

October 20, 2017

Attorney General Eric Schneiderman
120 Broadway
New York, NY 10271

Dear Attorney General Schneiderman,

Ahead of the November 7th, 2017 Election Day, we, the undersigned state and regional leadership of the New York Democratic Lawyers Council (NYDLC), write to thank you for your unwavering commitment to combat all forms of voter suppression, and to call your attention to several recurring voting rights violations and inexcusable material departures from state and federal voting laws across New York State, particularly in the Westchester/Lower Hudson Valley region. These laws are intended to provide for fair and orderly administration of elections in a way that protects voters from intentional or inadvertent voter suppression. In practice, their misapplication continues to disenfranchise far too many New Yorkers.

In light of the information below, we request that OAG's Civil Rights Bureau revise and reissue its October 17, 2016 *Letter to the Co-Chairs and Commissioners of the NYS Board of Election* and expand the recipients to include all County BOE Commissioners. We also suggest that OAG provide clarification as to the criminal and civil liability that elections officials at the policy setting level could face, if, after notice of the foregoing, these pernicious political practices continue as they did in 2016, or where corrective action for past impermissible policies is not taken. This approach reflects the reality that our counties directly administer elections, and therefore, County leadership is best able to prevent (or cause) the application of policies that deviate from the letter and spirit of state and federal voting laws.

Since 2005, NYDLC has helped organize annual election monitoring programs in New York and across the U.S. During the November 2016 election, NYDLC fielded a 400-person voter protection program across New York State. This breadth allows us to appreciate the scope and widespread extent of election-related irregularities and helps us identify systemic trends and patterns across the state. **The major areas of concern in the Westchester / Lower Hudson Valley region during recent elections include:**

- **Improper Withholding of Affidavit (provisional) Ballots:** The recurring and widespread practice apparently sanctioned by several local BOEs of failing to correctly instruct their inspectors to affirmatively offer and readily make available affidavit (provisional) ballots to those entitled to them under the Help America Vote Act (HAVA) and New York State law,¹ and the related practice of imposing an array of procedural hurdles that work to undermine the purpose of HAVA's provisional ballot framework and the explicit protections the Act provides.
 - By way of example, attached is a 2012 letter from Voter Protection Counsel to the Orange County BOE (copied to NYS BOE and NYS OAG) documenting the aforementioned practice in City of Newburgh, home to a large minority and college-student population. The letter memorializes an agreement with the County BOE that the above practice has no basis in law and in many cases would violate the same if repeated. An attached Nov 8, 2016 incident report filed by an accredited Poll Watcher documents the continuation of this practice in Orange County, and is illustrative of 2016 practices in counties as varied as Ulster (New Paltz and Kingston), Dutchess (Beacon), and Onondaga.
 - The prevalence of both circumstances prior to November 2016 were significant enough to prompt NYS OAG to launch an inquiry into the practice. The *2016 NYS OAG Letter* finds that "During the Presidential Primary, the OAG received complaints from voters in Albany, Clinton, Erie, Niagara, Ontario, Westchester, and Suffolk Counties who reported that they were denied affidavit

¹ Help America Vote Act, 52 U.S.C. § 21082; N.Y. Elect. Law § 8-302(3-a).

ballots at their poll sites although they believed they were eligible to vote.”² Based on our experience on Nov. 8, 2016, NYDLC can confirm these past practices identified by OAG as impermissible deviations from state and federal law were repeated across New York.

