

# A Broken Promise: Agency-Based Voter Registration in New York City

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## ABOUT THE AUTHORS

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The **Center for Popular Democracy** is a nonprofit organization that promotes equity, opportunity, and a dynamic democracy in partnership with innovative base-building organizations, organizing networks and alliances, and progressive unions across the country.



**Citizens Union** is a nonpartisan good government group dedicated to making democracy work for all New Yorkers. Citizens Union serves as a civic watchdog, combating corruption and fighting for political reform.



The **Brennan Center for Justice at NYU School of Law** is a nonpartisan law and policy institute that seeks to improve our systems of democracy and justice. It works to hold political institutions and laws accountable to the twin American ideals of democracy and equal justice for all.



The **New York Public Interest Research Group (NYPIRG)** is New York State's largest student-directed research and advocacy organization. Its principal areas of concern are environmental protection, consumer rights, higher education, government reform, voter registration, mass transit and public health.



Founded in 1974, the **Asian American Legal Defense and Education Fund (AALDEF)** is a national organization that protects and promotes the civil rights of Asian Americans. By combining litigation, advocacy, education, and organizing, AALDEF works with Asian American communities across the country to secure human rights for all.

# A Broken Promise: Agency-Based Voter Registration in New York City

Center for Popular Democracy  
Citizens Union of the City of New York  
Brennan Center for Justice at New York University School of Law  
New York Public Interest Research Group  
Asian American Legal Defense and Education Fund

## Executive Summary

Voter registration is the number one barrier to the vote. An estimated 51 million eligible citizens, more than 24 percent of the electorate, could not cast a ballot on Election Day in the 2012 presidential election solely because they had not been registered.<sup>1</sup> Registration and voting rates are particularly low for families with annual incomes below \$20,000, voters of color, naturalized citizens, and those with limited English proficiency.<sup>2</sup> Civic engagement levels are even worse in New York State. Fewer New Yorkers registered to vote and cast a ballot in the November 2012 general election than the national average.<sup>3</sup>

One proven method of increasing voter participation, particularly among underrepresented citizens, is voter registration at public agencies (“agency-based registration”). Well-administered voter registration programs established at public assistance agencies pursuant to federal law have helped register 15 to 20 percent of agency applicants.<sup>4</sup> In 2000, New York City sought to expand voter registration opportunities at municipal agencies by enacting Local Law 29 (“the Pro-Voter Law”), which required 18 city agencies and, under certain circumstances, their associated subcontractors, to offer voter registration forms to all persons submitting applications, renewals, or recertification for agency services, or notifying the agency of a change of address. The law included each of the City’s 59 community boards as well.<sup>5</sup> The last and only evaluation of the Pro-Voter Law, undertaken by the New York City Council over a decade ago, found that agencies were failing to offer voter registration.<sup>6</sup>

In 2014, the Center for Popular Democracy, Brennan Center for Justice at NYU School of Law, Citizens Union of the City of New York, and the New York Public Interest Research Group formed the Pro-Voter Law Coalition and launched a new initiative to assess the agencies’ compliance with the law and opportunities to enhance the law’s impact. The Pro-Voter Law Coalition submitted Freedom of Information Law (FOIL) requests to each of the 18 city agencies; met with the Voter Assistance Advisory Committee at the New York City Campaign Finance Board; and, along with the Asian American Legal Defense and Education Fund and Make the Road New York, launched field investigations at 14 city offices subject to the Pro-Voter Law to measure their compliance with the law.

The FOIL responses and field investigations revealed widespread agency failure to implement the Pro-Voter Law. Specifically, they found:

- **Inconsistent adherence.** Documents provided by the 12 agencies that responded to FOIL requests indicated scattered and inconsistent attention to the Pro-Voter Law;
- **Noncompliance in a majority of interactions.** In 84 percent of client interactions, agency officials failed to comply with the Pro-Voter Law's requirement to offer voter registration application forms;
- **Failure to provide language access.** Agency failures extended to bilingual voter registration mandates. Specifically, only 40 percent, or 2 out of 5 agency clients whose primary language was not English were given translated voter registration applications; and
- **No training of agency staff.** All 11 of the agency employees who responded to training inquiries admitted that no agency staff receive regular training on voter registration procedures.

These findings are particularly significant given that over 30 percent, or 18 of 59 citizen clients interviewed at the agencies required to comply with the Pro-Voter Law's mandates reported they were not registered to vote.

Agency failure to comply with the Pro-Voter Law marks a lost opportunity to increase New York City voter registration rates and, by extension, voter participation in the city. Expanding opportunities for New Yorkers to register to vote at municipal agencies will require a concerted commitment by the Mayor, City Council, and municipal agency heads. The Pro-Voter Law Coalition is joined by the Asian American Legal Defense and Education Fund, the League of Women Voters of the City of New York, Common Cause New York, and Make the Road New York in issuing the following 12 recommendations to help ensure that every eligible city resident is registered to vote when interacting with city agencies subject to the Pro-Voter Law.

