

Groups Seek Remedy for New York's Highest-in-the-Nation Rate of Ballot Rejection

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On July 8, a coalition of groups [filed a lawsuit urging a federal court to change New York State's flawed absentee ballot verification requirements](#) in time for the 2020 General Election. New York has consistently had one of the highest absentee ballot rejection rates in the country. In the 2018 general election, state election officials discarded more than 34,000 absentee ballots – or about 14% of all absentee ballots cast. This is, in part, because the state does not notify voters and give them an opportunity to respond when their ballots are in danger of not being counted because of benign issues – like an omitted signature or a perceived discrepancy between the signature on the absentee ballot envelope and the one in their voter registration file.

Selendy & Gay and Campaign Legal Center (CLC) are representing the League of Women Voters of the United States, the League of Women Voters of New York, and individual client Carmelina Palmer in the case, filed in the U.S. District Court for the Southern District of New York. When she moved to New York City, Mrs. Palmer, 23, was diagnosed with a neurological condition that causes tremors, which last for unpredictable lengths of time. Mrs. Palmer fears that her inconsistent handwriting might cause any absentee ballot she casts to be rejected because of a signature mismatch.

"All eligible voters should be able to have confidence that when they participate in an election, their vote will be counted," said **Danielle Lang, co-director, voting rights and redistricting at CLC**. "As more New Yorkers rely on the state's vote by mail system to exercise their right to vote during the pandemic, more face the risk of disenfranchisement due to their signature or other benign errors. New York's rejection rate for absentee ballots is alarmingly high. The lack of notice to voters and an opportunity to fix errors must be resolved with urgency with less than 120 days until the General Election."

"I signed on to this lawsuit to right the wrongs of past disenfranchisement and to vote confidently in the General Election this November," said **Carmelina Palmer, plaintiff in the case**. "Providing all absentee voters the opportunity to fix signature verification issues before their ballots are thrown away would give me confidence that when I participate in an election, my vote will be counted. With this lawsuit, my hope is to have that confidence restored."

"For the past two election cycles, New York's ballot rejection rate has been among the highest in the country," said **Laura Ladd Bierman, executive director for the League of Women Voters of New York State**. "Voters need the opportunity to ensure their vote is counted and their voice is heard. We want to make sure that when a ballot is challenged, the voter is notified and has sufficient time to correct the error."

"Decisions around the validity of absentee ballots cannot be left to the whims of each individual county. This is a time when every vote counts more than ever, and New York must take the proper steps to ensure that absentee ballots are properly and uniformly counted," said **Selendy & Gay partner Joshua Margolin**. "It is also our hope to ensure that New Yorkers, who are still suffering from the pandemic, are not unintentionally foregoing their right to vote by voting absentee."

Even before the global pandemic, voters across the country have increasingly relied upon vote-by-mail as their preferred method of casting their ballot. Vote-by-mail ballots in New York are certain to surge this November and New York's lack of adequate procedures to safeguard those ballots will affect many more New Yorkers. This failure to provide absentee voters with notice and an opportunity to cure is particularly problematic in New York, which uses signature matching for absentee ballot verification. Signature matching is notoriously error-prone and cannot be properly utilized without clear, accessible ways for voters to cure their ballots and ensure their votes are counted.

The Selendy & Gay team includes Joshua Margolin, Faith Gay, Jordan Weatherwax, Shelby Rokito, and Katie Renzler.

Attorneys

- Joshua S. Margolin
- Faith Gay

Practice

- Public Interest and Pro Bono