



STATE OF NEW YORK  
OFFICE OF THE ATTORNEY GENERAL

ERIC T. SCHNEIDERMAN  
ATTORNEY GENERAL

DIVISION OF SOCIAL JUSTICE  
CIVIL RIGHTS BUREAU

June 22, 2016

John Perticone  
Oliver N. Blaise III.  
Broome County Board of Elections  
60 Hawley St., Government Plaza, P.O. Box 1766  
Binghamton, NY 13902  
bcboe@co.broome.ny.us

Dear Commissioners,

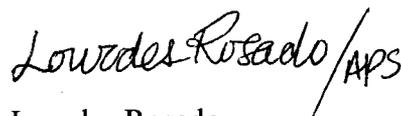
The New York State Office of the Attorney General (“OAG”) is committed to protecting the right of all eligible voters to participate fully and meaningfully in the electoral process. To that end, the OAG operates a statewide election-day hotline to troubleshoot problems voters might encounter at the polls. During the Presidential Primary on April 19, 2016, our office received complaints from counties across the state alleging various issues with the registration process. As we follow-up on those complaints, our office is reviewing the policies and practices of several Boards of Election across the state. Specifically we are looking into the laws and policies that govern voter registration, and determining what, if any, election administration reforms are necessary to ensure access to the ballot box. We expect to conclude this review 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 the interim, we write you to ask that your office review its policies regarding affidavit ballots in anticipation of the upcoming Congressional Primary on June 28, 2016. 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 your office take several interim steps to implement the legally required affidavit ballot process prior to the upcoming Primary. First, Boards should remind 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, Boards should ensure that poll sites are adequately supplied with sufficient affidavit ballots and voter registration applications.

Our office appreciates your cooperation on this matter, and we look forward to 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 that reads "Lourdes Rosado" followed by a diagonal slash and the initials "APS".

Lourdes Rosado  
Bureau Chief