkers to testify about their voting experience in the recent November general election. Over 35 New Yorkers and community organizations submitted testimony. Many voters noted the long lines throughout the early voting period, problems with the absentee ballot tracker, and applauded the tireless work of their poll workers. Like the July hearing, many of these recommendations helped shape our official policy proposals in this report.

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69 Chung, Christine. "Voter Registration in NYC Plummeted During Pandemic, Sparking Concerns for November Election." *The City*. July 1, 2020. <https://www.thecity.nyc/2020/7/1/21310689/voter-registration-in-nyc-plummeted-during-pandemic-concerns-for-november>

70 Ngo, Emily. "NYC Sees Steep Drop in New Voter Registrations." *Spectrum News NY1*. July 2, 2020. <https://www.ny1.com/nyc/all-boroughs/politics/2020/07/02/nyc-sees-steep-drop-in-new-voter-registrations>



# RECOMMENDATIONS TO IMPROVE ELECTIONS

**W**hile election administrators had to respond to extraordinarily difficult circumstances this year, the events of the pandemic exposed the ways that our election laws and practices are not designed to be flexible enough to respond to emergencies. Despite the advances of the past few years, the dramatic rise in absentee voting and early voting pushed the system past its limits between the delays in counting ballots and hours-long lines. Too many people also continue to be shut out of elections that are still not inclusive for all. What follows are recommendations to continue to modernize our elections to ensure that everyone is able to exercise the right to vote and feel confident in their experience doing so.

## Elections administration transparency

The 2020 presidential election saw an unprecedented amount of misinformation that aimed to call into question the integrity of elections. This misinformation ran the gamut from accusations of intentionally uncounted absentee ballots to accusations of widespread voter fraud and deliberate manipulation of results. Elections administrators, poll workers, and elections volunteers were also criticized by bad actors claiming they intended to sway election results and in some cases even received death threats for ensuring election integrity. Thankfully, these accusations were easily disprovable by the straightforward math of the results and strong elections administrative procedures of the more than 4,500 local jurisdictions that make up the patchwork quilt of elections administration in our country.<sup>71</sup>

Elections administrators also did excellent work to keep the public informed about the status of results and absentee ballot counting. The Wisconsin Government Accountability Board published daily totals of the recounts that took place in two counties.<sup>72</sup> The Georgia Secretary of State's Office published hourly updates to their website in their runoff Senate elections that took place at the beginning of 2021.

Although it is impossible to completely eradicate election-related misinformation that has no grounding in fact, making election data transparent and available allows journalists and the public to more easily refute falsehoods and counter uncertainty. Open data is one tool at our disposal to help combat this kind of misinformation and assuage fears about “stolen” elections. The Open Election Data Initiative, an initiative from the National Democratic Institute, outlines 9 principles for greater transparency, including that elections data should be timely, granular, analyzable, and permanently available.<sup>73</sup> New York City election data currently meet only some of these principles.

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71 Kimball, David S. and Martha Kropf. “The Street-Level Bureaucrats of Elections: Selection Methods for Local Election Officials.” Review of Policy Research, 23. 2006. [https://editions.lib.umn.edu/wp-content/uploads/sites/3/2016/02/Kimball.Kropf\\_Street.Level\\_.Bureaucrats.of\\_.Elections.pdf](https://editions.lib.umn.edu/wp-content/uploads/sites/3/2016/02/Kimball.Kropf_Street.Level_.Bureaucrats.of_.Elections.pdf)

72 Wisconsin Elections Commission. “2020 Presidential Recount.” <https://elections.wi.gov/elections-voting/recount>

73 National Democratic Institute. “Open Election Data Initiative.” <https://openelectiondata.net/en/>


In New York State, the election law does not describe the method of publication of election data in a particularly modern way but it also does not place obstacles in the way of making data publicly available or updated with daily frequency while ballots are canvassed. For example, two types of results reporting are outlined in the election law: 1) Election Day unofficial results reporting and 2) officially canvassed results.<sup>74</sup> The law does not require but also does not prohibit more frequent updates to totals, such as adding absentee canvass totals to the already published unofficial in-person results published on Election night.


Currently, the City BOE provides daily updates to absentee ballot canvass totals, but they are posted separately from the unofficial results and in a different format. Neither the absentee ballot canvass totals nor the unofficial results is machine readable; only the certified election results are published in machine readable format. In 2020, due to the huge increase in voters who voted by absentee ballot, this became a problem for those looking to understand how the unofficial results were being updated as absentee ballots were counted.


It should be standard practice to provide election results in machine-readable format (.csv or .xls) and broken down into every political subdivision that exists at the local level. The State and City BOE also do not publish voter turnout rates immediately following an


election, instead waiting to publish this number when they release their annual report. This leaves journalists and data enthusiasts to perform these calculations independently, which frequently results in different turnout percentages so that we lack a shared and collective understanding of election participation. This is just one example of an opportunity to provide timely, granular, and analyzable data.

### REPORTS

**Summary CSV**  
Comma separated file showing total votes received. 

**Detail XLS**  
County level details for election results. Contains votes received by choice in each contest for all participating precincts. 

**Detail XML**  
County level details for election results. Contains votes received by choice in each contest for all participating precincts. 

**Detail TXT**  
County level details for election results. Contains votes received by choice in each contest for all participating precincts. 

## Figure 2.1: Export Options on Georgia Secretary of State’s Election Results Webpage

In addition to reformatting the official election results, there is additional election data that analysts could use to refine voter outreach and determine whether voting processes need improvement. This includes absentee ballot requests and invalidation reports; it was especially important to get absentee ballot request data and invalid ballot reports during the 2020 primary and general elections, which recorded record absentee ballot usage. If data regarding the

74 NYS Election Law §9-126(2); §9-122.

number of valid or invalidly cast absentee ballots were made available, we would be able to assess whether the improved redesign of the absentee ballot envelope between the June primary and November general elections reduced the number of invalidly cast absentee ballots. Voter education campaigns could also be tailored to focus on the most common reasons for invalidation. States such as Minnesota make this information publicly available on their Secretary of State’s website, as shown in Figure 2.2.

**Figure 2.2: Minnesota Statewide Absentee Voting Data 2016-2020<sup>75</sup>**

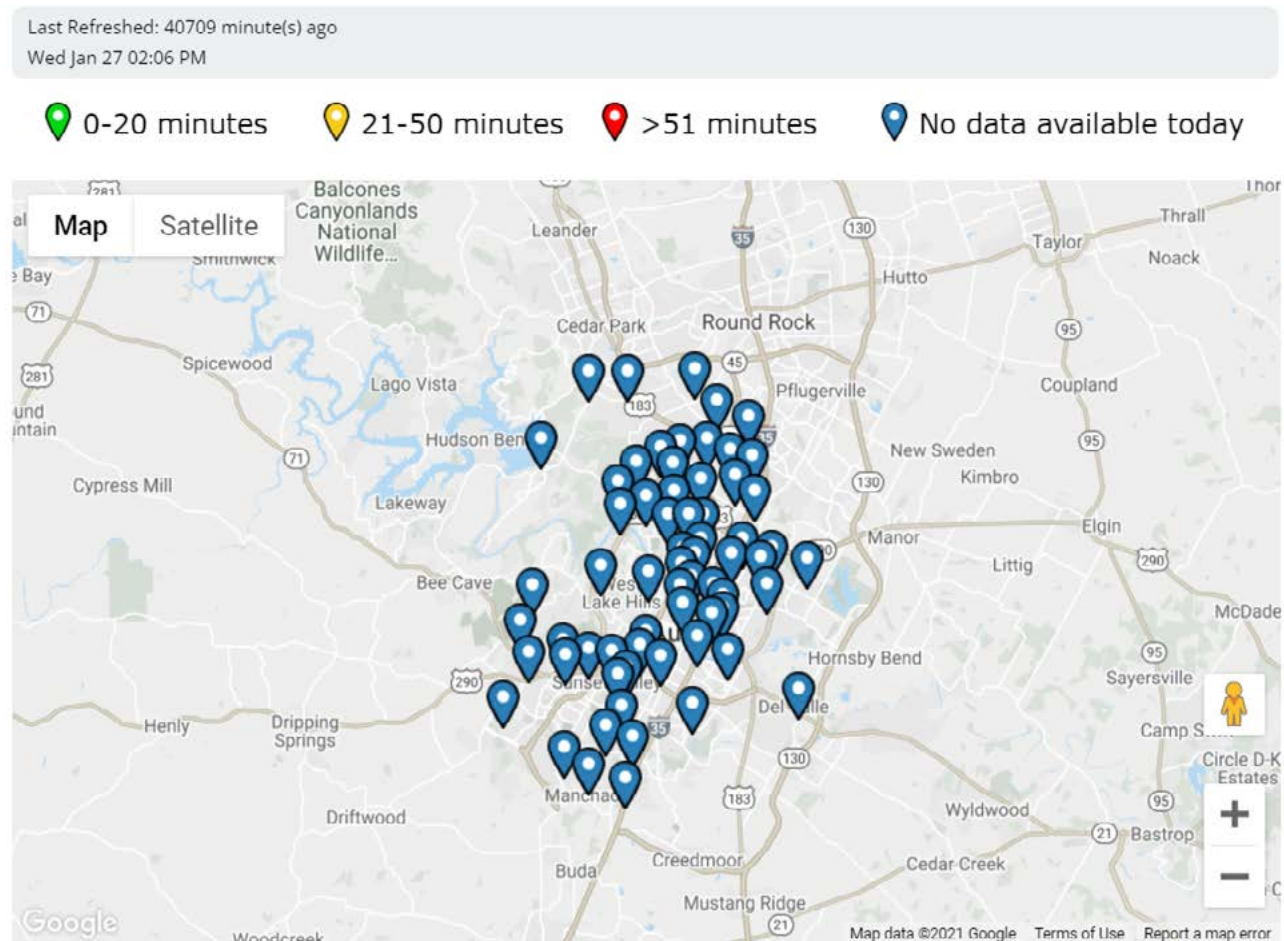
	A	B	C	D	E	F	G	H
1	Absentee Voting Statistics for statewide Minnesota elections. Includes all absentee and mail ballots. Data as of 1/14/2021.							
2	Statistical Categories	2020 General	2020 Primary	2020 Presidential Primary	2018 General	2018 Primary	2016 General	2016 Primary
3	Total Transmitted	2,193,411	867,123	249,701	730,875	226,263	742,021	108,658
4	Replacements Transmitted	47,000	8,742	6,382	16,457	3,674	14,836	1,499
5	Undeliverable	8,044	5,792	5,060	2,482	2,908	2,123	1,835
6	Spoiled or Lost	112,856	8,091	2,865	13,214	2,752	8,912	662
7	Returned by Voter	1,929,945	555,998	155,255	652,053	149,274	689,228	44,504
8	Accepted	1,909,701	543,665	145,824	638,581	143,975	676,722	42,079
9	Rejected (Total)	20,240	12,229	9,388	13,468	5,200	12,461	2,390
10	Rejected - Voter name not match	854	576	334	433	362	447	207
11	Rejected - Voter address not match	242	66	58	93	32	119	36
12	Rejected - No voter signature	3,129	1,658	258	929	333	851	184
13	Rejected - Voter number and sign not match	5,462	1,859	250	1,095	193	1,555	49
14	Rejected - No signature date	0	0	0	0	0	0	0
15	Rejected - NR Voter, No VRA	3,905	938	88	598	128	748	33
16	Rejected - NR voter, VRA returned separate from AB	12	0	0	4	1	1	0
17	Rejected - NR voter, VRA not signed	158	43	8	55	13	65	5
18	Rejected - NR voter, VRA deficient info	735	222	20	149	18	311	6
19	Rejected - No witness signature	2,579	1,241	752	3,324	860	2,936	439
20	Rejected - No MN address, title, or notary stamp for witness	576	263	503	1,840	402	1,408	251
21	Rejected - No proof marked by witness	1,246	273	153	656	130	897	91
22	Rejected - Received Late by mail after election	802	4,934	3,165	4,171	2,706	2,923	1,051
23	Rejected - Received Late by agent after deadline	42	65	19	33	6	66	16
24	Rejected - Voter has already voted	372	80	13	38	6	64	8
25	Rejected - Voter has died	126	11	13	50	10	70	14
26	Rejected - Invalid Party	0	0	3,754	0	0	0	0
27	End of worksheet							

