

July 1, 2020

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

Dear Mr. Ryan:

I write to express my concerns over widespread problems plaguing the primary election this past month. As you are likely aware, according to media reports, thousands of New Yorkers who requested absentee ballots did not receive them in time to postmark and return them by the June 23<sup>rd</sup> deadline established in the Governor's Executive Order.

On the day of the primary itself, despite ten days of early voting, (which would presumably provide ample time to correct problems in advance), several poll sites opened late, many voters reported receiving just one of the two ballots they were eligible to use, and some polling locations were changed last minute without voters receiving adequate advanced notice<sup>1</sup>.

My office received several complaints along these lines. In some cases, households at the same address would receive incomplete absentee ballots. Others received no documents from the Board of Elections. While I appreciate the Board's transparency in publishing numbers of absentee ballots that were sent and returned, this data does not account for the number of voters who did not receive their ballot, notwithstanding their request.<sup>2</sup> The apparent lack of communication from the Board has unfortunately generated mistrust among members of my community who have encountered similar issues before.

I remind the Board that New York's 7<sup>th</sup> congressional district (NY-07) was disproportionately impacted by the 2015 voter purge, which removed more than 120,000 voters from the rolls in Kings County. NY-07 had the highest percentage among the six affected congressional districts and a rate that was approximately 25 percent higher than the rest of the borough. The volume of purged voters prompted my call for election monitors in 2016 and, ultimately, caught the attention of the Department of Justice, which determined that the City Board of Elections violated Section 8 of the National Voter Registration Act (NVRA) of 1993.<sup>3</sup> This recent history makes the problems outlined above all the more troubling.

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<sup>1</sup> Jeffery C. Mays. Primary Voters in New York City Face Scattered Problems. The New York Times. June 23, 2020. <https://www.nytimes.com/2020/06/23/nyregion/voting-nyc-primary.html>

<sup>2</sup> Brigid Bergin. NY Pandemic Primary Recap: Poll Problems, Absentee Ballot Chaos, And Races Too Close To Call. Gothamist. June 24, 2020. <https://gothamist.com/news/ny-pandemic-primary-recap-poll-problems-absentee-ballot-chaos-and-races-too-close-call>

<sup>3</sup> United States Department of Justice. U.S. Attorney's Office. Eastern District of New York. United States Announces Settlement with New York City Board Of Elections Resolving Improper Removal of Voters from Registration Rolls. October 31, 2017. <https://www.justice.gov/usao-edny/pr/united-states-announces-settlement-new-york-city-board-elections-resolving-improper>

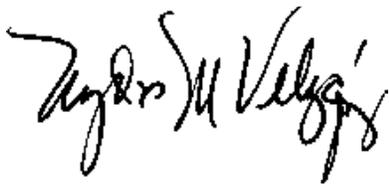
New Yorkers deserve to have confidence that their elections systems are transparent and fair. With the General Election now less than 125 days away, I strongly encourage the Board to implement swift changes that could help remedy to the problems that were apparent in the June 23<sup>rd</sup> primary. Such changes can include, but should not be limited to:

- An earlier start to absentee voting preparations for the general election to ensure that applications be sent further in advance of the election;
- An online tracking system letting voters know their ballot's current status (i.e. in process, shipped, left in mailbox, etc). Such tracking system should also be provided for any return mail so that voters may access the date and time which a ballot is received by the NYCBOE;
- The ability for a voter to correct deficiencies (i.e. incorrect or missing information) in their ballots. Voters should be able to track when their ballot has been received by the Board, whether it has been accepted and, if it has been rejected, an opportunity to fix easily remediable issues, so that their vote counts.
- Simplified instructions that are clear and concise. For example, the return envelope for the ballot contained a box that many voters intuitively thought they were to fill out when it was intended to be left blank. Additional ballot instructions came on a separate piece of paper in the voting packet, which many voters suggested created additional confusion.
- Increased early voting locations to accommodate any anticipated influx for the general election and subsequent elections moving forward;
- Expanded infrastructure and full-time staffing to prepare for the general election; and
- Dedicated resources for help lines for voters for those whose first language is not English throughout each of the boroughs, and a plan to ensure that each individual borough election office has enough personnel to serve as interpreters on the help lines for in-demand languages, including Spanish, Chinese, and Bengali.

Undertaking the above reforms would modernize New York City's Board of Elections. More importantly, it would provide voters with greater trust in the process and outcome of upcoming elections.

Thank you for your consideration of these recommendations. I look forward to your timely response.

Sincerely,

A handwritten signature in black ink, appearing to read "Nydia M. Velázquez". The signature is fluid and cursive, with the first name "Nydia" being the most prominent part.

Nydia M. Velázquez  
Member of Congress