## Recommendations

1. Train all agency employees who interact with clients about the Pro-Voter Law's voter registration procedures, and administer annual employee refresher trainings.
2. Establish comprehensive protocols by December 31, 2014 to ensure that all agencies provide voter registration applications to clients when they apply for services, renewal or recertification for services, and change of address relating to such services; collect and transmit all completed voter registration applications to the NYC Board of Elections ("Board") on a weekly basis; and ensure that all completed voter registration forms in the possession of the agencies are transmitted to the Board within two weeks, and before the registration deadline. Any voter registration application collected within 5 days of a voter registration deadline should be transmitted to the Board on a daily basis, before the close of the voter registration period.
3. Ensure that agency subcontractors provide voter registration opportunities as required under the Pro-Voter Law during the contracting process. Agencies should request semi-annual subcontractor reports of efforts undertaken pursuant to the Pro-Voter Law mandate.
4. Physically integrate voter registration applications into agency intake forms as mandated by the Pro-Voter Law within 12 months or at the next regularly scheduled printing of agency forms, whichever occurs first.

5. Ensure an adequate supply of translated voter registration forms in languages covered by the federal Voting Rights Act of 1965—Spanish, Chinese, Korean, and Bengali—and adequate staffing of bilingual employees at city agencies. Agency websites should also link to voter registration forms translated into these languages, in addition to English. New York City should also expand voter registration opportunities to additional limited-English-proficient agency clients pursuant to New York City Executive Order 120.<sup>7</sup>
6. Establish mayoral appointments to facilitate voter registration, designating a citywide Pro-Voter Law coordinator and local coordinators at each covered city agency office. Local coordinators would be responsible for ensuring that the law is being properly implemented, including staff training, voter registration assistance efforts, timely submission of completed voter registration forms, and tracking of subcontractors' compliance.
7. Define the role and authority of the non-partisan Voter Assistance Advisory Committee for all facets of Pro-Voter Law implementation and compliance, with an emphasis on its role as an independent monitor.
8. Adopt a comprehensive monitoring program that includes regular data collection on the number of voter registration forms distributed by each agency, the number of voter registration forms completed by agency clients, the number of registration forms transmitted to the Board, tracking of voter registration application rates, and agency staff evaluation.
9. Require agencies to use coded voter registration forms specific to each agency, and solicit quarterly reports by the Board of Elections on the numbers of forms submitted by city agencies (a model protocol is proposed in City Council Intro 356 of 2014).
10. Mandate that agency staff provide the same level of assistance in completing voter registration forms as is given to other agency transactions. This should include verbal assistance.
11. Provide for the electronic transmission of completed voter registration applications to the Board.
12. Amend the law to extend its reach by mandating that the following high-traffic city agencies also comply with the Pro-Voter Law:
  - The New York City Housing Authority, which shelters more than 400,000 New Yorkers in public housing developments and provides rental assistance to another 235,000 individuals in private homes.
  - The New York City Department of Education, which serves hundreds of thousands of city families each year. The city should include voter registration forms in the annual “blue card” student registration process, which would reach many additional family members who are not currently registered to vote.

## Introduction

Voter registration is the number one barrier to the vote. An estimated 51 million eligible citizens, more than 24 percent of the electorate, could not cast a ballot on Election Day in the 2012 presidential election solely because they had not been registered.<sup>8</sup> Registration and voting rates are particularly low for families with annual incomes below \$20,000, voters of color, naturalized citizens, and those with limited English proficiency.<sup>9</sup> Civic engagement levels are even worse in New York State. Fewer New Yorkers registered to vote and cast a ballot in the November 2012 general election than the national average.<sup>10</sup>

One proven method of increasing voter participation, particularly among underrepresented citizens, is voter registration at public agencies (“agency-based registration”). Well-administered voter registration programs established at public assistance agencies pursuant to federal law have helped register 15 to 20 percent of agency applicants.<sup>11</sup> In 2000, New York City sought to expand voter registration opportunities at municipal agencies by enacting Local Law 29 (“the Pro-Voter Law”), which required 18 city agencies and, under certain circumstances, their associated subcontractors, to offer voter registration forms to all persons submitting applications, renewals, or recertification for agency services, or notifying the agency of a change of address. The law included each of the City’s 59 community boards as well.<sup>12</sup> The last and only evaluation of the Pro-Voter Law, undertaken by the New York City Council over a decade ago, found that agencies were failing to offer voter registration.<sup>13</sup>

## Pro-Voter Law Project

Over a decade has now passed since the last review of the Pro-Voter Law. Concerned that New Yorkers continued to be denied the opportunity to register to vote, the Center for Popular Democracy, the Brennan Center for Justice at NYU School of Law, Citizens Union of the City of New York, and the New York Public Interest Research Group (“Pro-Voter Law Coalition”) launched a new project in early 2014 to assess agencies’ compliance with the law and opportunities to enhance the law’s impact.

Agency adoption of technological innovations developed since the law’s enactment could streamline voter registration activities. And, expansion of the law to prominent agencies that have regular contacts with hundreds of thousands of residents, such as the New York City Housing Authority and the New York City Department of Education, would exponentially increase voter registration opportunities in the city.

Accordingly, the Coalition filed Freedom of Information Law (FOIL) requests with the 18 Pro-Voter Law municipal agencies, requesting documents that would evidence compliance with the law.<sup>14</sup> The Coalition fielded a team of staff and volunteers to interview agency clients and frontline workers about voter registration opportunities offered at 14 city offices subject to the Pro-Voter Law. Finally, Coalition representatives met with the city’s Voter Assistance Advisory Committee (VAAC), which is vested with authority to advise city agencies on compliance with the Pro-Voter law by the City Charter.<sup>15</sup> For a full explain of the methodology used, see Appendix A.

## Findings

### FOIL Requests

Twelve of the 18 Pro-Voter Law agencies provided substantive responses to FOIL requests.<sup>16</sup> The agencies' submissions—many of which fell short of FOIL requirements and missed the statutory deadline for responding—underscored our concern that agencies were not complying with the law. See Appendix B for sample FOIL request.