Other data related to absentee ballots could improve voter outreach and turnout levels. New York State does not place limitations on third party groups collecting completed absentee/mailed ballot applications. However, no data about voters who have requested absentee ballots is publicly available online. In other states these lists are used to call seniors to ask if they need assistance filling out or dropping off absentee ballots.

Yet more data would be useful in identifying oversubscribed poll sites or for making recommendations about the times and dates that voters are more or less likely to encounter a line. This was especially pertinent information during a pandemic when social distancing was required and crowding was dangerous for voters and for poll workers. Timestamped poll site check-in data would also provide an idea of how long voters spend in a poll site. For voters, information about real-time waits could be offered in a wait time map, such as the one provided by Travis County, Texas which includes the City of Austin, as shown in Figure 2.3.

75 Minnesota Secretary of State. “Absentee Data.” January 14, 2021. <https://www.sos.state.mn.us/election-administration-campaigns/data-maps/absentee-data/>

**Figure 2.3: Travis County, Texas (Austin) Early Voting Wait Time Map<sup>76</sup>**



These election data should be posted publicly in a timely manner; ballot requests should be posted on the website by a voter's unique identifier in the voter file (CountyEMSID) before the election is over for voter outreach efforts. Invalidated ballot codes by CountyEMSID should be posted publicly shortly after official election results are posted. Time-stamped check-in data during early voting and Election Day voting by poll site should be available publicly shortly after polls close on Election Day. In addition, modern elections data should include real-time poll site wait times. Many localities outside of New York already publicly report wait times at poll sites during the voting period, and NYC has enacted line wait times reporting for things like COVID testing sites in the past year.

<sup>76</sup> Travis County Clerk. "Wait Time Map." January 15, 2020. <https://countyclerk.traviscountytexas.gov/elections/wait-time-map.html>

Other states and localities have already stepped up to the growing civic demand of elections data transparency. The Georgia Secretary of State's Office (SoS) posts election results in third-party produced dashboards that have the ability to filter, map, and export results into various machine-readable file formats that are ADA accessible and can be translated into multiple languages. The Georgia SoS additionally offers election turnout statistics, such as voters' demographics information as shown in Figure 2.4.

**Figure 2.4: Georgia Secretary of State's Office General Election Turnout By Demographics December 2018<sup>77</sup>**

COUNTY NAME	COUNTY CODE	BLACK MALE			BLACK FEMALE			BLACK UNKNOWN			WHITE MALE			WHITE FEMALE			WHITE UNKNOWN			ASIA-PI MALE			ASIA-PI FEMALE		
		Reg #	Voted	%	Reg #	Voted	%	Reg #	Voted	%	Reg #	Voted	%	Reg #	Voted	%	Reg #	Voted	%	Reg #	Voted	%	Reg #	Voted	%
APPLING	001	894	148	16.55	1169	249	21.3	0	0	0	3834	1121	29.24	4357	1179	27.06	1	0	0	23	1	4.35	30	2	6.67
ATKINSON	002	380	92	24.21	503	145	28.83	2	0	0	1448	351	24.24	1683	377	22.4	1	1	100	1	0	0	1	0	0
BACON	003	318	35	11.08	549	90	14.57	1	0	0	2306	684	28.79	2702	711	28.31	2	0	0	8	3	37.5	9	1	11.11
BAKER	004	417	76	18.23	527	126	23.91	0	0	0	560	150	26.79	598	135	22.58	0	0	0	3	0	0	0	0	0
BALDWIN	005	4088	1008	24.66	5948	1711	28.77	5	0	0	6041	2008	33.24	7031	2118	30.12	8	0	0	98	14	14.29	107	15	14.02
BANKS	006	126	12	9.52	95	13	13.68	1	0	0	4795	1531	31.93	5042	1458	28.92	6	0	0	44	3	6.82	49	5	10.2
BARROW	007	2389	333	13.94	3079	551	17.9	6	2	33.33	16821	3828	22.76	18883	3902	20.66	43	2	4.65	522	24	4.6	562	29	5.16
BARTOW	008	2836	353	12.45	3712	591	15.92	6	0	0	24719	5854	23.68	27154	5451	20.07	38	2	5.26	184	14	7.61	197	21	10.66
BEN HILL	009	1327	221	16.65	2096	446	21.28	0	0	0	2715	698	25.71	3111	675	21.7	3	1	33.33	20	2	10	24	3	12.5
BERRIEN	010	472	65	13.77	641	111	17.32	0	0	0	4383	1075	24.53	4812	1015	21.09	8	0	0	19	1	5.26	16	1	8.25
BIBB	011	22970	3937	17.14	31764	7160	22.54	42	1	2.38	19670	5461	27.76	22971	5886	25.62	27	0	0	597	51	8.54	589	53	9
BLECKLEY	012	585	82	14.02	884	158	17.87	0	0	0	2584	812	31.3	2789	784	28.11	4	0	0	25	4	16	23	2	8.7
BRANTLEY	013	125	13	10.40	168	39	23.21	0	0	0	4591	894	19.47	5061	882	17.43	3	0	0	5	1	16.67	9	1	11.11
BROOKS	014	1664	183	11.00	2145	361	16.83	0	0	0	2867	676	23.58	3085	689	21.69	2	0	0	11	1	9.09	22	2	9.09
BRYAN	015	1602	315	19.66	2066	435	21.06	4	0	0	9496	1816	19.12	10677	1872	17.53	15	1	6.67	180	19	10.56	211	21	9.95
BULLOCH	016	4358	608	13.95	6343	1080	17.03	8	0	0	12790	3327	26.01	14311	3449	24.1	17	2	11.76	147	15	10.2	147	21	14.29
BURKE	017	2867	684	23.16	4025	1148	28.52	6	0	0	3382	1063	31.43	3594	1024	28.49	7	1	14.29	19	3	15.79	25	4	16
BUTTS	018	1551	243	15.67	1958	377	19.25	4	1	25	5132	1404	27.36	5688	1400	25.05	9	1	11.11	18	2	11.11	29	6	20.69

## Voter Registration

### Streamline registration deadlines

Whenever a voter registers for a new political party or deregisters from their current political party, it triggers a process called a change of enrollment.<sup>78</sup> In New York State, in order to vote in the primary election of that year, a voter must submit a change of enrollment on a much earlier date than someone submitting a new voter registration or a change of address. The deadline for the BOE to receive a change of party enrollment is February 14, three and a half months before the 2021 new registration deadline of May 28 and change of address

77 Georgia Secretary of State. General Election Turnout by Demographics. December 2018. [https://sos.ga.gov/index.php/elections/general\\_election\\_turnout\\_by\\_demographics\\_december\\_2018](https://sos.ga.gov/index.php/elections/general_election_turnout_by_demographics_december_2018)