- Despite this public admonishment, Westchester County has not updated or clarified its Poll Inspector training manual which contains a muddled explanation of the affidavit ballot (rights-preserving) framework. The closest statement to the actual law reads: “If you have confirmed the voter’s address is in your district, the voter *may* vote by Affidavit Ballot.” The 2016 Ulster County manual instructed poll workers to “call the Board of Elections to see if the Voter is registered in Ulster County.” Given past practice, these instructions fail to articulate a clear statement of the law (“shall”, not “may”) or provide a simple real-time process, creating unacceptable space for abuse of discretion and delay that can frustrate civil rights depending on who is exercising that discretion.³
- **Improper Use of Challenges and Related Voter Intimidation and Suppression Tactics:** The Westchester County GOP has a legacy of “intimidating voters, stifling turnout among low-income blacks and Latinos, throwing up spurious challenges to legitimate registrations, and ferociously twisting legal technicalities in their favor.”⁴
 - One high-profile example during the election of New York State’s first African-American State Senate Leader took place at a PAL gym in Yonkers, a largely minority neighborhood. Before the election, County GOP lawyers filed challenges to the registrations of nearly 6,000 duly registered voters. Apart from casting doubt over the legitimacy of the election, this led to the dissemination and improper use of challenge lists, a common voter suppression tactic. Media reported that a large throng of volunteers holding GOP poll watcher certificates dressed in Yonkers Fire Department (official-looking) garb gathered inside the polling place and repeatedly challenged the signatures of eligible residents. This intimidation tactic typically is (and was) focused “at the sign-up tables, challenging one voter after another, insisting that their signatures didn’t match the ones in registration books. People with questions couldn’t get them answered because of all the haggling. A nobody’s-in-charge-here frustration floated in the room.” Moreover, “the widespread challenges led to long lines of angry black voters.”⁵ Based on our experience in 2016, NYDLC can confirm that this was not an isolated incident, but instead is indicative of a familiar pattern of brazen, sometimes overt intimidation tactics that takes place across New York State.
- **Improper provision/withholding of Spanish-language resources in Latino/large-ESL districts:** On November 8, 2016, Voter Protection Counsel received reports of a shortage of Spanish-language ballots, interpreters, and other materials in the Village of Port Chester, a locality with a majority minority population (59.4% Hispanic/Latino per 2010 census).
 - In 2009, the Village of Port Chester (Westchester County) was “bailed in” to federal preclearance pursuant to section 3 of the Voting Rights, as part of a consent decree resulting from an action filed by the U.S. Department of Justice.⁶ In reaching the settlement, the consent decree explains

² NYS OAG Letter to the Co-Chairs and Commissioners of the NYS Board of Elections, dated October 17, 2016 (attached), https://ag.ny.gov/sites/default/files/2016_10_17_letter_to_state_boe.pdf.

³ Westchester County Board of Elections, Poll Worker Instruction Manual (4/22/2015), at 35-36, <http://citizenparticipation.westchestergov.com/images/stories/pdfs/pollworkerManual.pdf>; Ulster County Board of Elections, *Chair Master and Ballot Master Manual* (Oct. 7, 2015), at 21 and 23 (attached).

⁴ Lawrence Downes, *In a Gym in Yonkers, a Game of Block the Vote*, N.Y. Times, Nov. 9, 2006, www.nytimes.com/2006/11/09/opinion/09thu3.html; Juan Gonzalez, *W’Chester Goes Dixie*, N.Y. Daily News, Nov. 10, 2006, www.nydailynews.com/archives/news/w-chester-dixie-article-1.628095.

⁵ *Supra*, note 4.

⁶ *United States of America and Cesar Ruiz v. Village of Port Chester*, Consent Decree, 06 Civ. 15173 (SCR) (SDNY 2009), <https://redistricting.ils.edu/files/Port%20Chester%20consent%20decree.pdf>.

that the court “relied on the official history of discrimination in Port Chester, including Port Chester’s lack of required Spanish language assistance at the polls and incidents of Hispanic voters being turned away from the polls.” As part of the settlement, Port Chester was required to “make all phases of the election process as accessible to the Hispanic and Spanish-language citizens within Port Chester as they are to the remainder of the Village’s population.” Unfortunately, the Consent Decree expired in June, 2016. Based on our experience on Nov. 8, 2016, NYDLC can confirm these past practices identified by U.S. DOJ as impermissible deviations from state and federal law were repeated in Port Chester.

- **Improper Use of Affidavit Ballots Where “Emergency Ballot” Procedure Applies:** Put succinctly, affidavit ballots and “emergency ballots” address distinct circumstances on Election Day.⁷ Our experience suggests there is widespread poll worker confusion/misapplication of these rules. A simple bright-line explanation clarifies the distinction and may be helpful to poll workers:

Where there is a question about a voter’s eligibility (eg. name missing from poll check-in book, but voter claims residence in the district) an affidavit ballot must be offered, since eligibility may be in doubt. The affidavit ballot is segregated for later eligibility determination, before it can be counted. By contrast, where perfectly eligible voters arrive at their poll site and encounter broken scanner equipment, the emergency ballot process applies: Voter receives a scan-able “emergency” ballot which is stored securely and scanned as a regular ballot would be, once the machine is fixed or at close of polls.