Below are the key findings from the FOIL responses:

- Most agency responses included a New York State voter registration application, indicating agency possession of such forms but no indication that they were being distributed to agency clients.<sup>17</sup>
- No agency provided an agency application form that had physically incorporated a voter registration form, either in a paper or electronic format, as required by the law.<sup>18</sup>
- No agency provided requested staff training materials and guidelines relating to the Pro-Voter Law's requirements.<sup>19</sup>
- Only 5 agencies provided voter registration forms bearing a numerical code (a blanket numerical code "9").<sup>20</sup> Use of Board-coded forms is required by the Pro-Voter Law and allows for a tally of persons registered through the city's agency-based voter registration program. The blanket use of one numerical code, however, does not allow analysis of individual agency performance.
- None of the agencies provided information indicating that clients could request or would receive voter registration applications by phone or via the internet, as provided for in the law.
- Only 5 of the 12 responding agencies provided recent promotional materials about voter registration, as requested.<sup>21</sup>
- Only 7 out of 18 covered agencies submitted a standard citywide contract addendum (known commonly as Appendix A) regarding agency subcontractors' compliance with the Pro-Voter Law.<sup>22</sup>

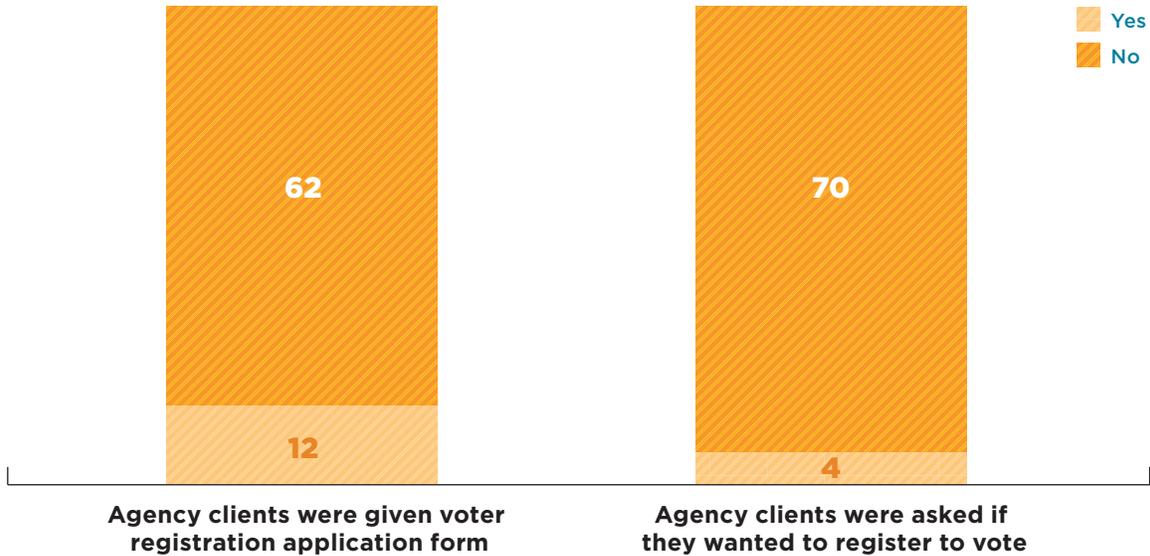
### Field Investigations

The Pro-Voter Law Coalition interviewed 139 New Yorkers at 14 municipal agency locations. Of that number, 74 individuals were U.S. citizens engaged in activities that trigger the law, and over 30 percent or 18 of 59 clients reported that they were not registered to vote.

Client interviews showed that agencies were consistently failing to comply with the law. Most clients (95 percent) were never asked if they would like to register to vote. 84 percent of citizens were never given a voter registration form. Agencies were also failing to provide translated voter registration forms to clients whose primary language is not English, as required under federal law.<sup>23</sup>

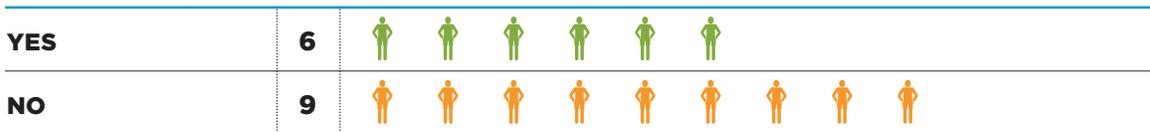
- 70 were never asked if they would like to register to vote (95 percent)
- 62 persons were never given a voter registration form (84 percent)
- 71 percent, or 5 out of 7 agency clients whose primary language was not English were not given translated voter registration applications.

### Client Responses: Agencies providing voter registration opportunities?



### Staff Responses:

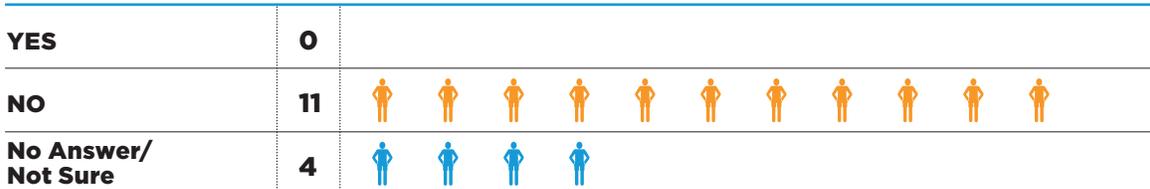
#### Are Voter Registration Forms Available at Offices?