78 New York State Election Law §5-304.

deadline of June 2.<sup>79</sup> While this is an improvement over the previous party enrollment change deadline—which used to coincide with the deadline to register for the general election the year before the primary—it still causes issues and confusion for voters. In 2021, this date fell on a Sunday; for voters wishing to change their party enrollment online, they would have had to make the change by Friday, February 12 on the DMV site in order for the BOE to receive it on Sunday. This added enough confusion that the Governor had to issue an executive order to extend the deadline to February 16.<sup>80</sup>

Essentially, there is a period of four months where no change of enrollment will take place. This is a vestige of party politics that does not belong in a modern election system in which we should prioritize removing obstacles to voter participation over the parties' ability to "control" their nomination processes. Very few New York City voters change their enrollment; in 2021 the City BOE reported that only 37,381 change of registration forms were submitted.<sup>81</sup> This low number indicates that concern about massive numbers of voters changing their political registration ahead of certain elections is overblown. **To simplify registration for voters and election administration officials alike, voter registration deadlines should be streamlined to one consistent date prior to an election.**

## Same Day Voter Registration

To further simplify voter registration deadlines, same day voter registration would allow a voter to register to vote and cast a ballot on the same day at a poll site, essentially eliminating the voter registration deadline. As with no-excuse absentee voting, described in further detail below, same day voter registration requires amending the state Constitution, which currently requires a voter to be registered ten days before each election.<sup>82</sup> To become law, a Constitutional amendment must pass the legislature in two consecutive two-year legislative sessions and then ultimately ends up before voters as a ballot referendum.<sup>83</sup>

In the last two Voter Analysis Reports, the CFB recommended that the state legislature prioritize passage of same day voter registration early in each of the consecutive legislative sessions so as to expedite the already long Constitutional amendment process. While the Senate passed a bill to amend the constitution and allow for same day registration at the very start of the 2021–2022 legislative session, at the time of printing this report the Assembly had

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79 New York State Election Law §5-210(3).

80 New York State Executive Order 202.94. February 14, 2021. <https://www.governor.ny.gov/news/no-20294-continuing-temporary-suspension-and-modification-laws-relating-disaster-emergency>

81 Board of Elections in the City of New York Commissioner's Meeting. February 23, 2021. Video recording: <https://vote.nyc/page/commissioners-meetings>

82 New York State Constitution. Article II, Section 5.

83 New York Civil Liberties Union. "Guide to Amending the New York State Constitution." February 2019. [https://drive.google.com/uc?export=download&id=1qxYmyfIMkMKN4Ukb\\_H960BBJZgTFIV7y](https://drive.google.com/uc?export=download&id=1qxYmyfIMkMKN4Ukb_H960BBJZgTFIV7y)

yet to take action to pass a same-as bill. If they do not take action soon, it might be too late to put the Constitutional referendum question to voters on the November 2021 ballot and would jeopardize an effective date of January 1, 2022. **The CFB recommends the Legislature take action immediately to ensure New Yorkers can have the opportunity to use same day voter registration for the 2022 June primary.**

The best way to increase voter registration is to make it more accessible through reforms such as online voter registration and automatic voter registration. The state legislature passed a law requiring the State BOE to create an online registration platform that could accept electronic signatures; this was supposed to be implemented by April 2021. However, the State BOE has stated that it was not given funding to meet the implementation deadline, and does not plan to have the platform ready until 2023, to coincide with when Automatic Voter Registration goes into effect.

We expect voter registration to increase as it has in other states once these systems are in place, and to make further recommendations once implementation has occurred.



## Absentee voting

In the 2016 presidential general election, only 2.5% of New York City voters cast an absentee ballot by submitting a paper application and checking off one of six limited excuses which allowed them to request one.<sup>84</sup> With absentee ballots available to all voters and vote by mail serving as the safest way to vote in a pandemic, 37.4% of primary election voters and 21.4% of general election voters cast absentee ballots in 2020. The massive increase in the number of absentee ballots pressure tested the existing processes outlined in election law as well as election administrators' existing operations.

Despite this, voters who voted by absentee for the first time in 2020 had mostly positive reviews of the experience although there were administrative hiccups and growing pains. This was particularly the case in the June primary, in which errors prevented some voters from being able to vote by mail and effectively disenfranchised them. Under historically difficult and unsafe circumstances, the City BOE found ways to deliver meaningful administrative solutions to challenges experienced by voters. Internally, the City BOE improved their administrative processes between the June and November elections; state legislation gave voters the opportunity to cure invalid absentee ballot envelopes and provided greater clarity on absentee requirements.

There are still many ways to further improve the absentee voting process in 2021, while voting is still taking place during a pandemic. These improvements should be made by state law rather than by executive order, and exist permanently in election law without a sunset period. This is especially important given that we might have no-excuse absentee voting as early as 2022, if the State legislature passes and voters approve the Constitutional amendment in the November 2021 general election.

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84 Board of Elections in the City of New York. "2016 Annual Report." pg 21. <https://vote.nyc/sites/default/files/pdf/annualreports/BOEAnnualReport16.pdf>; The New York State absentee ballot application allows voters to request an absentee ballot due to: 1) absence from county or New York City on Election Day 2) temporary illness or physical disability 3) permanent illness or physical disability 4) duties related to primary care of one or more individuals who are ill or physically disabled 5) resident or patient of a Veterans Health Administration Hospital or 6) detention in jail/prison, awaiting trial, awaiting action by a grand jury, or in prison for a conviction of a crime or offense which was not a felony

## Absentee ballot request & ballot tracker

Due to a combination of laws and executive orders which required the BOE to create an electronic method of requesting absentee ballots, New York City voters could request ballots online through [nycabsentee.com](https://nycabsentee.com), via email, over the phone, and even by fax.<sup>85</sup> Prior to these emergency actions, an absentee ballot application could only be submitted on paper. This new requirement placed extra work on City BOE staff during a very busy time period; they should be particularly commended for implementing a simple and easy to use online request portal, which was the most straightforward way to request an absentee ballot in the 2020 general election.

The state law which allowed voters to request absentee ballots electronically inexplicably had a sunset date on December 31, 2020. Ahead of the City Council special elections in early 2021, the governor had to issue another executive order to continue allowing online requests through the already-existing absentee portal. Now that voters have experienced the ease of requesting an absentee ballot through so many convenient options—in particular, the online request portal—it would be unacceptable to return to the restriction of only allowing paper, wet signature absentee ballot applications. Not only does this simplify the process for voters, but it significantly cuts down on mail and paperwork processing for the BOE in win-win fashion. The State legislature should make electronic, phone, fax, and email applications permanent by amending the election law section that requires voters to submit paper absentee ballot applications.

In our August testimony to the State Senate Elections Committee, we highlighted the need for an absentee ballot tracker to demystify the absentee ballot request process for voters.<sup>86</sup> By November, the City BOE had introduced an absentee ballot tracker which allowed a voter to do just that. By going to <https://nycabsentee.com/tracking> voters could look up their absentee ballot application and track its progress through the City BOE's system. The online tracker allowed voters to confirm that the City BOE had received their absentee ballot request, matched the request to their voter registration, and mailed the ballot to the voter's address. This was a huge improvement from the June primary, when voters had to call City BOE offices to confirm their request had been processed or to know whether to look out for their ballot in the mail.

The absentee ballot tracking system is a crucial step forward to create a better voting experience for New Yorkers. However, the absentee ballot tracker sometimes left voters without up-to-date information about when their mailed or dropped off ballot was received, processed, and validated by the City BOE. At our December VAAC hearing, the New York Immigration

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85 New York State Executive Order 202.15. April 9, 2020. <https://www.governor.ny.gov/news/no-20215-continuing-temporary-suspension-and-modification-laws-relating-disaster-emergency>

86 Testimony of Amy Loprest, Executive Director of the New York City Campaign Finance Board to the New York State Senate Elections Committee and Assembly Election Law Committee. August 11, 2020. <https://www.nycffb.info/media/testimony/testimony-of-amy-loprest-executive-director-of-the-new-york-city-campaign-finance-board-to-the-new-york-state-senate-elections-committee-and-assembly-election-law-committee/>

Coalition noted in testimony that a tracker updated daily would “allow voters to finalize their voting plans as soon as possible instead of waiting with uncertainty of when their ballot would arrive in the mail” and would contribute to greater confidence in the process overall.<sup>87</sup>

**In the future, the City BOE should commit to update the tracking system on a daily basis, to reflect when returned ballots arrive at the BOE office.** Many voters whose ballots were not updated to reflect receipt by the City BOE instead chose to vote in person rather than risk that their ballot had been lost only to have the tracker update after Election Day. Clear updates to the tracker would allow voters peace of mind that their ballot had safely reached BOE offices, and reduce the burden on the BOE when verifying that voters who requested an absentee ballot did not vote in person.

## Drop boxes and paid postage

The prevalence of absentee voting also made voters aware of an already-existing portion of the election law that allows voters to drop off absentee ballots at any BOE office, early voting location, or Election Day polling place. Not all poll workers were familiar with this practice; some voters who tried to drop off their ballots at the beginning of early voting encountered confused poll workers or later found that the ballot they dropped off at one of these sites was lost and never counted. Absentee ballot drop-off became BOE standard operating procedure over the course of the primary election voting period, particularly given the unreliability of the Postal Service during this period. By the time of the general election, the City BOE had introduced brightly colored secure square boxes for voters to drop off their absentee ballots at the information desk of every poll site. Poll workers also had clear instructions to allow those holding an absentee ballot to head into poll sites to drop off their ballots without having to wait in the voting line. **Poll site and BOE office drop boxes were so popular that the State BOE should consider expanding the locations of drop boxes to schools, libraries, and other common locations where voters could conveniently drop off ballots prior to early voting or Election Day.**

Drop boxes were particularly popular during the general election because, unlike in the June primary when the Governor’s Executive Order required pre-paid return postage for all absentee ballots, voters had to pay their own postage to mail ballots. Since the five boroughs each had different ballot sizes and weights, they potentially had different postage requirements, further confusing voters. After months of ambiguity, the Postal Service officially said that they would deliver all absentee ballots, regardless of whether the envelopes had

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87 Testimony of the New York Immigration Coalition Before the Voter Assistance Advisory Committee of the New York City Campaign Finance Board, December 9, 2020, [https://drive.google.com/file/d/1G9xerX-kdRma-CXW6d9fiC2fWKrz\\_LL5/view](https://drive.google.com/file/d/1G9xerX-kdRma-CXW6d9fiC2fWKrz_LL5/view)

postage, but there is a more straightforward and long-term solution. **New York State should join the 17 other states that require local election officials to fund and cover return postage for all mailed absentee ballots.**<sup>88</sup> This measure would ideally be funded through the State budget to ensure voters throughout the entire state could have this opportunity.

