



**MEMORANDUM IN SUPPORT OF BILL TO AUTHORIZE NEW YORK STATE TO  
JOIN ELECTRONIC REGISTRATION INFORMATION CENTER (ERIC)**

**SPONSORS:** Senator James Skoufis / Assemblywoman Gina Sillitti

**BILL NUMBERS:** S6173B / A7052C

**TITLE OF BILL:** An act to amend the election law and the vehicle and traffic law, in relation to joining multistate voter list maintenance organizations

**DATE:** March 27, 2024

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The Let NY Vote coalition strongly supports S6173B/A7052C. This bill would authorize the New York State Board of Elections to join the Electronic Registration Information Center (ERIC) and the Department of Motor Vehicles to securely provide ERIC with certain anonymized information, marking an essential step forward in improving New York’s election administration. Our coalition fights to improve our elections by making voter registration and voting more accessible for every eligible New Yorker. That is why this bill is a coalition priority for the 2024 legislative session.<sup>1</sup> We applaud the Senate for unanimously passing S6173B in January and including the bill in its one-house budget proposal this month.<sup>2</sup> We now urge the Assembly and Governor Hochul to ensure its enactment.

In recent election cycles, the use of unreliable data by New York election officials has resulted in eligible voters being improperly removed from the rolls or inaccurately marked as “inactive,” forcing those voters to cast an affidavit ballot.<sup>3</sup> For example, an investigation by the New York State Attorney General revealed that New York City’s Board of Elections illegally purged over 200,000 eligible voters between 2014 and 2016.<sup>4</sup> Separately, a federal judge in 2019 found that the state incorrectly designated tens of thousands of voters as “inactive.”<sup>5</sup>

By authorizing New York to join ERIC, S6173B/A7052C would help prevent these violations from happening again. ERIC, which was founded by a bipartisan-led group of seven states in 2012 and

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<sup>1</sup> “Take Action,” Let NY Vote coalition, accessed March 4, 2024, <https://letnyvote.org/take-action>.

<sup>2</sup> S8305B.

<sup>3</sup> New York State Election Law requires voters flagged as “inactive” to cast an affidavit ballot. *See* N.Y. Elec. Law § 5-213(2); *see also* 9 C.R.R.-N.Y. § 6217.9(2).

<sup>4</sup> New York State Attorney General, “A.G. Schneiderman Moves To Intervene In Lawsuit Against NYC Board Of Elections Regarding Voter Registration Purges,” January 17, 2017, <https://ag.ny.gov/press-release/2017/ag-schneiderman-moves-intervene-lawsuit-against-nyc-board-elections-regarding>; *see also* Vivian Yee, “Routine Voter Purge Is Cited in Brooklyn Election Trouble,” *The New York Times*, April 22, 2016, <https://www.nytimes.com/2016/04/23/nyregion/routine-voter-purge-is-cited-in-brooklyn-election-trouble.html>.

<sup>5</sup> *Common Cause/New York v. Brehm*, 432 F. Supp. 3d 285, 293 (S.D.N.Y. 2020).

currently has 25 members, collects data from four sources: state voter registration and departments of motor vehicle data, as well as federal data from both the U.S. Social Security Administration and the U.S. Postal Service.<sup>6</sup> ERIC then applies reliable, extensively-tested matching technology to provide its member states with reports that help them maintain and update their voter rolls.<sup>7</sup> As of November 30, 2023, ERIC has helped its member states identify more than 12 million voters who moved across state lines, more than 26 million voters whose in-state registrations required updates, more than 1 million in-state duplicates, and nearly 600,000 dead people who had not been removed from the rolls.<sup>8</sup>

Joining ERIC would also alleviate resource strains for local boards of elections (BOEs), which we rely on to protect our democracy. Local election administrators have increasingly voiced concerns about their county's funding needs for upcoming election cycles, with one official reporting that his county funding will likely run out by August of this year.<sup>9</sup> ERIC's data-sharing system would prevent the need for BOEs to spend money mailing election-related materials to incorrect addresses or to devote time calling ineligible individuals. It would also allow BOEs to allocate resources towards other key initiatives, like increasing staffing or upgrading their voting equipment and technology.

S6173B/A7052C also has the promise to increase civic participation across New York State. Election officials from ERIC member states have recognized that ERIC both encourages new and updated voter registrations and limits the need for voters to cast provisional ballots by helping states maintain accurate lists, communicate with voters, and steer them to the right precinct.<sup>10</sup> Our state would greatly benefit from such data as BOEs continue to work hard to expand voting access, beginning with managing an equitable and efficient voter registration process.

The Let NY Vote coalition commends the Legislature for its continued efforts to foster a stronger and more inclusive democracy. Authorizing New York State to join and share voter information with ERIC will build on that effort by improving the accuracy of our state's voter rolls, protecting eligible voters from illegal purges, increasing civic participation across the state, and strengthening the public's faith in the integrity of our election data. We strongly urge the passage of S6173B/A7052C without delay.

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<sup>6</sup> "How Does It Work," ERIC States, accessed March 1, 2024, <https://ericstates.org/how-does-it-work/>.

<sup>7</sup> *Id.*

<sup>8</sup> "Statistics," ERIC States, accessed March 1, 2024, <https://ericstates.org/statistics/>.

<sup>9</sup> Dustin Czarny, "Commissioner: Onondaga County is underfunding our elections (Guest Opinion by Dustin M. Czarny)," *Syracuse.com*, October 25, 2023, <https://www.syracuse.com/opinion/2023/10/commissioner-onondaga-county-is-underfunding-our-elections-guest-opinion-by-dustin-m-czarny.html>.

<sup>10</sup> For example, Colorado's election director cited ERIC as a "game changer," noting that voter registration rates have increased from 82% to 90% in the four years since Colorado joined ERIC. Steve Lohr, "Another Use for A.I.: Finding Millions of Unregistered Voters," *The New York Times*, November 5, 2018, <https://www.nytimes.com/2018/11/05/technology/unregistered-voter-rolls.html>. New Jersey's Secretary of State separately noted that the state's partnership with ERIC "will help more New Jerseyans participate in democracy while giving our voters greater confidence in the integrity of elections" when the state joined ERIC in 2022. "New Jersey Joins Electronic Registration Information Center," New Jersey Department of State, August 9, 2022, <https://nj.gov/state/press-2022-0809.shtml>. And after Arizona's 15 counties unanimously decided to have the state join ERIC in 2018, the former Arizona Secretary of State denoted that the partnership would help the state decrease the number of provisional ballots used during election cycles. "Arizona joins national Electronic Registration Information Center," *Eastern Arizona Courier*, January 2, 2018, [https://www.eacourier.com/news/arizona-joins-national-electronic-registration-information-center/article\\_0d661c92-edca-11e7-a918-0f50a7710d59.html](https://www.eacourier.com/news/arizona-joins-national-electronic-registration-information-center/article_0d661c92-edca-11e7-a918-0f50a7710d59.html).