#### Are Voter Registration Forms Given to Each Client?



#### Are There Regular Staff Training on Voter Registration Procedures?



Worse, frontline agency staff interviewed at 15 agency locations during the Coalition’s field investigations reported that voter registration applications were unavailable at 60 percent of the agency offices (9 of 15). Even if they were available, the great majority of agency staff (75 percent) admitted that voter registration applications were not being provided to each applicant/service recipient.<sup>24</sup>

Only one city agency, the Administration for Children Services (ACS), appears to use an integrated form that includes both an application for ACS services and voter registration, as mandated since

2000 by the Pro-Voter Law.<sup>25</sup> The success of any agency-based voter registration system can in large part depend on the extent to which the voter registration is seamlessly incorporated into agency transactions. Failure to integrate those two functions likely results in agency marginalization of the voter registration mandate.

Finally, interviews with agency staff clearly indicted the agencies did not train employees on Pro-Voter Law requirements. All 11 of the agency employees who responded to training inquiries admitted that agency staff receive no regular training on voter registration procedures.

See Appendix C for sample client interview template and office investigation questionnaire; see Appendix D for a detailed account of client interviews and office investigations.

## Renewing New York City's Commitment to Agency-Based Voter Registration

Expanding opportunities for New Yorkers to register to vote at municipal agencies consistent with the mandate of the Pro-Voter Law will require a concerted commitment by the Mayor, the City Council, and the municipal agency themselves. Fourteen years after enactment of the law, and more than a decade since the City Council's damning 2003 investigation and report, municipal agencies have yet to implement the Pro-Voter Law.

The Pro-Voter Law Coalition is nonetheless hopeful that the new mayoral administration and City Council leadership will chart a new course on voter registration and voter engagement in the city. Notably, Mayor de Blasio's first mayoral directive, issued on July 11, 2014, required that each covered agency submit a Pro-Voter Law compliance plan within 60 days, and thereafter issue semi-annual reports on their implementation of the directive.<sup>26</sup> See Appendix E. The City Council has signaled an interest in oversight hearings and legislation to strengthen the law. Accordingly, we make the following recommendations to the Mayor, the City Council, and the municipal agencies.

## Recommendations

1. Train all agency employees who interact with clients about the Pro-Voter Law's voter registration procedures, and administer annual employee refresher trainings.
2. Establish comprehensive protocols by December 31, 2014 to ensure that all agencies provide voter registration applications to clients when they apply for services, renewal or recertification for services and change of address relating to such services; collect and transmit all completed voter registration applications to the NYC Board of Elections ("Board") on a weekly basis; and ensure that all completed voter registration forms in the possession of the agencies are transmitted to the Board within two weeks, and before the registration deadline. Any voter registration application collected within 5 days of a voter registration deadline should be transmitted to the Board on a daily basis, before the close of the voter registration period.
3. Ensure that agency subcontractors provide voter registration opportunities as required under the Pro-Voter Law during the contracting process. Agencies should request semi-annual subcontractor reports of efforts undertaken pursuant to the Pro-Voter Law mandate.

4. Physically integrate voter registration applications into agency intake forms as mandated by the Pro-Voter Law within 12 months or at the next regularly scheduled printing of agency forms, whichever occurs first.
5. Ensure an adequate supply of translated voter registration forms in languages covered by the federal Voting Rights Act of 1965—Spanish, Chinese, Korean, and Bengali—and adequate staffing of bilingual employees at city agencies. Agency websites should also link to voter registration forms translated into these languages, in addition to English. New York City should also expand voter registration opportunities to additional limited-English-proficient agency clients pursuant to New York City Executive Order 120.<sup>27</sup>
6. Establish mayoral appointments to facilitate voter registration, designating a citywide Pro-Voter Law coordinator and local coordinators at each covered city agency office. Local coordinators would be responsible for ensuring that the law is being properly implemented, including staff training, voter registration assistance efforts, timely submission of completed voter registration forms, and tracking of subcontractor compliance.
7. Define the role and authority of the non-partisan Voter Assistance Advisory Committee for all facets of Pro-Voter Law implementation and compliance, with an emphasis on its role as an independent monitor.
8. Adopt a comprehensive monitoring program that includes regular data collection on the number of voter registration forms distributed by each agency, the number of voter registration forms completed by agency clients, the number of registration forms transmitted to the Board, tracking of voter registration application rates, and agency staff evaluation.
9. Require agencies to use coded voter registration forms specific to each agency. Solicit quarterly reports by the Board of Elections on the numbers of forms submitted by city agencies (a model protocol is proposed in City Council Intro 356 of 2014).
10. Mandate that agency staff provide the same level of assistance in completing voter registration forms as is given to other agency transactions. This should include verbal assistance.
11. Provide for the electronic transmission of completed voter registration applications to the Board.
12. Amend the law to mandate the following high-traffic city agencies also comply with the Pro-Voter Law to further extend its reach:
  - The New York City Housing Authority, which shelters more than 400,000 New Yorkers in public housing developments and provides rental assistance to another 235,000 individuals in private homes.
  - The New York City Department of Education, which serves hundreds of thousands of city families each year. The city should include voter registration forms in the annual “blue card” student registration process, which would reach many additional family members who are not currently registered to vote.