## Absentee ballot envelope and curing procedure

In the June election, because many voters were voting by absentee ballot for the first time, almost one fourth of all absentee ballots cast were deemed invalid by the City BOE. According to the City BOE, a majority of these invalid ballots had signature issues.<sup>89</sup> Statewide, local BOEs saw a similarly high number of missing or otherwise invalid signatures. This led the Governor to issue an executive order mandating a re-design of the absentee ballot oath envelope. Between the June primary and November general, the State BOE worked with local BOEs and the Center for Civic Design to tweak the appearance of the oath envelope to more clearly display the oath language in English and the four other federal Voting Rights Act languages.<sup>90</sup> The redesigned oath envelope also featured a bright red X mark next to the signature line.

Beyond the fact that few voters had voted by absentee before 2020, there was also no procedure after the June primary that would allow voters to “cure,” or fix simple errors that invalidated their initial ballot. The most common issues that are correctable through a cure procedure are related to the oath envelope, specifically the voter signature. In August 2020, the State legislature passed a law that allows voters to cure certain absentee ballot errors within a 7 day period after being notified by the BOE.<sup>91</sup>

Both the redesigned absentee ballot envelope and the new cure procedure contributed to fewer invalidated absentee ballots in the November general election. At the city level, according to BOE staff, 96% of returned absentee ballots were valid. Of the minimal percentage deemed invalid, 40% of those were curable by the voter.<sup>92</sup> In order to better understand the reasons why some voters are still submitting invalid absentee ballots, it would be helpful to know the specific reasons that around 28,500 City voters returned invalid

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88 National Conference of State Legislatures. “VOPP: Table 12: States With Postage-Paid Election Mail.” Sep 14, 2020. <https://www.ncsl.org/research/elections-and-campaigns/vopp-table-12-states-with-postage-paid-election-mail.aspx>

89 New York City Council Committee on Governmental Operations Hearing Transcript. September 25, 2020. Page 31.

90 Geringer-Sameth, Ethan. “Sign By the Red X: New York Election Officials Unveil New Envelope to Ensure More Absentee Votes Get Counted.” September 25, 2020. <https://www.gothamgazette.com/state/9787-sign-red-x-new-york-election-officials-unveil-new-envelope-2020-absentee-votes-counted>

91 N.Y. Election Law §9-209(3)(a).

92 Board of Elections in the City of New York. Commissioner’s Meeting. November 10, 2020.

absentee ballots. **As noted in the BOE data transparency recommendations, the State BOE should provide detailed summary breakdowns of the specific invalid codes so that voter outreach campaigns can be tailored to educate absentee voters on how to avoid the most common errors.**

## No Excuse Absentee Voting

As discussed earlier in this section, all of these improvements to the absentee voting process are especially important as New York State moves towards permanent no-excuse absentee voting.

The New York State Constitution describes specific excuse criteria required to be included on an absentee ballot application and therefore, to become law, no-excuse absentee voting requires a Constitutional amendment.<sup>93</sup> A Constitutional amendment must pass the legislature in two consecutive legislative sessions and then ultimately ends up before voters as a ballot referendum.<sup>94</sup>

In the last two Voter Analysis Reports, the CFB recommended that the state legislature prioritize passage of no-excuse absentee early in each of the consecutive legislative sessions so as to expedite the already long Constitutional Amendment process. While the Senate passed no-excuse absentee at the very start of the 2021-2022 legislative session, at the time of printing this report the Assembly had yet to take action to pass a same-as bill. If they do not take action soon, it might be too late to put the Constitutional referendum question to voters on the November 2021 ballot and would jeopardize an effective date of January 1, 2022.

**The CFB recommends the Legislature take action immediately to ensure voters can use no-excuse absentee voting as soon as legally possible, and join the two-thirds of U.S. States that currently allow voters to vote by mail without an excuse.**<sup>95</sup>

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93 New York State Constitution. Article II, Section 5.

94 New York Civil Liberties Union. Guide to Amending the New York State Constitution. February 2019. [https://drive.google.com/uc?export=download&id=1qxYmyfIMkMKN4Ukb\\_H960BBJZgTFIV7y](https://drive.google.com/uc?export=download&id=1qxYmyfIMkMKN4Ukb_H960BBJZgTFIV7y)

95 National Conference of State Legislatures. "Voting Outside the Polling Place: Absentee, All-Mail and other Voting at Home Options." September 24, 2020. <https://www.ncsl.org/research/elections-and-campaigns/absentee-and-early-voting.aspx>

## In-person voting

The 2020 general election was the first time that New York had in-person early voting available during a presidential election. In the June primary, early voting was fairly underutilized compared to absentee voting or voting in person on Election Day. However, following the issues with absentee voting in June, a number of organizations—including the Campaign Finance Board and the State BOE—promoted early voting as a safe in-person voting option to boost voter confidence.

The usage of early voting grew exponentially in November, with over 1 million voters, or 36.3% of voters who turned out to vote, choosing this vote method. The City BOE had increased the number of early voting locations from the previous year—from 61 in the November 2019 election to 88 in the presidential election—but this was not enough locations to serve the number of voters who wanted to cast a ballot early. Voters testified to the Voter Assistance Advisory Committee in the December 2020 hearing that they waited in line up to three hours to vote during the early voting period, with some voters waiting even longer according to self reports on social media.

Our own analysis showed that some early voting sites were assigned significantly more voters than others. For example, Robert Wagner Middle School on the Upper East Side had over 115,000 registered voters assigned for the early voting period, while the NYU Skirball Center had only 8,300 voters assigned. Overcrowding was likely exacerbated by some early voting sites being oversubscribed.

Long lines have been an ongoing issue in New York City in years past; early voting was meant to alleviate Election Day lines and pressure on poll sites. The pandemic likely accelerated the shift by which voters adopted early voting, and this may be a signal that voter behavior may permanently shift with more options available to them.

State BOE regulations set a standard for county boards of elections that no voter should wait in line more than 30 minutes; county boards are responsible for allocating enough resources to ensure this standard is met. New York City was never able to meet this standard when we had over 4.5 million potential voters to process on a single day of voting, but now the problem of long lines was shifted to the early voting period. Below are recommendations for alleviating this issue.

## Ensuring no voter needs to wait more than 30 minutes to vote

### **Designate more early voting locations**

The City BOE increased the number of early voting locations for November 2020, but it still was not enough to accommodate demand from voters who wanted to cast their ballots early. State law sets a floor for polling locations, only requiring one poll site per 50,000 registered voters, up to 6 locations in Staten Island and 7 locations in the other boroughs, with the BOE free to exceed that floor as needed. However, if the city were to follow the rule of thumb that there should be at least one early voting location per 50,000 registered voters, there should have been 15 sites in the Bronx, 30 in Brooklyn, 21 in Manhattan, 25 in Queens, and 6 in Staten Island. Staten Island and the Bronx exceeded these numbers, with 17 locations in the Bronx and 10 locations in Staten Island. On the other hand, the other boroughs fell short, with 27 locations in Brooklyn, 16 in Manhattan, and 18 in Queens, corresponding to news reports about where there were long lines. While there were 88 sites, there should have been at least 97, though likely even more were needed with the early voting turnout level where it was. Having more sites, combined with other measures below, would alleviate long lines during early voting.

### **Implement vote centers**

New York City is now the only part of the state that does not use a vote center model during early voting, where early voters can cast their ballot at any location rather than one assigned to them based on their residential address. Under election law, “any voter may vote at any polling place for early voting” in the county they are registered to vote in unless it is “impractical” to provide all early voting ballots in one location.<sup>96</sup> The City BOE has so far not implemented a vote center model due to the number of ballot variations, including language variations, that exist across the city. They have stated in future elections they may move to a borough-wide vote center model.<sup>97</sup> Vote centers would give voters more flexibility about where to cast their ballot, and would allow them to vote elsewhere if the lines at the location closest to their address are prohibitively long.

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96 N.Y. Election Law §8-600(3).

97 Jesse McKinley & Jeffery C. Mays. “The State Kind of Dumped this on us: Early Voting Stirs Anxiety in N.Y.” *The New York Times*. October 24, 2019. <https://www.nytimes.com/2019/10/24/nyregion/early-voting-ny-election.html>

## Compel sites to serve as polling locations

Securing enough poll sites is an ongoing challenge for the City BOE. BOE staff must be in contact with staff from thousands of sites to secure agreement for buildings to be polling places, ensure that they are ADA accessible, do necessary set up, and pay rental agreements for non-governmental properties.

