

SUPREME COURT OF THE STATE OF NEW YORK
COUNTY OF NEW YORK

LEAGUE OF WOMEN VOTERS OF NEW YORK
STATE and NICHOLAS DINNERSTEIN,

Plaintiffs,

v.

NEW YORK STATE BOARD OF ELECTIONS and
BOARD OF ELECTIONS IN THE CITY OF NEW
YORK,

Defendants.

Index No. _____/2018

Date Purchased: November 6, 2018

SUMMONS

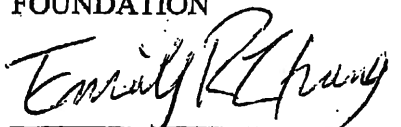
TO THE ABOVE-NAMED DEFENDANTS:

YOU ARE HEREBY SUMMONED and required to serve upon Plaintiffs' attorneys an answer to the complaint in this action within 20 days after the service of this summons, exclusive of the day of service (or within 30 days after service is complete if this summons is not personally delivered to you within the State of New York). In case of your failure to appear or answer, judgment will be taken against you by default for the relief demanded in the complaint.

Plaintiffs designate New York County as the place of trial. Venue is based on N.Y. Civil Practice Law & Rules ("CPLR") § 503 because Defendant Board of Elections in the City of New York resides in this county as of the commencement of this action. Venue is also based on CPLR § 505 because Defendant Board of Elections in the City of New York maintains its principal office in this county.

Dated: November 6, 2018
New York, New York

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COMPLAINT FOR DECLARATORY AND INJUNCTIVE RELIEF

1. Foremost among the political rights assured to the people of New York, the right to vote is protected by Article II, § 1 of the New York Constitution (“Constitution”) and guaranteed to every citizen over the age of 18 who has been a resident of the State and a county, city, or village for 30 days preceding an election. To further safeguard this precious right, Article I, § 1 of the Constitution provides that no person shall be disenfranchised except by due process of law.

2. Through these provisions, the Constitution recognizes a fundamental right to vote and protects that right against violation or abridgement.

3. Yet, during every election cycle, the fundamental right to vote is directly and severely burdened by New York’s voter registration cutoff, which is embodied in portions of N.Y. Election Law §§ 5-210, 5-211, and 5-212 (the “Voter Registration Cutoff”), and requires most voters to register at least 25 days in advance of Election Day in order to have their vote counted.

4. Triggered nearly four weeks before Election Day, the Voter Registration Cutoff is set unnecessarily early and often occurs before major election events, such as candidate debates, have taken place. As media coverage, political advertising, and public interest in the election peak in the final days and weeks before Election Day, many New Yorkers are inspired to register and vote—only to discover that the Voter Registration Cutoff forecloses them from doing so.

5. As a direct result of the Voter Registration Cutoff, many thousands of constitutionally eligible voters in every election cycle are denied their fundamental right to vote. For example, in the 2016 presidential election alone, some 93,649 New Yorkers were unable to vote despite registering on or before Election Day because they registered after the Voter Registration Cutoff. The individual Plaintiff in this case is among the New Yorkers who have been denied their right to vote in the November 6, 2018 election solely for this reason.

6. The Voter Registration Cutoff is arbitrary and unnecessary. Established by an amendment of New York's election laws nearly 30 years ago, the current Voter Registration Cutoff of 25 days was adopted at a time when the registration and voting processes were almost exclusively manual and paper-based. The public World Wide Web did not even exist then. Administrative rationales that may have supported the Voter Registration Cutoff at that time are no longer valid and are fundamentally undermined by the dramatic advancements in technology that have since been made, not to mention the experiences of numerous other states that have successfully passed laws allowing voters to register and vote on Election Day itself ("Election Day Registration").

7. Underscoring the arbitrary nature of the Voter Registration Cutoff, New York already permits certain classes of voters to register up to ten days before Election Day and still have their vote counted. Given New York's demonstrated ability to register some voters well

after the Voter Registration Cutoff, there is no justification for declining to provide the same opportunity to all eligible voters on an equal basis.