## Conclusion

Agency-based voter registration is a powerful tool for increasing voter registration and helping facilitate greater citizen engagement in elections. Programs like these are especially necessary in New York, where voting rates lag behind the nation—particularly among immigrants, lower-income or, limited-English-proficient communities and communities of color. If and when New York City's Pro-Voter Law is properly implemented and appropriately updated, it can meet that demand and serve as a model to other cities across the nation. The Pro-Voter Law Coalition and its allies stand ready to work with city leaders to help realize that goal.

## Notes

- 1 The Pew Center on the States, *Inaccurate, Costly and Inefficient: Evidence That America's Voter Registration System Needs an Upgrade* (February 14, 2012), available at <http://www.pewstates.org/research/reports/inaccurate-costly-and-inefficient-85899378437>.
- 2 U.S. Census Bureau, Voting and Registration in the Election of November 2012, Tables 4a, 4c, <http://www.census.gov/hhes/www/socdemo/voting/publications/p20/2012/tables.html>; U.S. Census Bureau, Historical Time Series Tables, <https://www.census.gov/hhes/www/socdemo/voting/publications/historical/>.
- 3 U.S. Census Bureau, Voting and Registration in the Election of November 2012, Table 4a, <http://www.census.gov/hhes/www/socdemo/voting/publications/p20/2012/tables.html>.
- 4 Phone conversation with Niyati Shah, Election Counsel, Project Vote (Sept. 26, 2014). Subsequent to settlement of lawsuits filed in Ohio (2006) and Missouri (2009), 15-20 percent of persons who applied in-person for public assistance at state agencies also registered to vote. See National Voter Registration Act of 1993, 42 USC § 1973gg-5.
- 5 New York City Charter, Chapter 46, § 1057(a), <http://www.nycfb.info/act-program/chap46.htm#1057a>.
- 6 The Council of the City of New York, *Voter Registration Forms Not Available Here*, Staff Report to the Committee on Oversight and Investigations (Sept. 2003), <http://www.nyc.gov/html/records/pdf/govpub/657voterforms.pdf>.
- 7 City of New York, Executive Order No. 120, Citywide Policy on Language Access to Ensure the Effective Delivery of City Services, July 22, 2008. See NYC Mayor's Office of Immigrant Affairs, <http://www.nyc.gov/html/imm/html/eoll/eo120.shtml>.
- 8 The Pew Center on the States, *Inaccurate, Costly and Inefficient: Evidence That America's Voter Registration System Needs an Upgrade* (February 14, 2012).
- 9 U.S. Census Bureau, Voting and Registration in the Election of November 2012, Tables 4a, 4c, U.S. Census Bureau, Historical Time Series Tables.
- 10 U.S. Census Bureau, Voting and Registration in the Election of November 2012, Table 4a.
- 11 Phone conversation with Niyati Shah, Election Counsel, Project Vote (Sept. 26, 2014).
- 12 New York City Charter, Chapter 46, § 1057(a).
- 13 The Council of the City of New York, *Voter Registration Forms Not Available Here*, Staff Report to the Committee on Oversight and Investigations (Sept. 2003).
- 14 FOIL requests were not submitted to the City's 59 community boards. The Pro-Voter Law Coalition understood that the Voter Assistance and Advisory Committee was in dialogue with the community boards about compliance with the Pro-Voter Law.
- 15 New York City Charter, Chapter 46, § 1057(a).
- 16 Civilian Complaint Review Board, Commission of Human Rights, Department of Citywide Administrative Services, Department of Finance, Department of Health and Mental Hygiene, Department of Housing Preservation and Development, Department of Parks and Recreation, Department of Small Business Services, Taxi and Limousine Commission, Department of Probation, Department of Environmental Protection, Administration for Children's Services. Others have acknowledged the request but have not provided materials in a timely manner.
- 17 Responses from the Administration for Children's Services, Department of Finance, Commission on Human Rights, Department of Parks, Department of Probation, Department of Small Business Services, and the Taxi and Limousine Commission included a standard voter registration form.