Under current election law,<sup>98</sup> buildings that are tax exempt should be used whenever possible as polling sites, but the reality is more complicated. Election law also allows for the board or body controlling the building exempt for taxation to file a written request for cancellation of being a designated poll site. From there, it is on the City BOE to determine if serving as a poll site would “unreasonably interfere with the usual activities conducted in the building.” This year, many potential locations objected to being used as early voting sites, including large cultural institutions such as the Metropolitan Museum of Art, the American Museum of Natural History, Lincoln Center and New York Historical Society.<sup>99</sup> Reasons for rejection included museums stating that they had large events that coincided with the early voting period, or that they could not provide the staff cafeteria because lunchtime was the only time during the day when staff left their desks and they needed access.

Most of the current debate concerning early voting sites focuses on whether schools should serve as early voting locations, and several bills in Albany would prohibit the use of schools for such purposes. Senator Liz Kreuger’s bill<sup>100</sup> would not allow schools to be designated as early voting locations, but adds in language for entities “receiving more than one million dollars in annual state granting funding” to have their facilities be early voting sites, and also strikes a provision that disallows sites that serve alcohol from also being polling locations. (When the Metropolitan Museum of Art declined to be an early voting site, one of their reasons for doing so was because their cafeteria had a liquor license to sell beer.)

However, Senator Kreuger’s bill contains an out for building boards and owners to prove that early voting is “significantly incompatible with the primary function of the entity.” Voting arguably causes a disruption that either “interferes with usual activities” under current election law, or is “significantly incompatible with the primary function” of sites under proposed law. The CFB supports making entities receiving state grant funding in excess of \$1 million to serve as early voting locations, but there must be clearer and higher standards that sites must meet in order to be excused—otherwise, sites will continue to get exemptions

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98 N.Y. Election Law §4-104.

99 Brigid Bergin. “Despite Tax Breaks, These City Institutions Shut Doors On Voters.” *Gothamist*. January 14, 2020. <https://gothamist.com/news/despite-tax-breaks-these-city-institutions-shut-doors-voters>

100 New York State Senate S1039 (2021) <https://www.nysenate.gov/legislation/bills/2021/S1039>



from using their space for voting purposes. **Legislators should more explicitly write this into the tax code for exemption, and the state should make this a clear provision of grant funding; the presumption should be that sites will serve as early voting or polling locations, and they should plan their programming and operations around election dates accordingly.**

### **Standardize and lengthen early voting hours**

Election law establishes a floor for the number of hours that early voting locations must be open; while the City BOE has gone slightly beyond what is required, it was still not enough to accommodate the crush of voters at early voting sites. Current election law for early voting<sup>101</sup> says that polls need to be open at least 8 hours a day between 7am and 8pm on weekdays; on at least two days, early voting sites need to be open to 8pm. Polls must also be open at least five hours from 9am to 5pm on Saturday and Sunday. Election law explicitly states that county Boards can establish a greater number of early voting hours beyond what is required by law.

The initial early voting schedule created voter confusion, particularly due to lack of patterns or consistency; voters might expect an early voting location that had been open from 7am to 3pm the day before to open early again, only to find the daily hours were 12pm to 8pm. Furthermore, the City BOE had to extend hours during the final three days of early voting to accommodate the number of voters (see below), which voters only learned about from the BOE if they were social media followers.

To reduce confusion and provide enough hours to accommodate voters, the City BOE should provide more early voting hours, particularly on weekends. **They should also standardize the hours that sites are open, ensuring that all sites are open between the hours of 9 to 5, while still keeping sites open late for two days a week pursuant to state law, and opening at 7am two days a week voluntarily as they are doing now.**

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<sup>101</sup> N.Y. Election Law §8-600.

**Figure 2.5: Hours for the 2020 November Presidential Election**

DAY	HOURS
Saturday, October 24	10am–4pm
Sunday, October 25	10am–4pm
Monday, October 26	7am–3pm
Tuesday, October 27	12pm–8pm
Thursday, October 29	10am–6pm
Friday, October 30	7am–5pm (originally 7am–3pm)
Saturday, October 31	7am–5pm (originally 10am–4pm)
Sunday, November 1	7am–4pm (originally 10am–4pm)

**Ensure proper resource allocation**

There is a clear standard in election law<sup>102</sup> that the BOE must assign staff and resources to ensure no voter waits more than half an hour to vote at an early voting site. The problem of long lines has been ongoing in every major election; State BOE regulations set a standard for county boards to deploy a sufficient amount of equipment, workers and resources so that voter wait times don’t exceed 30 minutes<sup>103</sup> in all elections. If voter wait times exceed 30 minutes at an early voting site, state regulations say the BOE must deploy additional resources to reduce the wait time to less than 30 minutes no later than the start of early voting the next day.

State BOE Commissioner Doug Kellner pointed out in a letter to the City BOE that they have never met the 30 minute rule.<sup>104</sup> In previous elections, this could arguably be attributed to the fact that a single day of voting was not enough to process all potential voters in New York City, now over 4.7 million. Early voting was only used in two elections prior to the presidential election, and a small percentage of voters used it at each time it was available. It may not have

102 N.Y. Election Law §3-400.

103 New York State Board of Elections Regulations Section 612.19.

104 New York City Council Committee on Governmental Operations Hearing Testimony. “Memorandum TO: Commissioners of the Board of Elections in the City of New York...” September 25, 2020. <https://legistar.council.nyc.gov/View.ashx?M=F&ID=8819425&GUID=7D65386B-2522-4029-A1C8-042B4CEFOA2C>

been possible to predict that a full one-third of voters would want to cast their ballot early in person, but the scale at which voters would want to use early voting was evident on the first Saturday the polls were open. The City BOE did not move resources quickly enough when early voting lines were hours long, which was not attributable to the need for social distancing. The City BOE only opened one additional early voting location at Marymount College after days of persistent hours-long lines at Robert K. Wagner Middle School on the Upper East Side, which was assigned more voters than any other site.<sup>105</sup>

It also appears that each early voting site did not have enough check-in tables to accommodate the number of voters, given that each check-in takes a certain amount of time, and only one voter can check in at a time using the electronic pollbooks. For example, the Executive Director of the City BOE said that it takes 30 seconds to check in each voter, in response to a State BOE commissioner saying it takes 2 minutes.<sup>106</sup> Even at 30 seconds per voter, each table would only be able to check in 120 voters per hour, or 960 voters during an 8-hour day—not nearly enough for the volume of people who showed up. Additionally, early voting hours were only extended at the very end of the early voting period after days of media coverage.

While having more sites and extending hours will alleviate the problem during early voting, the City BOE must also do the math for how long it takes a voter to check in, how long it takes to fill out a ballot at the privacy booths, and how long it takes to scan, to determine where the chokepoints in the poll site will be that will cause lines will form. Calculators for this type of operations management have been available since the Presidential Commission on Election Administration looked at the issue of long lines following the 2012 presidential election, and the tools and resources for election administrators are still available through MIT.<sup>107</sup> This would help the BOE to plan in advance, but also help them adjust when there is new available data about how many voters are using early voting once it is underway. They could then determine what is most needed—whether that is additional check-in stations, more hours, or more sites.

The City BOE also has a wealth of data available, between the voter history file, voter check-in times at epollbooks, and data on when ballots are scanned. They need to use their data to make projections about how many voters might be expected to use each voting method and whether poll sites could become oversubscribed.

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105 Brigid Bergin. “NYC Elections Board Grants Manhattan One Extra Early Voting Site to Alleviate Long Lines.” *Gothamist*. October 29, 2020. <https://gothamist.com/news/nyc-elections-board-grants-manhattan-one-extra-early-voting-site-alleviate-long-lines>

106 Brigid Bergin. “About That Early Voting Line: Find Out How Many People Were Assigned to Your Poll Site”. *Gothamist*. October 27, 2020. <https://gothamist.com/news/about-long-early-voting-line-find-out-how-many-people-were-assigned-your-poll-site>

107 The Presidential Commission on Election Administration. *The American Voting Experience: Report and Recommendations of the Presidential Commission on Election Administration*. January 2014. Administration. <http://web.mit.edu/supportthevoter/www/>

## Expanding access to the polls

New York has long lagged behind other jurisdictions in making our elections more accessible. Every voter should be able to cast a ballot in person and by absentee, with ease. New York must consider making substantial legislative and administrative changes to our elections to ensure everyone can participate in our democracy.

In 2020, the Center for Tech and Civic Life identified four groups of voters who were particularly impacted by pandemic-related elections changes.<sup>108</sup> Voters with language barriers, voters with disabilities, displaced voters, and hard to reach voters were all named groups with the greatest barriers to casting their ballot in 2020 at a time when the pandemic was exacerbating inequities across the board. While it is true we have made many strides in gaining access to the ballot for as many voters as possible, there are still major improvements that need to be made to ensure access to the ballot is equitable and inclusive. Without equal access to the ballot, we cannot ensure that our government is fully responsive to the needs of all New Yorkers.

### Accessibility for voters with disabilities

For the 900,000 New Yorkers with a disability, the Americans with Disabilities Act (ADA) and the Help Americans Vote Act (HAVA) secure their access to a free, private, and independent vote. Voters with disabilities may have mobility, hearing, vision, or cognitive impairments, and may fall into more than one category of disability.<sup>109</sup> Even more than 30 years after the ADA became law, it provides a check on our voting system that captures the still-existing gaps between what is ideal versus what happens in reality.

In New York City, a 2014 court case significantly altered the landscape for accessible voting. The U.S. Court of Appeals determined that the City BOE's failure to choose accessible poll sites or make them temporarily accessible on Election Day was discriminatory and warranted guidelines to prevent further issues.<sup>110</sup> These guidelines outlined how the City BOE would maintain accessibility at polling locations before, during, and after elections.

