

Good afternoon. My name is Robert Gordon and I am here on behalf of the New York Democratic Lawyers Council to speak in support of the Resolution. I am the Chair of the Election Fraud Prevention Committee.

The NYDLC is a membership organization of lawyers and other voting rights advocates. We believe that all eligible voters should be allowed to vote, simply, fairly, and without intimidation. We encourage fostering a climate of voter participation and trust in the electoral process. We want voting systems where all votes are counted and all the systems are open and reliable. I have attached a description of our organization.

The NYDLC works before and after Election Day, as well as Election Day itself, to protect and defend the right to vote. We have sent advocates to polling places and interacted with election official to address conflict over voting problems. We have advised and consulted to anticipate voting issues before elections occur.

Our Election Fraud Prevention Committee deals with substantive legal issues, which go beyond the typical Election Day getting voters to vote matters. In the past year we have dealt with deceptive robo-calls, "push polls" (calls which claim to be a neutral poll but are actually in support of a candidate with skewed questioning which makes positive statements about that candidate and negative statements [often false or misleading] about the other candidate, and thwarted "caging" (challenging voters at the polls, typically only voters of color, based on sending mail which is returned and using that as "proof" that the voter does not actually live in the district.

We support the Deceptive Practices Act and encourage the Council to pass the Resolution in support of the Act. This is a problem nationwide and the most advisable approach is to have national legislation.

No state is immune. Even in New York, we have experienced reports of voter intimidation. The NYDLC worked throughout the State in 2006. In Syracuse, we heard report of a partisan in a State Senate race putting on the other candidate's button and standing outside a polling place and telling people that their poll site had changed. In Westchester, partisans in another State Senate race attempted to challenge voters' residence and would have used the discredited caging method if not for the fact that it was disclosed in advance and media pressure was put to bear to prevent it.

I am sure that other speakers will give anecdotes of other states with other outrageous behavior like in California where American citizens of Spanish decent got letters telling them that it is a crime for immigrants to vote illegally.

The biggest problem until now is the difficulty in having a meaningful way to stop such behavior before it starts. It occurs at the time of an election. Once the election is over, for the losing candidate to complain is often worthless because it is uncertain that that behavior affected the result. The media loses interest once the election is decided. Any partisan who complains is considered to be a "sore loser". Many people cynically think that all politics is dirty, and that dirty tricks "go with the territory".

But, the losers here re two-fold: (1) the individual voters; some are denied the ability to

participate, others, even if they get to vote feel it is not worth the fear and anxiety, and  
(2) the voters overall, who think the “system” (read, the political leaders) allows dishonest behavior  
and “they all do it.”

For these reasons, it is important for the Council to go on record that it disapproves of  
deceptive practices, no matter who conducts it.

## Who We Are

**Mission & Membership**

Founded in 2005, NYDLC is a statewide organization of over 1500 lawyers and others dedicated to fostering participation and trust in the electoral process by ensuring that:

- All eligible persons can register to vote easily.
- All registered voters can vote simply, fairly, and without intimidation
- All votes are counted and all voting systems are open and reliable.

NYDLC is a project of the New York State Democratic Party and a chapter of the Democratic National Committee's National Lawyers Council. Its membership represents all demographic and geographic constituencies in New York State.

## What We Do

**Assist Democratic Candidates & Officials**

NYDLC is a leading authority on election law and election monitoring, and works with federal, state and local Democratic candidates and officials to:

- Recruit, train and deploy Democratic lawyers and non-lawyers for election monitoring and protection activities throughout the state to ensure access and fairness in all elections.
- Initiate and participate in litigation when appropriate to protect the vote and have all votes accurately counted.
- Develop, research and draft legislation and regulations to protect the right to vote and set standards for voting systems.
- Provide election law resources to the New York State Democratic party, the DNC's National Lawyers Council, and other state's Democratic Lawyers Councils, as well as Democratic candidates and officials at all levels of government.
- Educate voters on their rights and on the voting process.

**Protect Voter Rights****Develop Legislation**

## How We Do It

**Leadership & Action**

NYDLC is governed by a Steering Committee that sets goals and develops strategies.

These strategies are implemented by active committees and working groups, including:

- Election Monitoring
- Help America Vote Act (HAVA)
- Political Outreach
- Minority Voting Rights
- Election Fraud Prevention
- Communications
- Model Legislation
- Continuing Legal Education
- Statewide Outreach

## Accomplishments

**Fielded 500 Election Monitors in 2006****Election Monitoring**

- **2007:** Provided election protection for State Senate & Assembly Special Elections, plus New York City Council Special Elections.
- **2006:** Fielded 500 monitors for November election protection operations across the state. Election monitoring for New Orleans mayoral race & NYS Special Elections.
- **2004-2005:** Provided election protection in New York and across the US, including FL, OH, PA, AR, and NH.

**Ongoing Election & Legislative Support****Education and Advocacy**

- **2007:** Consulting on Gov. Spitzer's Election Law Reform Package, the Count Every Vote Act, the reintroduction of HAVA, and other state and federal legislation.
- *Democratic Law Briefs* newsletter provides weekly updates on election issues.
- **2006-2007:** Drafted regulations for voting machines that were adopted by the NYS Board of Elections for HAVA compliance.
- Communication program on state and federal election issues: *Newsday* Op-Ed, testimony, speakers, etc.
- Legal research on the Voting Rights Act for Democratic members of the US Congress.

## How To Support Us

**Join. Contribute. Get more info.**

- Join us (free membership) and receive our weekly email newsletter, *Democratic Law Briefs*. Sign up at [www.nydlc.org](http://www.nydlc.org).
- Help us protect the fundamental right to vote! Contribute now on our website.
- For more information, email [info@nydlc.org](mailto:info@nydlc.org).