- 18** Of the twelve responding agencies, five provided copies of applications for services: the Administration for Children’s Services, Department of Citywide Administrative Services, Department of Environmental Protection, Commission on Human Rights, and the Department of Small Business Services. None of the applications incorporated a voter registration application. Only the Department of Small Business Services’ Workforce1 application form referenced attachment of a voter registration application.
- 19** The Department of Citywide Administrative Services, Department of Environmental Protection, Department of Probation, and the Taxi and Limousine Commission provided internal memoranda detailing the ordinance’s requirements and the steps the agency would need to take in order to come into compliance. The Department of Parks and Recreation, Taxi and Limousine Commission, and Department of Probation showed evidence of communications between their staff and the New York City Campaign Finance Board regarding a Pro-Voter Law compliance training conducted by the Voter Assistance Advisory Committee on May 15, 2014. Three others -- the Department of Environmental Protection, Department of Health and Mental Hygiene and the Commission on Human Rights—included other agency communications with VAAC.
- 20** Administration for Children’s Services, Department of Finance, Commission on Human Rights (upon appeal), Department of Parks and Recreation, Department of Probation, the Taxi and Limousine Commission.
- 21** The Department of Environmental Protection, Department of Probation and the Taxi and Limousine Commission provided a comprehensive sample of promotional voter registration materials being displayed in areas open to the public. The Department of Probation’s website also included an information section on voter registration for parolees interested in voting. The Department of Finance and the Department of Small Business Services demonstrated that their agency websites had a link or a reference to voter registration portals. See <http://www.nyc.gov/html/sbs/html/home/home.shtml>, <http://www.nyc.gov/html/dof/html/home/home.shtml>. The Department of Small Business Services also submitted an application for services and an informational set of slides that referenced the availability of voter registration forms at their facilities.
- 22** The Administration for Children’s Services, Department of Environmental Protection, Department of Finance, Department of Health and Mental Hygiene, Department of Probation, Department of Small Business Services, and Taxi and Limousine Commission. The Department of Probation indicated that language related to the Pro-Voter Law is “routinely inserted” into agreements with subcontractors.
- 23** See [http://www.census.gov/rdo/pdf/2011\\_26293.pdf](http://www.census.gov/rdo/pdf/2011_26293.pdf).
- 24** Staff at the Departments of Probation (Manhattan, Brooklyn, and Staten Island), Finance (Brooklyn), and Small Business Services (Harlem) reported that voter registration applications were available at their offices. Only at the three Department of Probation offices did staff report that voter registration forms were offered to each applicant or service recipient.
- 25** See NYS LDSS-2921, <http://otda.ny.gov/programs/applications/2921.pdf>. ACS uses a state-issued public assistance application form for at least some of its own service applicants. The document was likely developed pursuant to federal law, which requires that state agencies administering TANF, Medicaid, SNAP, and WIC programs also offer its clients voter registration opportunities.
- 26** Included in FOIL response provided Department of Citywide Administrative Services, Aug. 4, 2014, on file at the Center for Popular Democracy.
- 27** City of New York, Executive Order No. 120, Citywide Policy on Language Access to Ensure the Effective Delivery of City Services, July 22, 2008. See NYC Mayor’s Office of Immigrant Affairs, <http://www.nyc.gov/html/imm/html/eoll/eo120.shtml>.

# Appendix A

## METHODOLOGY

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### Freedom of Information Requests

In May 2014, the Pro-Voter Law Coalition submitted Freedom of Information Law (FOIL) requests to the 18 agencies subject to the Pro-Voter Law. The FOIL requests sought:

- Forms used by the agencies when individuals applied for services;
- Materials related to constituent requests for voter registration;
- Language used by the agencies in their contractual dealings regarding Pro-Voter Law implementation;
- Communications between the agencies and the New York City Board of Elections regarding agency-coded voter registration forms;
- Any guidelines or training materials related to the implementation of Local Law 29; and
- Promotional materials for the purpose of informing constituents about voter registration opportunities.

The Coalition did not submit FOIL requests to the City's 59 community boards. It was our understanding the Voter Assistance and Advisory Committee was in dialogue with the five borough presidents and individual community boards about their compliance with the Pro-Voter Law.

### Field Investigations

The Pro-Voter Law Coalition partnered with the Asian American Legal Defense and Education Fund (AALDEF) and Make the Road New York in the summer of 2014 to launch field investigation of Pro-Voter Law compliance. Seventeen staff and volunteers visited 8 municipal agencies at 14 locations from July through August 2014, speaking with agency clients about voter registration opportunities offered them, and interviewing agency staff about the law's implementation. Field workers included individuals fluent in Spanish, Chinese, Korean, and Bengali—the four languages for which New York City must print all voter registration and voting materials and conduct elections, in addition to English. Agency offices were visited in all five boroughs.

### Voter Assistance Advisory Committee

As part of our efforts to determine city compliance with the Pro-Voter Law, representatives of the Pro-Voter Law Coalition also met in May 2014 with the Director of the city's Voter Assistance Advisory Committee (VAAC) as well as representatives of their parent agency, the New York City Campaign Finance Board (CFB). After serving as an independent commission since 1989, VAAC merged with the CFB in 2010 as a result of an amendment of the New York City Charter, and now advises the CFB on various voter engagement initiatives for the city. Among its charter mandates, VAAC counsels municipal agencies on their compliance with the Pro-Voter Law.

During the meeting with VAAC, the Pro-Voter Law Coalition discussed its concerns regarding implementation of and compliance with the law, the pending FOIL requests, and VAAC's plans for monitoring compliance. We subsequently proposed various VAAC initiatives to improve voter registration at city agencies, recommending that VAAC:

- Develop a model Pro-Voter Law registration program for agencies;
- Draft model regulations for agencies to implement the law;
- Develop a model program of electronic transmission of completed voter registration applications and notices of address changes; and
- Suggest language that covered agencies could use in their contracts with subcontractors about the requirements of the law.

## Appendix B



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May 20, 2014

Records Access Officer  
Department of Environmental Protection  
59-17 Junction Blvd., 19th Floor  
Flushing, New York 11373

Re: Freedom of Information Law Request

Records Access Officer:

Under the provisions of the New York Freedom of Information Law, Article 6 of the Public Officers Law, and on behalf of the four individuals and organizations listed below, I hereby request records or portions thereof pertaining (or containing references) to the Department of Environmental Protection's (hereafter "Agency") implementation of and compliance with Local Law 29 of 2000, the New York City Pro-Voter Law (hereafter "Local Law 29"), N.Y.C. Charter § 1057-A. Local Law 29 requires that designated New York City agencies offer voter registration opportunities to all persons submitting applications, renewals, or recertification forms for public services or changes of address. The ordinance applies to agency subcontractors having regular contact with the public in the daily administration of their business as well. The requested records or portions thereof should include, but not be limited to, the following:

- Hard copy forms, and printouts of each page of web-based electronic forms currently in use by the Agency for applications for services, renewals or recertification of services, or changes of address, whether such interactions occur telephonically, in person or online;
- Current materials related to telephonic or internet-based requests for voter registration applications by individuals applying for services, renewing or recertifying services, or changing their addresses;
- Model or boilerplate language currently being used by the Agency in contracts with subcontractors regarding those subcontractors' compliance with Local Law 29 or, in lieu of such language, a copy of an Agency contract with a subcontractor that contains such language. This request is limited to subcontractors having regular contact with the public in the daily administration of Agency business;
- Agency requests for coded voter registration forms submitted to the New York City Board of Elections, or subdivisions thereof, since January 1, 2012;

- Agency documents since January 1, 2012 showing receipt of Agency-coded voter registration forms from the New York City Board of Elections, or subdivisions thereof, and one such Agency-coded voter registration form;
- Written Agency advisory guidelines on the implementation of Local Law 29 provided by the Voter Assistance Advisory Committee of the New York City Campaign Finance Board since January 1, 2012;
- Written Agency guidelines and/or policy on the implementation of Local Law 29 adopted since May 25, 2000;
- Staff training materials for compliance with Local Law 29, such as employee manuals or handbooks, and materials developed for workshops and/or staff meetings used or conducted by the Agency since January 1, 2012; and
- Promotional materials, such as pamphlets, posters, mailings, or emails, relating to voter registration opportunities used by the Agency or displayed in Agency offices since January 1, 2012.

Kindly forward me the above-requested documents or materials in an electronic format, if available. I understand there is a fee of \$.25 per page for duplication of any non-electronic records. As a not for profit organization that intends to use this information for the public benefit, the Center for Popular Democracy requests a fee waiver. If you are unable to grant the waiver and if duplication of the records will cost more than \$200, please contact me prior to duplication. Kindly send any materials requested in any of the bullet points above that are available before the materials in the other points, without waiting for all of the materials requested in this letter to be assembled and made available. If my request appears to be unreasonably extensive or fails to reasonably describe the records, please contact me in writing, via email at [scarbo@populardemocracy.org](mailto:scarbo@populardemocracy.org), or by phone at 347-985-2648.

As you know, the Freedom of Information Law requires that an agency respond to a request within five business days of receipt of a request. Therefore, I would appreciate a response as soon as possible and look forward to hearing from you shortly. If for any reason any portion of my request is denied, please inform me of the reasons for the denial in writing and provide the name and address of the person or body to whom an appeal should be directed.

Sincerely,



Steven Carbó  
Director of Voting Rights and Democracy Initiatives  
Center for Popular Democracy

Neal Rosenstein  
Government Reform Coordinator  
New York Public Interest Research Group

Alex Camarda  
Director of Public Policy and Advocacy  
Citizens Union of the City of New York

DeNora M. Getachew  
Campaign Manager & Legislative Counsel  
Brennan Center for Justice at the New York University School of Law



7. *If you received a voter registration application at the office, did you return the completed form at the office so the agency can submit it for you—or are you taking it home with you to complete?*

- N/A       Home       Left at agency



(did not receive voter registration application)

---

8. *Did any employee offer to assist you in completing the voter registration application?*

- N/A       No       Yes



(did not receive voter registration application)

---

9. *Is English your primary language? [If yes, skip to Question 13.] If not, what is your primary language?*

- No       Yes

Write-in primary language: \_\_\_\_\_

---

10. *If Spanish, Chinese, Korean or Bengali is your primary language, were you offered voter registration forms in your primary language?*

- No       Yes
- 

11. *Was the voter registration forms offered to you in your primary language?*

- No       Yes
- 

12. *Were you already registered to vote at your current address before coming to the office today?*

- No       Yes
- 

13.  Male       Female

---

14. *Are you a U.S. citizen?*

- No       Yes
- 

15. *What race or ethnic group do you consider yourself to be a member of?*

---

16. *May I please have your name, address, and phone number in case we need to follow up with you about your experiences today? Any follow-up would be for the purpose of helping make sure that people are getting the assistance they are supposed to receive under the law.*

NAME: \_\_\_\_\_

ADDRESS: \_\_\_\_\_

CITY: \_\_\_\_\_

STATE: \_\_\_\_\_

ZIP: \_\_\_\_\_

PHONE: \_\_\_\_\_

ALTERNATIVE PHONE: \_\_\_\_\_

EMAIL: \_\_\_\_\_

**Agency-Based Voter Registration  
Office Investigation Questionnaire**

Site Name and Address: \_\_\_\_\_ Borough: \_\_\_\_\_

Interviewer Name (print clearly): \_\_\_\_\_ Date: \_\_\_\_\_ Time: \_\_\_\_\_

Interviewer Contact Phone (in case we need to clarify something on the form): \_\_\_\_\_

**Look around the agency waiting area and any other obvious public areas that a client might access.**

1. Are there any signs regarding voter registration? (if so, describe locations and content of signs)

\_\_\_\_\_

2. Are there any voter registration applications on display/available in public areas?

If so,

- a. Approximately how many forms are available? (height of stack or estimated number)
- b. Where and how are voter registration forms displayed?
- c. Are there forms in languages other than English? If so, what languages?