In the years following the decision, the City BOE has instituted many changes to protect the rights of voters with disabilities and to improve the experience of voting. Every year, the Board analyzes the surveys they receive from poll sites to inform the changes they implement for upcoming elections. In response, they have increased the number of accessibility clerks at poll

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108 Center for Tech and Civic Life. "Ensuring access, equity, and inclusion. COVID-19 and Election Administration: Approaches for Election Officials" May 28, 2020. <https://techandciviclelife.org/wp-content/uploads/2020/06/Access-equity-and-inclusion-slides.pdf>

109 Lisa Schur and Douglas Kruse. Disability and Voting Accessibility in the 2020 Elections: Final Report on Survey Results Submitted to the Election Assistance Commission by Rutgers University. February 16, 2021. [https://www.eac.gov/sites/default/files/voters/Disability\\_and\\_voting\\_accessibility\\_in\\_the\\_2020\\_elections\\_final\\_report\\_on\\_survey\\_results.pdf](https://www.eac.gov/sites/default/files/voters/Disability_and_voting_accessibility_in_the_2020_elections_final_report_on_survey_results.pdf)

110 United Spinal Association, et al. v. Board of Elections in the City of New York, et al., 882 F. Supp. 2d 615 (S.D.N.Y. 2012).

sites and added new solutions to combat inaccessibility. Furthermore, the BOE has sustained these changes amidst the implementation of early voting, which increased the number of days they had to ensure accessible polling locations. The City BOE provides temporary and sometimes permanent accessibility modifications in order to make poll sites accessible for voters with disabilities, a huge undertaking in a city with over 1,200 Election Day poll sites and close to 90 early voting sites that must remain open for 10 days of early voting.

Even with these significant improvements instituted since 2014, there is room to grow and provide better support to voters with accessibility needs. In some cases, the City BOE is hamstrung by an outdated state election law, which governs their elections processes. In a report about the 2019 general election, the Comptroller's office reported that 70% of the poll sites they sampled had one or more issues that conflicted with the ADA, New York State Election Law, and BOE procedures including a lack of ramps or directional signs and sites lacking accessibility staff.<sup>111</sup>

On January 10, 2020, the federal court's jurisdiction over the BOE's ADA compliance ended.<sup>112</sup> While this points to improvements in the City's voting accessibility accommodations over the past few years, it is important that the BOE continues to advance towards a fully accessible voting system. The BOE should continue to implement the checklist and report system instituted by the U.S. Court of Appeals in order to monitor issues that arise at poll sites. Continued use of the checklist can strengthen the Board's response to issues voters are facing and the report will hold them accountable to the City.

The BOE should keep working to bolster the consistency of in-person voting experiences. Disability rights advocates note that individual staff familiarity with Ballot Marking Devices (BMDs) is often the greatest factor determining how positive voters find their experience. Additionally, during the November early voting period, voters on social media noted discrepancies in the use of designated lines for elderly voters and voters with disabilities between poll sites. As part of wider efforts to engage communities, the BOE must reconstruct their accessibility accommodation training. Training should include spending time working with BMDs, hiring people with disabilities as trainers, and emphasizing the importance of line management for elderly voters and voters with disabilities. The burden of awareness and education of accessibility should never fall on voters exercising their right to vote.

**As we recommended for serving Limited English Proficiency voters, the Board should initiate a Voter Assistance Hotline that people can call and request information and materials in the accessible format that is best suited for them.** This resource can serve voters

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111 Office of the New York City Comptroller Scott M. Stringer. Special Report on the Election Day Operations of the New York City Board of Elections. May 14, 2020. <https://comptroller.nyc.gov/reports/special-report-on-the-election-day-operations-of-the-new-york-city-board-of-elections/>

112 Office of the New York City Comptroller Scott M. Stringer. Special Report on the Election Day Operations of the New York City Board of Elections. May 14, 2020. <https://comptroller.nyc.gov/reports/special-report-on-the-election-day-operations-of-the-new-york-city-board-of-elections/>

with accessibility questions, in addition to language preferences, as a straightforward method for voters to learn about all their options for upcoming elections.

In addition to maintaining the current system, the BOE must also improve upon it. The AutoMark, the City BOE's current Ballot Marking Device, will no longer be updated or supported by election machine manufacturer ES&S, and a replacement machine must be found. The CFB recommends that BMDs be replaced with newer models to improve experiences on election days, while also allowing voters with disabilities to mark paper ballots. The BOE should include voters with disabilities in the decision-making process to guarantee that new machines are best equipped to help voters. **With that in mind and given that there are benefits to purchasing new BMDs that can be used throughout the whole State of New York, the State BOE should engage a cross-section of non-profit and community groups that serve the disability community through a Voting Accessibility Advisory Committee to help review and rate the next BMD voting machine provider.**

## Accessible absentee voting

Voters with disabilities that wished to vote at home also encountered issues with accessible absentee ballots. After Governor Cuomo signed an Executive Order to expand absentee voting amidst the pandemic, disability advocacy groups brought a lawsuit against the State BOE.<sup>113</sup> They argued that the order discriminated against voters with disabilities by only allowing paper ballots, which are inaccessible without the assistance of a BMD.<sup>114</sup> Though the State BOE agreed to email accessible ballots to those who requested one, voters with disabilities had to follow additional steps beyond those receiving paper absentee ballots. Voters voting on accessible absentee ballots were required to then print their ballot on legal-sized paper and mail it to their local BOE. This added extra steps, required voters using accessible options to have printer access, and also required them to print out on paper that is less commonly used than letter-size paper.

Accessible absentee ballots need to be accessible throughout the entire voting process. **The New York State legislature should pass legislation to expand accessible absentee ballot return methods to include fax and email.** States that utilized the pandemic as a chance to pilot innovative accessible ballot methods present a path forward for New York. In 2020, Maine, Nevada, and North Carolina launched programs that allow voters with print disabilities to fully request, fill out, and return their ballots online. Through secured portals or password-protected PDFs, these methods demonstrate the feasibility of a voting system that is both safe and accommodating.

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113 New York State Executive Order 202.23. April 27, 2020. <https://www.governor.ny.gov/news/no-20223-continuing-temporary-suspension-and-modification-laws-relating-disaster-emergency>

114 Hernandez, et al. v. New York State Board of Elections, et al., 20-cv-4003 (LJL) (S.D.N.Y. Aug. 14, 2020).

## Expanding language access

In New York City, 858,385 citizens of voting age population are Limited English Proficient (LEP), defined by the Census Bureau's American Community Survey as speaking English less than very well.<sup>115</sup> Research indicates that major public institutions, including healthcare and education systems, are ill-equipped to accommodate the needs of people with LEP.<sup>116</sup> This leads to larger barriers LEP speakers face when trying to understand and access the services they need when navigating these systems.<sup>117</sup> Access to the ballot for LEP individuals has grown over time but has ample room for improvement.

Section 203 of the Federal Voting Rights Act (VRA) requires counties to provide translation and interpretation services to large populations of Asian, Native American, and Alaskan Native language speakers as well as Spanish speakers if there are more than 10,000 speakers of a language or the community makes up over 5% of that county's population. This measure tries to combat the history of exclusion of those communities from the political process.

In accordance with Section 203 of the federal VRA, the City BOE serves Spanish, Bengali, Chinese, and Korean speaking communities with translated voting materials and interpreters in certain election districts within certain boroughs. They also serve Hindi speaking communities in Queens with interpreters and try to hire Hindi interpreters who also speak Punjabi when possible. However, out of 1.7 million limited English proficiency (LEP) speakers in New York City, over 300,000 do not have access to election materials in their native languages, because they speak a language not covered by the VRA.<sup>118</sup>

Other city agencies have stepped in to provide additional language access support. During the November 2020 general election, the Civic Engagement Commission (CEC) provided interpreters in Arabic, Bengali, Cantonese, Mandarin, French, Haitian Creole, Italian, Korean, Polish, Russian, Urdu, and Yiddish at 100 poll sites around the city.<sup>119</sup> The CFB's website hosts voter registration forms translated by the Mayor's Office of Immigrant Affairs in Albanian, Arabic, French, Greek, Haitian Creole, Italian, Polish, Russian, Tagalog, Urdu, and Yiddish in addition to the forms provided by the City BOE in the four VRA languages.

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115 U.S. Census Bureau. 2019 American Community Survey 1-Year Estimates.

116 R.S. Guglielmi. Native language proficiency, English literacy, academic achievement, and occupational attainment in limited-English-proficient students: A latent growth modeling perspective. *Journal of Educational Psychology*, 100(2), 322-342. 2004. [http://jmelwood.net/students/grips/tables\\_figures/latent\\_growth\\_figure\\_example.pdf](http://jmelwood.net/students/grips/tables_figures/latent_growth_figure_example.pdf)

117 Shi, Lebrun, and Tsai. The Influence of English Proficiency on Access to Care. *Ethnicity & Health*, 14(6), 625-642. December 18, 2008. [https://www.jhsph.edu/research/centers-and-institutes/johns-hopkins-primary-care-policy-center/Publications\\_PDFs/2009%20EH.pdf](https://www.jhsph.edu/research/centers-and-institutes/johns-hopkins-primary-care-policy-center/Publications_PDFs/2009%20EH.pdf)

118 U.S. Census Bureau. 2019 American Community Survey 1-Year Estimates.

119 New York City Civic Engagement Commission. "Poll Language Assistance List." [https://www1.nyc.gov/site/civicingement/voting/poll-site-language-assistance-list.page](https://www1.nyc.gov/site/civicingagement/voting/poll-site-language-assistance-list.page)

Translated registration forms may help LEP voters get registered but those voters may not feel comfortable casting their vote without support in their preferred language. Additionally, CEC interpreters were only available at select locations and on three out of the total ten days for early voting and Election Day. This patchwork of policies does not ensure a uniform level of service for LEP voters. Support for LEP voters in New York City should be consistent throughout the voting process and include targeted outreach to ensure LEP communities know where and how to access these translated resources.

