



STATE OF NEW YORK  
OFFICE OF THE ATTORNEY GENERAL

ERIC T. SCHNEIDERMAN  
ATTORNEY GENERAL

DIVISION OF SOCIAL JUSTICE  
CIVIL RIGHTS BUREAU

June 23, 2016

Michael J. Ryan, Executive Director  
New York City Board of Elections  
32-42 Broadway, 7th Floor  
New York, NY 10004

Dear Mr. Ryan,

The New York State Office of the Attorney General (“OAG”) is committed to protecting the rights of all eligible voters to participate fully and meaningfully in the electoral process. To that end, the OAG operates a statewide election-day hotline to troubleshoot problems voters might encounter at the polls. During the Presidential Primary on April 19, 2016, our office received hundreds of complaints from voters in New York City alleging various issues with the election process. Our office sought to resolve those issues by opening an extensive investigation into the conduct of the City Board of Elections (“BOE”). The investigation has focused broadly on issues related to the laws and policies governing voter registration, affidavit ballots; poll worker training; printing and distribution of poll books; and absentee ballots. Our office is reviewing those policies and practices and determining what, if any, election administration reforms are necessary to ensure access to the ballot box. We expect to conclude our review of these broad issues prior to the September 13, 2016 State and Local Primary, and we plan to release detailed findings and recommendations for reform at that time.

In addition, our office has also been conducting a thorough investigation of the events and circumstances surrounding a 2015 purge of voter rolls in Kings County. Once we conclude the investigation into this matter, we will provide the City BOE with our findings and recommendations. Our office acknowledges the BOE’s continued cooperation with our investigation and efforts to restore eligible voters purged from the rolls.

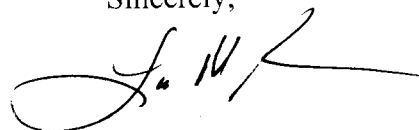
While our investigation is ongoing, and as we approach the Congressional Primary on June 28, we ask that the BOE continue ensuring that eligible voters have access to vote by affidavit ballots. As you are aware, individuals who are eligible to vote and arrive at a polling place seeking to cast ballots during the upcoming primary may not appear in poll books for a variety of reasons, many of which may relate to the individual’s voter registration and often have occurred through no fault of the voter. New York law provides such individuals with the option of casting an affidavit ballot. Under New York State Election Law § 8-302(3-a), if a person residing at an address in an election district is not in the poll book for that election district, poll workers should

advise “such person of his right to, and of the procedures by which he may, cast an affidavit ballot or seek a court order permitting him to vote, and shall also give every such person who does not cast an affidavit ballot, an application for registration by mail.” This process provides such individuals with protection if they are eligible to vote, and it provides them with a method for registering or updating their registration if they are not properly registered.

As we work to identify and address issues with voter registration, we ask that the BOE continue implementing the legally required affidavit ballot process. Prior to the upcoming Primary, the BOE should reinforce that process by reminding poll workers of (a) the eligibility requirements for affidavits ballots, (b) the process for casting such ballots, (c) the necessity of reviewing affidavit envelopes for completeness, and (d) the necessity of providing persons who choose not to cast affidavit ballots with voter registration applications. Second, the BOE should ensure that poll sites are adequately supplied with sufficient affidavit ballots and voter registration applications.

Our office appreciates your ongoing cooperation, and we look forward to continue collaborating with you in the coming months as we address issues in our State’s voter registration process. If you have any questions, please contact our office.

Sincerely,

A handwritten signature in black ink, appearing to read 'L. Rosado', with a long horizontal flourish extending to the right.

Lourdes Rosado  
Bureau Chief