\_\_\_\_\_

**Go to counter to intake clerk**

3. Name of person serving you and position (e.g. receptionist, intake clerk)

\_\_\_\_\_

4. Ask whether there are voter registration forms available in the office.

No  Yes

- a. If answer is no (or person does not know), ask whether there is anyone else who might know whether voter registration forms are available.
- b. If you are told that the office used to have voter registration application forms, but has run out, ask when the last time the office had forms available.
- c. If answer is yes, ask whether there are voter registration forms available in Spanish, Chinese, Korean or Bengali. (Note the response and the different languages in which voter registration applications are available.)

\_\_\_\_\_

5. Is a voter registration application provided to each applicant/service recipient at this office?

No  Yes

- a. If the answer is yes, ask when voter registration applications are provided.
- b. If the answer is yes, ask if that includes when applicants fill out change of address or forms other than the initial application for services.
- c. If the answer is no, ask if a voter registration is ever provided and, if so, when.

\_\_\_\_\_

6. Do agency employees receive regular training on voter registration procedures?

No  Yes

\_\_\_\_\_

7. May I please have a copy of the different applications and all other materials given to people who want to apply for benefits or services?

[Please take them with you when you leave the office and attach them to this questionnaire]

\_\_\_\_\_

8. Describe anything else worth noting about voter registration at the particular local agency (e.g., additional comments made to you by staff about voter registration if not already covered by specific questions above). Take a picture of your surroundings from your phone, if possible.

## Appendix D

### Client interview findings

Total client interviews (citizens)	74
Applications for agency services	54
Renewals/re-certifications	18
Changes of address	2
Clients already registered to vote	41
Not registered vote	18
Given voter registration application form	12
Not given voter registration form	62
Asked if wanted to register to vote	4
Not asked	70
No answer/unknown	4
Agency forms included voter registration form	12
Separately	5
Integrated in agency form	2
No answer	5
Did not include voter registration form	58
Clients whose primary language was not English were given a translated voter registration form	2
Clients whose primary language was not English were not given a translated voter registration form	5

### Office investigation findings

Total office investigations	15
Signs posted on voter registration opportunity	4
No signs posted	11
Staff reported voter registration forms available at agency office	6
Staff reported no voter registration forms available at agency office	9
Staff reported that voter registration forms were given to each applicant/service recipient	3
Staff reported that voter registration forms were not given to each applicant/service recipient	9
No answer/unknown	2
Agency staff receives regular training on voter registration procedures?	0
Staff do not receive regular training	11
No answer/unknown	4

## Appendix E



THE CITY OF NEW YORK  
OFFICE OF THE MAYOR  
NEW YORK, N. Y. 10007

DIRECTIVE NO. 1

July 11, 2014

### **AGENCY-BASED VOTER REGISTRATION**

Participation in the electoral process is the bedrock of democracy. Registering to vote is the prerequisite for participation. For many the barriers to voting are so substantial that they forgo the privilege of participation. By providing easy access to registration with every interaction between a potential voter and a City agency we can remove one barrier and provide the opportunity for greater participation by our citizens.

City Charter §1057-a requires certain designated City agencies and their subcontractors to provide and distribute voter registration forms to clients together with application for services, renewal or recertification for services and changes of address. All of the designated agencies are required to comply with all of the requirements of City Charter §1057-a. The designated agencies are:

Administration for Children's Services  
City Clerk  
Civilian Complaint Review Board  
Commission on Human Rights  
Community Boards  
Department of Small Business Services  
Department of Citywide Administrative Services  
Department of Consumer Affairs  
Department of Correction  
Department of Environmental Protection  
Department of Finance  
Department of Health and Mental Hygiene  
Department of Homeless Services  
Department of Housing Preservation and Development

Department of Parks and Recreation  
Department of Probation  
Taxi and Limousine Commission  
Department of Transportation  
Department of Youth and Community Development

As one important first step to provide full engagement between the Specified Agencies (being all of the agencies designated in City Charter §1057-a except the City Clerk and the Community Boards) and the public in promoting voter registration and to assure that the Specified Agencies are in full compliance with the Charter provision, I hereby DIRECT as follows:

1. Each Specified Agency shall comply with all of the provisions of City Charter §1057-a including but not limited to, the following:
  - Each Specified Agency shall provide and distribute a postage paid voter registration form with each application for services (except those that must be provided to prevent actual or potential danger to life, health or safety of any individual or of the public), renewal or re-certification of services and change of address relating to such services;
  - Each Specified Agency shall incorporate an opportunity to request a voter registration form into any application for services, renewal or recertification for services and change of address relating to such services provided on any computer terminal or on-line and shall send a voter registration form to any person requesting such a form;
  - Clients of each Specified Agency completing an application for services, renewal or re-certification of services or a change of address relating to such services shall be provided assistance with the completion of voter registration forms, if such assistance is requested; Each client shall be advised in writing that registering to vote is voluntary and the services of the agency are not conditioned upon being registered to vote;
  - Each Specified Agency shall transmit completed voter registration forms collected in their discretion to the Board of Elections in the City of New York within the time limits specified in the Charter;
  - Each Specified Agency shall require that all new or renewed contracts with contractors who have regular contact with the public in the daily administration of their business shall contain contract language implementing the above-requirements of this Directive;
2. Each Specified Agency shall prepare a plan implementing the requirements of City Charter §1057-a and submit that plan to the Director of Operations within sixty days of the date of this Directive;

3. Each Specified Agency shall prepare semi-annual reports on the implementation of this Directive, including the number of voter registration forms distributed, the number of registration forms completed and the number of registration forms transmitted to the Board of Elections and shall submit such reports to the Director of Operations with fifteen days after the end of each quarter.



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Bill de Blasio  
Mayor