8. The Voter Registration Cutoff imposes an arbitrary and unnecessary burden on the fundamental right to vote, and as such, it violates the Constitution. Accordingly, Plaintiffs bring this action for declaratory and injunctive relief to challenge the constitutionality of the 25-day Voter Registration Cutoff.

PARTIES

A. Plaintiffs

9. The League of Women Voters of New York State (the “League”) is a nonpartisan, not-for-profit organization dedicated to promoting the informed and active participation of citizens in government. As part of its mission to empower citizens and strengthen public participation in government, the League works to increase voter registration and turnout, encourages its members and the people of New York to exercise their right to vote as guaranteed by the Constitution, and strives to protect that right from unnecessary barriers to full participation in the electoral process. Formed in 1919 after the passage of a constitutional amendment granting women’s suffrage, the League has evolved to become a guardian of the voting rights of all eligible voters in New York. The League is affiliated with the League of Women Voters of the United States and has 50 local leagues throughout New York.

10. Nicholas Dinnerstein is a resident of Brooklyn, Kings County, New York who is an eligible voter in New York. He wants to vote in the November 6, 2018 election but is unable to do so because of the Voter Registration Cutoff.

B. Defendants

11. Defendant New York State Board of Elections (the “NYS BOE”) is a bipartisan agency vested with responsibility for the administration and enforcement of New York’s election

laws. In addition to this responsibility, the Board is “charged with the preservation of citizen confidence in the democratic process and enhancement in voter participation in elections.” N.Y. State Bd. of Elections, *About the New York State Board of Elections*, <https://www.elections.ny.gov/AboutSBOE.html> (last visited November 3, 2018).

12. Defendant Board of Elections in the City of New York (“NYC BOE”) is the Board of Elections for New York City and is responsible for overseeing elections there, including the administration of voter registration.

JURISDICTION AND VENUE

13. This Court has personal jurisdiction over Defendants.

14. Venue in New York County is proper under New York Civil Practice Law and Rules (“CPLR”) § 503 and/or CPLR § 505 because Defendant NYC BOE resides in this county and maintains its principal office in this county.

FACTUAL ALLEGATIONS

A. The New York Constitution Protects the Fundamental Right to Vote

15. Foremost among all political rights, the right to vote empowers citizens with the means to ensure that their elected officials, and thus the government, are held to account for upholding the Constitution and the rights and privileges secured thereby.

16. In recognition of the unique importance of the franchise in maintaining a free and democratic society, the Constitution accords every eligible voter the fullest and freest opportunity to vote.

17. Two constitutional provisions, in particular, recognize and expressly protect a fundamental right to vote:

- a. First, Article II, § 1 of the Constitution guarantees the right to vote to any citizen who meets the minimal qualifications of age and residency:

Every citizen shall be entitled to vote at every election for all officers elected by the people and upon all questions submitted to the vote of the people provided that such citizen is eighteen years of age or over and shall have been a resident of this state, and of the county, city or village for thirty days next preceding an election.

- b. Second, Article I, § 1 of the Constitution contains an explicit prohibition against disenfranchisement:

No member of this state shall be dis[en]franchised, or deprived of any of the rights or privileges secured to any citizen thereof, unless by the law of the land, or the judgment of his or her peers[.]

18. Under these provisions, legislative enactments that unnecessarily prevent constitutionally eligible voters from exercising their fundamental right to vote are invalid and violate the Constitution.

B. The Voter Registration Cutoff Severely Burdens the Right to Vote, Preventing Many Thousands of New Yorkers from Voting During Each Election Cycle

19. New York maintains an arbitrary and unnecessary Voter Registration Cutoff for all local, state, and federal elections. Under the cutoff, most eligible voters in New York are unable to have their votes counted in an election unless their application is: (a) submitted no later than 25 days before Election Day, if registration is made in person; or (b) postmarked no later than 25 days before Election Day and received by a Board of Elections no later than 20 days before, if registration is made by mail. N.Y. ELEC. LAW §§ 5-210; 5-211; 5-212.

20. The State and its elections officials are and have been aware that the Voter Registration Cutoff impedes voter registration and participation.