Presuming good faith, this issue is one that can largely be cured by emphasizing the bright line rule during poll worker trainings. Unfortunately, confusion has persisted for several election cycles, resulting in wasted (already limited affidavit) resources, and more problematically, the *post hoc* subjecting of duly registered voters to heightened scrutiny during the canvass, merely due to equipment malfunction.

In light of the recent history of the aforementioned practices, we request that your office conduct outreach to all New York State and Local Election Commissioners, and encourage them to take proactive and corrective measures to minimize as much as possible, their perpetuation. We think it is appropriate to revise and re-issue your October 17, 2016 Letter, and expand the recipients. In that context, to highlight the significant public trust placed in these officials, it would also be appropriate to clarify the penalties for pernicious political activity and other relevant civil rights or “color of law” offenses.

Finally, we thank you for past and future unwavering commitment to combat all forms of voter suppression; your work raising awareness about these issues and proposing much-needed reforms; and all that your team does to help safeguard our fundamental voting rights.

Sincerely,

Doug Dunham, Co-Chair
John Nonna, Co-Chair
Carol Schragger, Co-Chair
Ekow Yankah, Co-Chair

Frank Streng, Regional Vice-President
Jonathan A. Chase, Orange County VPD
Theo Harris, Minority VR Co-Chair
Jarret Berg, NYDLC Exec. Director

CC:

Lourdes Rosado, Civil Rights Bureau Chief
Peter S. Kosinski, Co-Chair, SBOE
Douglas A. Kellner, Co-Chair, SBOE
Andrew J. Spano, Commissioner, SBOE

Gregory P. Peterson, Commissioner, SBOE
Todd D. Valentine, Co-Executive Director, SBOE
Robert A. Brehm, Co-Executive Director, SBOE

⁷ Compare N.Y. Elec. Law § 8-302(3)(e), with N.Y. Elec. Law § 7-120. During the first hour of a scanner break down, Inspectors may use emergency ballots. After one hour, they must use them. N.Y. Elec. Law § 7-120(3).



STATE OF NEW YORK
OFFICE OF THE ATTORNEY GENERAL

ERIC T. SCHNEIDERMAN
ATTORNEY GENERAL

DIVISION OF SOCIAL JUSTICE
CIVIL RIGHTS BUREAU

October 17, 2016

Peter S. Kosinski, Co-Chair
Douglas A. Kellner, Co-Chair
Andrew J. Spano, Commissioner
Gregory P. Peterson, Commissioner
New York State Board of Elections
40 North Pearl Street, Suite 5
Albany, NY 12207-2729

VIA FIRST CLASS MAIL AND EMAIL

Dear Co-Chairs Kosinski and Kellner, and Commissioners Spano and Peterson:

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 has operated a statewide hotline during almost every election since 2012. During the Presidential Primary on April 19, 2016, our office received an unprecedented number of complaints from voters in counties throughout the state alleging various issues with the registration and voting processes.

Consequently, the OAG is conducting an inquiry into these complaints, which includes reviewing the laws, policies, and practices that govern voter registration and voting.¹ Our goal is to determine what, if any, election administration reforms are necessary to ensure access to the ballot box. We plan to release detailed findings and recommendations for reform once we conclude our review.

In the interim, we write to alert you to our preliminary findings concerning the practices of local Boards of Elections (“BOEs”) regarding affidavit ballots. As you are aware, both New York State and federal election law provide all voters who reside in an election district the right to cast

¹ After the Primary, the OAG sent letters to eight local Boards of Elections (“BOEs”) representing 13 counties (see footnote 3) requesting information regarding individual voter registration files, voter registration policies and procedures, and affidavit and absentee balloting information. The OAG is reviewing this information and has interviewed senior BOE officials about their policies and procedures governing the electoral process. We also have been in communication with Brian L. Quail in counsel’s office at the New York State Board of Elections (“NYS BOE”). Mr. Quail is currently consulting with other NYS BOE staff to gather information in response to questions we have submitted to him. We thank Mr. Quail for his responsiveness to our queries and continued assistance.

paper ballots after signing an affidavit affirming their eligibility.² However, our review of the written policies of eight large BOEs in New York State,³ as well as information gathered in interviews with officials at these BOEs, suggests that many poll workers are not receiving consistent guidance about their legal obligations with respect to affidavit ballots. Indeed, as explained in more detail below, we have identified some BOE policies and procedures that do not comply with New York State and federal election laws. For that reason, the OAG requests that the New York State Board of Elections (“NYS BOE”) take immediate action to ensure that affidavit ballots are made available to voters as required by law during the upcoming General Election on November 8, 2016.

