

New York Passes Law to Protect Absentee Voters from Ballot Rejection

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Today, the New York State Senate passed a bill providing voters an opportunity to resolve challenges to their absentee ballots, fixing a process that did not give voters notice that their ballot would be rejected. The board of elections will be required to inform absentee voters by phone or email, as well as mail, of clerical errors with their ballot and give them an opportunity to fix it.

Campaign Legal Center (CLC) and pro bono partner Selendy & Gay 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 a lawsuit, [League of Women Voters v. Kosinski](#), filed July 8 against the state on the same issue. The Governor will have 10 days to sign or veto the bill, and if he takes no action by that point, then the bill automatically becomes law. The bill resolves many of the issues raised in the complaint, but the case remains ongoing.

"This bill is a huge step toward safeguarding the constitutional right of voters to have their votes counted," said **Danielle Lang, co-director, voting rights and redistricting at CLC**. "As New York voters increasingly rely on the state's absentee voting system to cast their ballots, more New York voters will be at risk of disenfranchisement because the state erroneously rejects their ballot for issues that have nothing to do with their eligibility. We are glad to see legislative action to address this problem."

"We are pleased to see the legislature taking the initiative to correct a major flaw in New York State's election law," said **Laura Bierman, executive director of League of Women Voters New York**. "Voters deserve the right to know whether their vote will count and the opportunity to challenge attempts to invalidate their vote. This reform is long overdue and will ensure voters are more confident their ballot will be counted should they choose to vote absentee in November."

"It is vital that absentee ballot voters receive notice and an opportunity to cure before their ballot is cast aside, and this legislation goes a long way towards that goal," said **Selendy & Gay partner Joshua Margolin**. "We are hopeful that uniform guidance for assessing absentee ballots is not far behind, as that is a critical next step to truly protect New York voters."

In the 2018 general election, state election officials discarded more than 34,000 absentee ballots – or about 14% of all absentee ballots cast. While the precise figures are not yet available, very high rejection rates in the 2020 June primary have also been reported. This is, in part, because the state had no process for notifying voters and given them an opportunity to respond when their ballots are in danger of not being counted because of benign issues – like an omitted signature, writing the wrong date on a ballot, or a perceived discrepancy between the signature on a voter's absentee ballot envelope and the one in their voter registration file.

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

Attorneys

- Joshua S. Margolin
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Practice

- Public Interest and Pro Bono