21. In 1991, when approving the Senate bill that established the Voter Registration Cutoff at 25 days, then-Governor Mario Cuomo expressed regret that it did not provide “nearly as much time [for registration] as could be provided by law.” Governor’s Mem. Approving S.

4238-A, at 1 (May 3, 1991). Robert Abrams, then-Attorney General, echoed the Governor's disappointment:

[M]ost significantly, [the bill] closes registration 25 days prior to both primary and general elections.... Clearly, foreclosing registration long before elections prevents citizens from registering at those times when there is greatest interest in elections. While election day registration can and should be adopted, this bill does represent an improvement over existing law.

Mem. to the Governor Regarding Senate Bill 4238-A 1 (May 3, 1991).

22. The budget report included in the bill jacket similarly recognized that “[v]oter participation in the electoral process has continued to decline in recent years,” and that “increasing registration periods” would promote voter turnout by “eliminating obstacles to voter registration.” Division of the Budget, Recommendation on Senate Bill No. 4238-A, at 2 (1991).

23. The last 25 days before Election Day are especially crucial for maximizing voter participation. Individuals who register closer to Election Day are more likely to actually vote than those who registered at an earlier time. *See* Ex. 1, Report of Prof. Barry C. Burden (“Burden Report”), at 10; Ex. 2, Report of Prof. Alex Street (“Street Report”), at 2. As Election Day nears, campaign activity also peaks, media coverage intensifies, and the public generally becomes more engaged in the election as key events designed to mobilize voters take place. Burden Report at 7-11; Street Report at 2. Yet, because of the Voter Registration Cutoff, New Yorkers who are interested in registering during this critical period cannot translate that interest into actual voter participation.

24. For example, the sole debate between the two major party candidates in New York's 2018 gubernatorial race, which will be decided by the November 6, 2018 election, was held more than ten days after the Voter Registration Cutoff was triggered for the November election. Likewise, in the 2016 presidential election, the final debate between Hillary Clinton

and Donald Trump took place five days after the Voter Registration Cutoff was triggered. In each case, the Voter Registration Cutoff diminished the full impact of events, such as the debates, in increasing voter registration and turnout.

25. The numbers bear out the profound impact of the Voter Registration Cutoff in depressing voter registration and turnout in New York. Each election cycle, many thousands of constitutionally eligible voters are denied their right to vote by operation of the Voter Registration Cutoff. In the 2016 presidential election alone, some 93,649 New Yorkers were unable to vote despite registering on or before Election Day because they registered after the Voter Registration Cutoff. Street Report at 3-5 & Table 1.

26. Similarly, in a United States Census Bureau survey of New Yorkers who were not registered to vote in the 2016 federal elections, 13.2% of respondents indicated that they were not registered because they missed the registration deadline. Burden Report at 10-12. Of the discrete reasons given for not being registered to vote in the elections, missing the registration deadline was the second most common response. *Id.*

27. In addition to disenfranchising potential voters who register after the 25-day cutoff, the Voter Registration Cutoff also deters thousands of other individuals from even attempting to register. For example, it is estimated that in the 2016 presidential election, an additional 221,000 New Yorkers would have registered to vote during the last 25 days before the election (including Election Day), assuming registration had remained open during that period instead of being slammed shut by the Voter Registration Cutoff. Street Report at 5-9 & Table 2.

28. The Voter Registration Cutoff contributes to the dismal voter turnout in New York, which consistently ranks among the worst in the country. In the 2014 midterm election, New York ranked 49th in the country in voter turnout, with just 29% of eligible voters casting a

ballot. Turnout compared to other states was only marginally better in the 2016 presidential election, when New York ranked 41st in the country.

29. The Voter Registration Cutoff disenfranchises constitutionally eligible voters in a variety of ways, including:

- a. Voters are disenfranchised by the Voter Registration Cutoff because they are unaware of the need to register in advance.
- b. Voters are disenfranchised by the Voter Registration Cutoff because they lack readily available means to complete the registration process, such as Internet access, reliable transportation to a registration locale, or the ability to take time away from work, child care, or elder care.
- c. Voters are disenfranchised by the Voter Registration Cutoff because their timely-submitted forms are not processed properly.
- d. Voters are disenfranchised by the Voter Registration Cutoff because they do not make the decision to register or vote until after the cutoff has passed.