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 poll site, 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.” Under the Help America Vote Act (“HAVA”),

“if an individual declares that such individual is a registered voter in the jurisdiction in which the individual desires to vote and that the individual is eligible to vote in an election for Federal office, but the name of the individual does not appear on the official list of eligible voters for the polling place or an election official asserts that the individual is not eligible to vote, such individual shall be permitted to cast a provisional ballot...”⁴

During the Presidential Primary, the OAG received complaints from voters in Albany, Clinton, Erie, Niagara, Ontario, Westchester, and Suffolk Counties who reported that they were denied affidavit ballots at their poll sites although they believed they were eligible to vote. The OAG’s review found significant inconsistencies among BOEs’ written policies regarding when affidavit ballots must be provided and the steps that should be taken, if any, to verify the voter’s eligibility. Only one of the BOE policies that we examined – New York City’s – adheres to the clear requirement that all voters must be offered an affidavit ballot even if the poll worker believes the voter is ineligible to vote in the election. By contrast, the written policies of Albany and Onondaga state that poll workers must call the BOE prior to providing an affidavit ballot.⁵ Most of the queried BOEs indicated that they have an informal policy of providing liberal access to affidavit ballots if voters state that they are eligible to vote, even if this cannot be verified on Election Day. For example, senior officials in the Onondaga BOE indicated during an interview

² N.Y. Elec. Law § 8-302(3)(e)(ii); 52 U.S.C. § 21082.

³ As part of our inquiry, the OAG has contacted eight of the largest BOEs in the state – representing 13 counties in total -- to follow up on individual voter complaints. Specifically, the OAG is focusing our inquiry on the five counties in New York City (Bronx, Kings, New York, Queens and Richmond Counties), as well as Nassau, Suffolk, Westchester, Erie, Onondaga, Monroe, and Albany Counties. Seventy-three percent of registered voters in New York State reside in these 13 counties. See *New York State Voter Enrollment by County, Party Affiliation and Status*, NEW YORK STATE BOARD OF ELECTIONS (Apr. 1, 2016), http://www.elections.ny.gov/NYSBOE/enrollment/county/county_apr16.pdf. These counties also account for more than 80% of the complaints recorded by the OAG during the Presidential Primary for which voters reported their county of residence.

⁴ An affidavit ballot is the equivalent of a provisional ballot under HAVA. 52 U.S.C. § 21082.

⁵ Onondaga’s materials state, “DO NOT GIVE A VOTER AN AFFIDAVIT BALLOT UNTIL YOU OR THE VOTER SPEAKS TO THE BOARD OF ELECTIONS.” (emphasis in the original); Albany’s materials state, “Call the Board of Elections . . . BEFORE issuing an Affidavit Ballot.” (emphasis in the original).

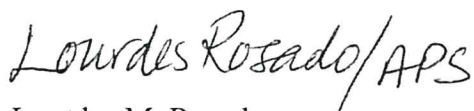
that, in contrast to their written procedures, poll workers are instructed during trainings to provide affidavit ballots to voters who insist they are eligible. Further, they stated that poll workers are not required to call the BOE to verify eligibility. This was echoed in interviews with senior election officials at the Nassau and Suffolk County BOEs. In contrast, Albany County BOE indicated during interviews that, in practice, they do not provide affidavit ballots to everyone who requests them.

Individuals who are eligible to vote and arrive at a polling place seeking to cast ballots in the General Election may not appear in poll books for a variety of reasons, many of which may have occurred through no fault of the voter. The OAG is concerned that many poll workers will be unaware of, or confused about, their legal obligations to provide affidavit ballots on November 8th, because they have not received clear and consistent written and verbal guidance on providing affidavit ballots.