**Figure 2.6:**  
**Language Interpreter Support by Borough and Relevant Law**

	# OF LEP SPEAKERS	VOTING RIGHTS ACT	LL 30 DESIGNATED CITYWIDE LANGUAGES (MAYORAL AGENCIES)	2020 GENERAL INTERPRETER SUPPORT (CEC)*
<b>Spanish</b>	882,034	Citywide	Citywide	Not applicable
<b>Chinese</b>	334,845	Brooklyn, Manhattan, Queens	Citywide	Bronx, Staten Island
<b>Korean</b>	39,450	Queens	Citywide	Manhattan, Staten Island
<b>Bengali</b>	52,840	Queens	Citywide	Brooklyn, Bronx
<b>Hindi</b>	7,394	Queens	Not available	Not available
<b>Punjabi</b>	9,550	Queens	Not available	Not available
<b>Arabic</b>	20,224	Not available	Citywide	Brooklyn, Manhattan
<b>French</b>	12,365	Not available	Citywide	Brooklyn, Bronx, Manhattan, Queens
<b>Haitian Creole</b>	40,150	Not available	Citywide	Brooklyn, Queens
<b>Italian</b>	20,435	Not available	Not available	Brooklyn, Queens
<b>Polish</b>	19,825	Not available	Citywide	Brooklyn, Queens
<b>Russian</b>	104,775	Not available	Citywide	Brooklyn, Queens, Staten Island
<b>Urdu</b>	15,677	Not available	Citywide	Brooklyn, Queens
<b>Yiddish</b>	29,260	Not available	Not available	Brooklyn

\* CEC provides interpreters in certain poll sites as determined by their methodology.



Local Law 30-2017 requires agencies that provide direct services to the public to translate widely disseminated materials in the ten designated citywide languages. However, the City BOE does not fall under this requirement since it is governed by New York State Election Law and constituted under the New York State Constitution.<sup>120</sup> For this reason, passing state legislation is the most effective way to ensure that voters have consistent access to translation and interpretation services throughout the voting process.

Recently, Senator Zellnor Myrie introduced the John R. Lewis Voting Rights Act of New York, which contains a section that seeks to improve assistance for language-minority groups.<sup>121</sup> If over 2% of voting-age citizens, or over 4,000 voting-age citizens, in an election district speak English “less than very well” and speak the same language, the BOE is required to provide translation and interpretation services in that language. The bill specifies that notices, registration forms, instructions, assistance, and ballots must be available in that language as well as any materials relating to the electoral process. For languages that are oral, unwritten, or historically unwritten, the bill allows the BOE to provide only verbal information and assistance.<sup>122</sup> **We recommend the state legislature pass the John R. Lewis Voting Rights Act of New York to ensure consistent translation and interpretation services to all LEP voters.**

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120 N.Y. City Charter § 23-1102

121 New York State Senate S7528. (2020). <https://www.nysenate.gov/legislation/bills/2019/s7528/amendment/original>  
New York State Assembly A10841 (2020) <https://www.nysenate.gov/legislation/bills/2019/a10841/amendment/original>

122 This bill is different from the federal John Lewis Voting Rights Advancement Act. In 2019, the U.S. House of Representatives passed a Voting Rights Advancement Act in order to restore the protections of the Voting Rights Act of 1965, parts of which were struck down by the Supreme Court in 2013. When the same bill was introduced in the U.S. Senate, it was renamed the John Lewis Voting Rights Advancement Act. If passed, the bill would try to fight voter suppression laws around the country. For language access, this means the federal government would review state laws that aimed to reduce multilingual voting materials. It does not change anything about Section 203 of the Voting Rights Act, the section outlining the requirements jurisdictions must follow when providing translation and interpretation services.

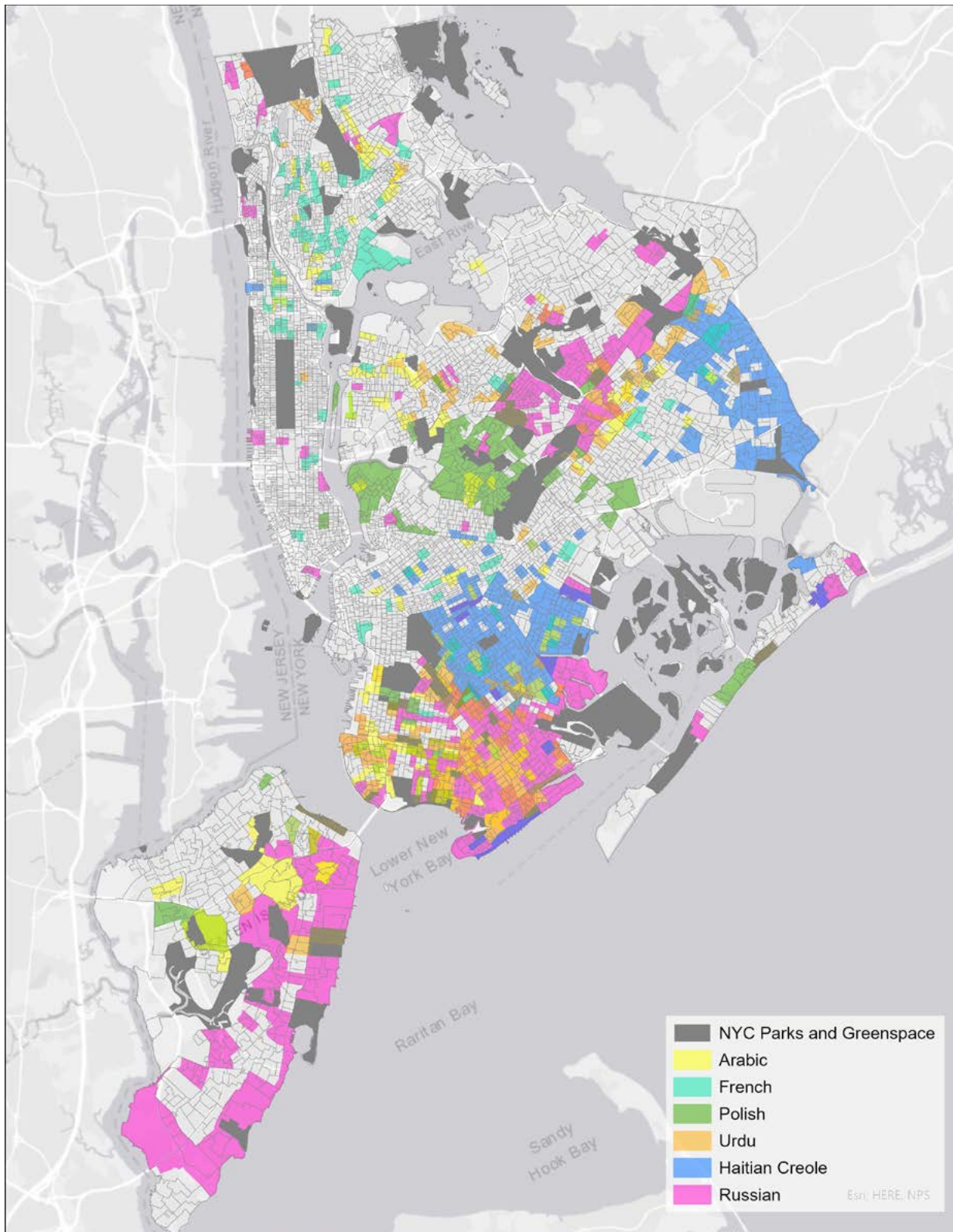
**Figure 2.7: Boroughs where Election District/Assembly Districts have language support expanding under the John R. Lewis Voting Rights Act of New York**

	# OF LEP SPEAKERS	VOTING RIGHTS ACT	JOHN R. LEWIS VOTING RIGHTS ACT OF NEW YORK*
<b>Spanish</b>	882,034	Citywide	Citywide
<b>Chinese</b>	334,845	Brooklyn, Manhattan, Queens	Brooklyn, Bronx, Manhattan, Queens, Staten Island
<b>Bengali</b>	52,840	Queens only	Brooklyn, Bronx, Queens
<b>Hindi</b>	7,394	Queens only	Brooklyn, Queens, Staten Island
<b>Korean</b>	39,450	Queens only	Brooklyn, Bronx, Queens, Staten Island
<b>Punjabi</b>	9,550	Queens only	Brooklyn, Queens
<b>Arabic</b>	20,224	Not available	Citywide
<b>French</b>	12,365	Not available	Brooklyn, Bronx, Manhattan, Queens
<b>Haitian Creole</b>	40,150	Not available	Citywide
<b>Italian</b>	20,435	Not available	Brooklyn, Bronx, Queens, Staten Island
<b>Polish</b>	19,825	Not available	Brooklyn, Manhattan, Queens, Staten Island
<b>Russian</b>	104,775	Not available	Citywide
<b>Urdu</b>	15,677	Not available	Citywide
<b>Yiddish</b>	29,260	Not available	Brooklyn

\* Language access services would be provided to certain election districts based on eligibility requirements.

As shown in Figure 2.7, language support would significantly expand under the John R. Lewis Voting Rights Act of New York. The map in Figure 2.8 illustrates which election districts would provide voters with more language support if this bill becomes law. As shown, Russian and Haitian Creole speakers, the two most widely spoken languages in New York City that are not covered by the VRA, serve to benefit the most from this bill. The other designated citywide languages (Arabic, French, Polish, and Urdu) also would be covered.