30. Every constitutionally eligible voter who is denied the right to vote in even one election cycle suffers a severe and irreparable harm. Although a citizen who misses the Voter Registration Cutoff for a given election can still register and potentially vote in the future, he or she loses the fundamental right to vote in that particular election—and with it, the opportunity to have a say in the election of officials who will govern for terms of several years. A voter disenfranchised in just one election can also lose the opportunity to weigh in on ballot measures that affect Constitution and laws that New Yorkers will live under for many years to come.

31. This severe deprivation cannot be reconciled with the Constitution's prohibition against disenfranchisement and guarantee of the right to vote to every eligible citizen.

C. The Voter Registration Cutoff Is Not Justified by any Necessity

32. The Voter Registration Cutoff was set at 25 days pursuant to an amendment of New York's election laws nearly 30 years ago in May 1991. *See* 1991 Sess. Laws of N.Y. Ch. 90 (S. 4238-A) (providing for a 25-day cutoff for mail-in registration); *see also* 1994 Sess. Laws of N.Y. Ch. 659 (S. 8867, A. 12222) (providing for a 25-day cutoff for agency assisted registration).

33. Upon information and belief, the registration and voting processes at that time were almost exclusively manual and tied to "buff cards," or hard-copy registration forms that had to be individually filed and alphabetically arranged in binders by elections officials so that they could be used on Election Day to process voters.

34. Despite these time-consuming preparations for Election Day, even at that time it was the opinion of then-Governor Mario Cuomo that it would be feasible to implement a less burdensome 15-day registration cutoff or even Election Day Registration. Governor's Mem. Approving S. 4238-A, at 2 (May 3, 1991).

35. Just a few years earlier, the Executive Director of the NYS BOE testified that the lengthy registration cutoff was merely a consequence of the labor associated with the administrative processes necessary to prepare for Election Day, which would be solved by computerization:

We could provide for later deadlines of registration. The only reason we have the deadlines we have now for registration is because of the mechanical or administrative process that must be taken care of between the last day of registration and the day of election. With a computerized system, this could be done in much quicker time, therefore, allowing registration up to very close to the election.

Hearing on Voter Registration before the Joint Senate Standing Comm. on Elections and Assembly Standing Comm. On Election Law, at 88-89 (March 13, 1984) (statement of Mr. Thomas Wallace).

36. Since that time, dramatic advances in computerization and other technology have become a reality. Indeed, when the current 25-day registration cutoff was enacted into law in May 1991, the World Wide Web did not even exist for public users. See European Organization for Nuclear Research, *World Wide Web*, <http://info.cern.ch/hypertext/WWW/TheProject.html> (first public website published August 6, 1991; last visited November 4, 2018).

37. Given modern capabilities already in use in New York, the Voter Registration Cutoff is arbitrary and set unnecessarily early, as elections officials today can complete the required administrative processes to prepare for Election Day without any need to cut off registration several days in advance of the election, much less 25 days in advance as required by the Voter Registration Cutoff.

38. For example, upon information and belief, verifications of voter identity and eligibility that were carried out manually at the time the Voter Registration Cutoff was adopted can now be performed rapidly through online processes, dramatically reducing the time needed to process registrations.

39. Similarly, upon information and belief, elections officials no longer need to assemble cumbersome, alphabetized binders of buff cards prior to Election Day; instead, registration lists have been digitized and can be printed with the push of a button.

40. Furthermore, upon information and belief, certain local Boards of Election print their poll books just days after the Voter Registration Cutoff, demonstrating their ability to process remaining registrations in a short period of time that amounts to a small fraction of the

25 days provided for by the current cutoff. Other counties in New York, not to mention a majority of other states across the country, have successfully implemented the use of electronic poll books that entirely obviate the need to print paper poll books.

