



## **Mark Moody Statement**

### **New York City Votes Public Hearing-NYCCFB**

**December 6, 2016**

**New York City**

My name is Mark Moody, I am an attorney and a registered independent voter. There is only one way to achieve government of, by and for the people-assertive and vigorous protection of the franchise. In 1846 New York State first acknowledged this basic principal in its constitution and roundly declared in its first line – “No member of the state shall be disenfranchised.”

I am here to declare that New York State’s election laws are failing its citizens’ constitutional rights. I have brought a lawsuit against the New York State and City Boards of Election on behalf of myself and the millions of New Yorkers who were denied the right to vote for the candidate of their choice in April’s New York primary and I am working with the national Open Primaries organization to open our elections in New York and increase voter participation to a point where all eligible voters vote.

Like 3.2 million other New Yorkers I was denied my basic rights as a citizen in our democracy. I was shut out of one of the most consequential elections in my lifetime. Why? Because I chose not to join a political party in order to exercise my right to vote. 3.2 million of my fellow New Yorkers are being denied the right to vote because they don’t want to join a political party. To put that in perspective, that is half a million more voters than are registered with the Republican Party in New York. It’s also more than the total number of registered voters in the entire states of Vermont, North Dakota, South Dakota, Delaware, and Montana combined. That’s not right.

My tax dollars, and those of every New Yorker, pay for these elections-to the tune of \$25 million per election! New York joins a growing list of states across the country that have failed their citizens this primary season but New York has the poor distinction of having some of the worst election laws in the country. We have no early voting (unlike 37 states), no Election Day registration, a partisan board of elections, excuse-only absentee balloting, and hold multiple primary elections on different dates. Independent voters, like myself, had to change their party registrations by October 9, 2015 to vote in the presidential contest. That’s the earliest deadline in the entire country-long before we even knew who the candidates were for this Presidential primary.

It’s no wonder New York has one of the lowest voter turnout rates in the country. 33% of millennial voters, 33% of Asian voters, 20% of Latino voters and 15% of African-American voters were denied the right to vote on Tuesday, April 19. Equally egregious, Republican and Democratic voters were not allowed the choice to vote for a candidate outside of their party. Even Donald Trump’s own children, Ivanka and Eric, were denied the right to vote for their own father. If the children of billionaire candidates are being disenfranchised, what hope do ordinary New Yorkers have?

# OPEN PRIMARIES

It is a serious problem that independent voters are being excluded from the political conversations in our state at precisely a moment in our country's history that their voice is most needed. We need more open doors, and more participation, not less, to grow our state. The disenfranchisement of New York's independent voters quite possibly swayed the outcome of this election.

That's why, just an hour or so ago I stood in New York Supreme Court and declared that our system of primary elections in New York State is broken, unconstitutional and failing the public. I'm here now to declare that New Yorkers are demanding change in our primary election system so that everyone in this state can vote for who they want in every election. We are now a movement and we are not going away until we see real change.