**Figure 2.8: Map of Languages Covered by the New York Voting Rights Act**



As stated in testimony provided to the State Senate Elections Committee in March 2020, NYC Votes strongly supports passage of the John Lewis Voting Rights Act of New York, as these changes will benefit communities across the City that currently do not receive the voting services they need and deserve.<sup>123</sup> Providing interpretation services and translating election materials into more languages for underrepresented groups is essential to increasing participation in our democracy.

However, it is not enough for the Voting Rights Act of New York to require the City BOE to provide interpreters and translations. These services must also be accurate, reliable, accessible, and easy to understand. The Department of Justice has identified accurate translations as a key to a successful language access program, as poor translations can mislead voters. **In order to ensure that translated voting materials are helpful for voters, the BOE should create a Language Accessibility Advisory Committee modeled after the one that exists in Los Angeles County.** Their Advisory Committee is made up of non-profit and community groups whose memberships include LEP voters. Their role is “providing expertise on reviewing election materials in the identified languages” as well as promoting translated material and giving feedback on interpreters and translation services.<sup>124</sup>

**The BOE should also implement best practices when incorporating new language support by using the dialects understood by voters in the city and rely on plain language to include as many low-literacy voters as possible.** The Center for Civic Design, through their language access research, has created a guide for interested jurisdictions to follow when incorporating more languages into their voting materials. The organization recommends maintaining a consistent layout and using visuals to indicate different languages. These guidelines guarantee that voters are easily able to find the language they prefer and understand the translation when they read it.

Though these recommendations maximize usability, they present a real challenge to the City BOE for disseminating information to the hundreds of thousands of additional voters who would be covered under the bill. **In addition to hosting translated materials on their website, the Board should implement a Voter Assistance Hotline similar to the system already in place in Los Angeles County to ensure they are able to reach LEP voters from multiple angles.** With a Voter Assistance Hotline, the City BOE would be able to fulfill requests from voters for printed translated election materials without having to mail these materials across the city. Akin to how the hotline operates in Los Angeles County, this number can also serve as the space where voters can hear about registration and voting information in the language of their choice.

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123 Testimony of Eric Friedman before the New York State Senate Elections Committee. March 3, 2020. <https://nyccfb.info/media/testimony/testimony-of-eric-friedman-assistant-executive-director-for-public-affairs-to-the-new-york-city-campaign-finance-board-to-the-new-york-state-senate-elections-committee/>

124 LA County Registrar Recorder and County Clerk. “Language Accessibility Advisory Committee.” <https://www.lavote.net/home/voting-elections/community-voter-outreach/language-accessibility-advisory-committee>

As stated before, the City BOE is not required to produce its voting materials in the ten citywide languages. Neither is the CFB. As an independent board, we do not fall under the category of mayoral agency designated by Local Law 30 of 2017. However, we recognize that if voters are to receive translation and interpretation services at every step of the voting process, NYC Votes must also be included. **In the best interest of voters, we commit to following the guidelines presented in the City’s language access plan and providing its commonly distributed materials in all the designated citywide languages as soon as practicable.**<sup>125</sup>

## Rights restoration

In New York, thousands of voters are unable to participate in the democratic process due to their carceral status. A recent gubernatorial Executive Order made it possible for some New Yorkers on parole to vote, but thousands of formerly incarcerated New Yorkers do not have the right to vote or are unaware of their conditional pardon. New York should take legislative action to guarantee the right to vote for formerly incarcerated New Yorkers.

On April 18, 2018, Governor Andrew Cuomo signed Executive Order 181, restoring the right to vote for New Yorkers on parole.<sup>126</sup> The Executive Order requires the Governor’s office to review the information of each person released to community supervision in New York and issue a partial executive pardon that restores each approved person’s ability to register and vote. Upon initial signing of the Executive Order, the Governor’s office predicted 35,000 New Yorkers would be eligible to receive a conditional pardon along with the right to vote.<sup>127</sup> The Governor issued his first set of pardons on May 18, 2018 restoring the right to vote to 24,086 New Yorkers.<sup>128</sup> New Yorkers on probation still maintain the right to vote and do not need a Gubernatorial pardon.

While this Executive Order was a massive step forward, New York should take legislative action to codify and strengthen this expansion of voting rights for the 125,000 New York state residents who are impacted.<sup>129</sup> Ensuring voting restoration is part of election law is essential. While the Governor’s office signed this Executive Order, there is nothing preventing the next Governor of New York from reversing course.

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125 To accomplish this goal, the CFB will request a special data set from the Census Bureau with data on LEP speakers broken down by election district. With this data set, we can better understand the impact of changes to voting and develop more accurate recommendations in the future.

126 New York State Executive Order 181. April 18, 2018.  
[https://www.governor.ny.gov/sites/governor.ny.gov/files/atoms/files/EO\\_181.pdf](https://www.governor.ny.gov/sites/governor.ny.gov/files/atoms/files/EO_181.pdf)

127 Governor Cuomo Signs Executive Order to Restore Voting Rights to New Yorkers on Parole, April 18, 2018  
<https://www.governor.ny.gov/news/governor-cuomo-signs-executive-order-restore-voting-rights-new-yorkers-parole>

128 New York Civil Liberties Union. Voting Rights of New Yorkers with Felony Convictions.  
<https://www.nyclu.org/en/issues/voting/voting-rights-new-yorkers-felony-convictions>

129 New York State Senate S4793 (2019). <https://www.nysenate.gov/legislation/bills/2019/s4793>

Allowing more New Yorkers who have been in our criminal justice system the right to vote should be a priority in our democracy. Numerous states already have similar systems in place. Eighteen states automatically restore voting rights upon release.<sup>130</sup> An additional two states, Maine and Vermont, and the District of Columbia never take away the right to vote, including from those in prison.

Additionally, the Executive Order has led to significant confusion among formerly incarcerated New Yorkers, and even election officials. For formerly incarcerated New Yorkers, it is unclear when and how their voting rights are officially restored. For election officials, it is difficult to identify the select number of New Yorkers who have received a conditional pardon. Formerly incarcerated New Yorkers can be unaware of their conditional pardon when it happens, and this information is not always shared directly with the BOE. Legislative action would ease the burden on the Governor's office as well as election administrators. Legislation would also make the process more efficient for formerly incarcerated New Yorkers, whose rights would be restored immediately upon release from prison.

According to a report from the Sentencing Project, as many as 6.1 million citizens across the country are unable to vote due to past criminal convictions.<sup>131</sup> While restoration laws vary by state, it is hard to ignore the fact that this disproportionately impacts communities of color. According to the same report from the sentencing project, 1 in 13 black adults could not vote in 2016 as a result of a felony conviction. Simply put, the restoration of voting rights is significantly more likely to impact communities of color, particularly Black and Latino men who make up a disproportionate share of the prison population.

As New York is set to implement automatic voter registration by 2023, state lawmakers should integrate the restoration of voting rights into the implementation of automatic voter registration. This would ultimately simplify and expedite the voting restoration process for thousands of New Yorkers currently confused by the process. Legislation passed should ensure voting rights are automatically restored when one's status changes from inmate to parolee, as opposed to re-registering to vote. Upon implementation, The New York State Department of Corrections and Community Supervision should be added as a covered automatic voter registration agency.

Without question New York should restore voting rights to formerly incarcerated New Yorkers, but we also have the opportunity to entirely reconsider our approach to voting rights and incarceration. As noted earlier, Maine, Vermont, and Washington D.C. never take away a citizen's right to vote, including those serving time in prison. If New York is looking to ensure the right to vote is an inalienable right, legislators should consider legislation to strike the

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130 National Conference of State Legislatures. "Felon Voting Rights". 01/08/2021, <https://www.ncsl.org/research/elections-and-campaigns/felon-voting-rights.aspx>

131 Jean Chung. "Felon Disenfranchisement: A Primer". The Sentencing Project. 06/27/2019. <https://www.sentencingproject.org/publications/felony-disenfranchisement-a-primer/>

part of the election law which takes away the right to vote to begin with for those convicted of felonies. If the presumption is that time in prison should form citizens who participate in our democracy, maintaining voting rights throughout sentences would affirm that belief. As New York continues to expand the use of absentee ballots amid the COVID-19 pandemic, lawmakers should also consider the impact on those who have been in and out of the criminal justice system and work to make sure those in prison have access to the ballot.

Whatever option lawmakers decide to pursue, a robust public education campaign to inform those affected is essential to the success of the legislation. The law should ensure there is proper coordination with the Department of Corrections and the State BOE so those affected are aware of their newfound right to vote.

Luckily, the New York State legislature has taken action this year. The Senate and Assembly recently passed A4448<sup>132</sup>/S830A<sup>133</sup>, essentially codifying the Governor's Executive Order by automatically restoring the right to vote to New Yorkers on parole. We urge the Governor to sign this bill immediately. Also pending in the Assembly is A699<sup>134</sup> sponsored by Assemblymember Nily Rozic, which would expand voting rights to inmates in correctional facilities. The legislature should seriously consider advancing this bill. If passed, it would be one of the most expansive voting reforms in the country, impacting roughly 91,000 New York state residents who are currently incarcerated.<sup>135</sup>

**Regardless of which bill moves through the legislature, we believe the issue of rights restoration should be a top legislative priority. Ensuring that all New Yorkers, regardless of carceral status, have the right to vote is crucial to a fair and healthy democracy.**

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132 New York State Assembly A4448 (2021). <https://www.nysenate.gov/legislation/bills/2021/a4448/amendment/original>

133 New York State Senate S830A (2021). <https://www.nysenate.gov/legislation/bills/2021/s830/amendment/a>

134 New York State Assembly A699 (2021). <https://www.nysenate.gov/legislation/bills/2021/a699>

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