41. The fact that numerous other states—as many as 17 and the District of Columbia by one recent count—have successfully implemented Election Day Registration is further proof that New York could shorten or even entirely eliminate the Voter Registration Cutoff and still provide for orderly elections. Wisconsin, in fact, was able to successfully implement Election Day Registration more than 40 years in 1976. Bearing resemblance to New York, other states that have adopted Election Day Registration include highly populous ones such as California and Illinois, where millions of voters in major cities like Los Angeles, San Francisco, San Diego and Chicago can both register and vote on Election Day.

42. Nearly ten years ago, the Co-Chair of the NYS BOE testified that it was already administratively feasible to implement Election Day Registration in New York. He noted that, although some administrative burdens would arise, they would be marginal and could be overcome. As he explained, the additional work would be minimal to the extent there is already a process in place for handling affidavit ballots cast on Election Day, and new registration applications submitted on Election Day could be processed in the same manner. *Hearing Regarding Voter Registration and Election Reform before the Senate Standing Comm. on Elections*, at 15-16 (Apr. 24, 2009) (statement of Mr. Douglas A. Kellner).

43. Unsupported by any legitimate administrative necessity, the Voter Registration Cutoff is likewise unnecessary to prevent fraud in the registration and voting processes.

44. As noted above, verifications of voter identity and eligibility that previously were carried out manually by elections officials can now be performed rapidly through online

processes, and can be appropriately completed in time for Election Day without any need to cut off registration 25 days in advance of the election. In fact, in the same testimony of the NYS BOE Co-Chair cited above, he stated that the risk of fraud could be adequately addressed even if New York were to implement Election Day Registration. *Id.* at 16 (statement of Douglas A. Kellner).

45. In addition, criminal penalties provide protection against fraud. False registration is punishable as a felony under the Election Law and may also constitute the felony of Offering a False Instrument for Filing. N.Y. ELEC. LAW § 17-104; N.Y. PENAL LAW § 175.35.

46. Accordingly, the State's interest in ensuring secure and orderly elections can be achieved through a later registration cutoff than the 25 days required by the Voter Registration Cutoff, and indeed could be achieved even if Election Day Registration were adopted.

D. The Voter Registration Cutoff Applies Unequally and Makes Voting More Difficult for Some Eligible Voters than Others

47. New York's election laws governing registration treat voters unequally. While most eligible voters must register by the Voter Registration Cutoff in order to cast a ballot and have it counted, certain classes of voters are allowed to register up to ten days before a general election and still vote. *See, e.g.*, N.Y. ELEC. LAW § 5-210(4) (permitting individuals honorably discharged from the military or those who have become a naturalized citizen after the Voter Registration Cutoff to register up to ten days before Election Day).

48. New York is therefore already capable of registering voters well after the Voter Registration Cutoff, further reinforcing that there is no need for a 25-day cutoff.

49. The Constitution's guarantee of the fundamental right to vote ensures equal access to the franchise and, as much as possible, equal facility in voting. Regulations on the

exercise of the franchise that unnecessarily make voting more difficult for some voters than others are invalid and violate the Constitution's guarantee of the fundamental right to vote.

50. In addition, Article I, § 11 of the Constitution guarantees that no person shall be denied the equal protection of the laws of New York.

51. The Voter Registration Cutoff makes voting more difficult for some eligible voters than others, as it unnecessarily imposes a more burdensome 25-day registration cutoff that applies only to some voters—including the individual Plaintiff in this case—while other classes of voters are permitted to register up to ten days before a general election and still vote. There is no justification for declining to provide the same longer registration period to all eligible voters on an equal basis.

52. The Voter Registration Cutoff therefore violates the Constitution's guarantee of the fundamental right to vote and denies the equal protection of the laws to those eligible voters in New York who are required to comply with a more burdensome 25-day registration cutoff in order to vote.

E. The Constitution Does Not Require Any Registration Cutoff, Let Alone the 25 Days Required by the Voter Registration Cutoff

53. New York maintains a system of permanent voter registration, as authorized under Article II, § 6 of the Constitution.

54. Article II, § 6 does not impose any requirement that registration be completed a certain number of days before Election Day; in fact, it does not mandate any cutoff at all. Instead, Article II, § 6 was intended by its drafters to be more "experimental" and "entirely permissive." *Siwek v. Mahoney*, 39 N.Y.2d 159, 164 (1976).

55. The Constitution therefore allows for a registration deadline later than the 25 days required under the Voter Registration Cutoff, and even allows for Election Day Registration.

56. Rather than adopting such measures, the State continues to enforce the Voter Registration Cutoff, an unjustified and unnecessary obstacle to the franchise that strips New Yorkers of their fundamental right to vote just as they become most motivated to vote.

ALLEGATIONS OF THE LEAGUE

57. As part of its mission to promote active and informed citizen participation in government, the League is involved in a variety of services and activities focused on registering, educating, and mobilizing eligible voters in New York.

58. The Voter Registration Cutoff directly affects these efforts and diminishes their impact in promoting voter registration and participation in New York.

59. Each election cycle, the League sponsors numerous candidate meetings, forums, debates, and interviews. The vast majority of these events ordinarily are held in the last 25 days before Election Day, when public interest in the election is at its highest and when the key issues in the election and the candidates' positions on them have crystallized. In connection with the November 6, 2018 election, for example, the League organized a gubernatorial debate that was held after the Voter Registration Cutoff, and sponsored more than 20 other events after the cutoff that were organized through local leagues across New York, including numerous candidate forums, meet-the-candidate events, and debates.

60. The Voter Registration Cutoff prevents the League from registering citizens to vote in the coming election at these events, hampering the League's efforts to promote voter registration and turnout. Instead, the League and its local leagues must separately coordinate voter registration efforts and activities to focus on the period before the Voter Registration Cutoff is triggered.

61. Each year, the League also prints voter information materials designed to facilitate voter registration. Because of the Voter Registration Cutoff, these materials are no longer effective at promoting voter registration for the coming election once the cutoff has triggered. If the Voter Registration Cutoff were moved closer to Election Day, the effectiveness of these materials would be extended and the resources expended on them would have a greater return for the League. Alternatively, if the Voter Registration Cutoff were eliminated entirely, the League would not have to expend resources educating potential voters about the deadline and could instead allocate more resources to other initiatives that are part of its mission.

62. By preventing many eligible voters in New York from exercising their right to vote, the Voter Registration Cutoff directly impairs the League's mission of encouraging civic engagement and active participation in government. In challenging the Voter Registration Cutoff as an unnecessary and unconstitutional barrier to voting, the League seeks to protect all eligible voters in New York against disenfranchisement and the violation of their fundamental voting rights.

ALLEGATIONS OF NICHOLAS DINNERSTEIN

63. Plaintiff Nicholas Dinnerstein has been denied his right to vote in the November 6, 2018 election by operation of the Voter Registration Cutoff.

64. Mr. Dinnerstein was born in New York City but moved away after college, living in Massachusetts for several years and then briefly in California before he returned to New York earlier this year. Mr. Dinnerstein is a United States citizen, has been a resident of Brooklyn for more than 30 days, is over the age of 18 and meets other applicable qualifications to be eligible to vote in New York.

65. Unaware of the Voter Registration Cutoff, Mr. Dinnerstein recently thought to become registered so that he could vote in the November 6, 2018 election. But Mr. Dinnerstein learned that he had missed the Voter Registration Cutoff and therefore cannot vote in the election.

66. Mr. Dinnerstein wants to make his voice heard in the November 6, 2018 election by casting a ballot that will be counted. Because of the Voter Registration Cutoff, he is unable to do so. Mr. Dinnerstein is disheartened and believes that his right to vote has been taken from him.

CLAIMS FOR RELIEF

Count I – Violation of the Fundamental Right to Vote

67. Plaintiffs incorporate by reference all of the allegations set forth in Paragraphs 1-66 above, as if fully set forth herein.

68. Defendants have denied the above-named individual Plaintiff the fundamental right to vote and have injured the League through enforcement of the Voter Registration Cutoff.

69. The Voter Registration Cutoff directly and severely burdens the fundamental right to vote, resulting in the disenfranchisement of many thousands of constitutionally eligible voters in every election cycle.

70. The Voter Registration Cutoff is arbitrary and unnecessary, and any government interests it may promote could be achieved through less burdensome measures.

71. The Voter Registration Cutoff violates the Constitution's guarantee of the fundamental right to vote and prohibition against disenfranchisement.

72. There is an actual controversy between Plaintiffs and Defendants regarding the Voter Registration Cutoff.

73. Pursuant to CPLR § 3001, Plaintiffs are entitled to a declaration that the Voter Registration Cutoff violates the fundamental right to vote as guaranteed by the Constitution.

Count II – Violation of the Fundamental Right to Vote

74. Plaintiffs incorporate by reference all of the allegations set forth in Paragraphs 1-73 above, as if fully set forth herein.

75. Defendants have denied the above-named individual Plaintiff the fundamental right to vote and have injured the League through enforcement of the Voter Registration Cutoff.

76. The Voter Registration Cutoff represents an unequal burden on the fundamental right to vote, as it imposes a 25-day registration cutoff that makes exercising the right to vote more difficult for some eligible voters, including the individual Plaintiff in this case, while other classes of eligible voters are permitted to register up to ten days before a general election and still vote.

77. The Voter Registration Cutoff is arbitrary and unnecessary, and any government interests it may promote could be achieved through less burdensome measures.

78. The Voter Registration Cutoff violates the Constitution's guarantee of the fundamental right to vote and prohibition against disenfranchisement.

79. There is an actual controversy between Plaintiffs and Defendants regarding the Voter Registration Cutoff.

80. Pursuant to CPLR § 3001, Plaintiffs are entitled to a declaration that the Voter Registration Cutoff violates the fundamental right to vote as guaranteed by the Constitution.

Count III – Violation of Equal Protection

81. Plaintiffs incorporate by reference all of the allegations set forth in Paragraphs 1-80 above, as if fully set forth herein.

82. Defendants have denied the above-named individual Plaintiff the equal protection of the laws and have injured the League through enforcement of the Voter Registration Cutoff.

83. The Voter Registration Cutoff represents an unequal burden on the fundamental right to vote, as it imposes a 25-day registration cutoff that makes exercising the right to vote more difficult for some eligible voters, including the individual Plaintiff in this case, while other classes of eligible voters are permitted to register up to ten days before a general election and still vote.

84. The Voter Registration Cutoff is arbitrary and unnecessary to achieve any government interest, and any government interests it may otherwise promote could be achieved through less burdensome measures.

85. The Voter Registration Cutoff violates the Constitution's guarantee of the equal protection of the laws.

86. There is an actual controversy between Plaintiffs and Defendants regarding the Voter Registration Cutoff.

87. Pursuant to CPLR § 3001, Plaintiffs are entitled to a declaration that the Voter Registration Cutoff violates the Equal Protection Clause of the Constitution.

PRAYER FOR RELIEF

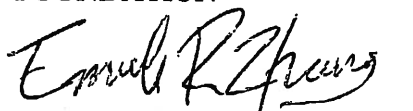
WHEREFORE, Plaintiffs respectfully request that the Court:

1. Issue a declaratory judgment that the Voter Registration Cutoff, and any other applicable laws that require persons who wish to vote to register 25 days in advance of an election in order to have a ballot cast at that election counted, violate the fundamental right to vote as guaranteed by the New York Constitution;
2. Issue a declaratory judgment that the Voter Registration Cutoff, and any other applicable laws that require persons who wish to vote to register 25 days in advance of an election in order to have a ballot cast at that election counted, violate the Equal Protection Clause of the New York Constitution;

3. Enter a permanent injunction enjoining Defendants from enforcing the aforesaid Voter Registration Cutoff provisions;
4. Award Plaintiffs fees and costs as appropriate; and
5. Grant such other and further relief as the Court deems just and proper.

Dated: November 6, 2018
 New York, New York

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