For these reasons, the OAG urges that in advance of the November 8th General Election the NYS BOE issue clear guidance to local BOEs regarding the (a) procedures for determining the eligibility requirements for affidavit ballots; (b) process for casting such ballots; (c) importance of reviewing affidavit envelopes for completeness; and (d) necessity of providing persons who choose not to cast affidavit ballots with voter registration applications. BOEs also should be advised to provide written guidance and training to their poll workers, and to ensure that poll sites have sufficient affidavit ballots and voter registration applications to meet demand.

The OAG appreciates your cooperation on this matter, and we look forward to further collaborating with you in the coming months as we address issues in our State's voter registration and voting processes. If you have any questions, please contact our office.

Sincerely,

A handwritten signature in black ink that reads "Lourdes Rosado/APS". The signature is written in a cursive, flowing style.

Lourdes M. Rosado
Bureau Chief

cc: Brian L. Quail, Co-Counsel
Kimberly Galvin, Co-Counsel
Todd D. Valentine, Co-Executive Director
Robert A. Brehm, Co-Executive Director

Jonathan A. Chase
Attorney and Counsellor at Law

ADMITTED IN NEW YORK,
NEW JERSEY AND MARYLAND

One Taft Place
P.O. Box 367
Cornwall on Hudson
New York 12520-0367
(845) 534-4400
fax: (845) 534-0440
CHASELAW@aol.com

November 13, 2012

BY HAND DELIVERY

Orange County Board of Elections
25 Court Lane, P.O. Box 30
Goshen, New York 10924

Attention: Susan A. Bahren, Commissioner

Re: Access to Affidavit Ballots

Dear Sue:

As you know, I have been Chair of the Orange County Division of the New York Democratic Lawyers Council ("NYDLC")¹ since 2007. In that capacity, I am authorized to and do assign trained and state-credentialed poll watchers to Election Districts throughout Orange County on election days. I was acting in that capacity on November 6, 2012 ("Election Day").

I write to confirm our conversation of November 8, 2012 regarding Election Day events in the City of Newburgh.

One of my authorized poll watchers assigned to observe a number of polling locations in the City of Newburgh reported to me on Election Day afternoon that a number of voters at the South Middle School location at 33-63 Monument Street (ED's 1-3 and 1-4) were reporting that they were not able to vote due to absence of their names in the registration books for their Election Districts. This occurred despite reports from voters that they lived in the District, were registered to vote and even had voted at that location previously. I subsequently learned that a shortage of affidavit ballots was developing and that a request to BOE had been made for more

¹ The NYDLC (www.nydlc.org) is the only poll-watching organization sanctioned by the New York State Democratic Committee. An organization of volunteers, the NYDLC is committed to advocacy for the voting rights of all duly-registered voters, but particularly for under-represented and historically suppressed voter populations.

supplies. As we discussed when we spoke, I suggested at that point that my watcher use his PDA to help reduce the consumption of affidavit ballots by assisting voters with on-site access to the NYSBOE voter database at <https://voterlookup.elections.state.ny.us/votersearch.aspx> and then directing such voters, where necessary, to the correct Election District.²

However, after or concurrently with delivery of additional affidavit ballots to that location by the Sheriff's office, I learned that a field machine technician identified to me as Tom Costa had entered that location shortly after 8:00 P.M. and announced to the election inspectors there what he represented to be a BOE directive that, from that time forward, *no affidavit ballots were to be issued without first contacting and receiving authorization for each from BOE in Goshen.* Given the sheer volume of Election Districts in Orange County, our immediate concern was that, with the difficulty of reaching BOE by telephone to obtain such serial authorizations, the *de facto* effect of the purported directive was to curtail and thus deny issuance of affidavit ballots to voters lawfully requesting them. You confirmed on November 8 that such a directive was indeed issued by BOE on Election Day and duly transmitted by Mr. Costa.

As we discussed last week, we believe the Election Law is quite clear that, once it is established that the residence claimed by an "unlisted" person seeking to vote is within the election district, the inspectors "shall give" such person a copy of the BOE notice specified in § 8-302(3-a) of the voter's right to cast an affidavit ballot and, pursuant to § 8-302(3)(e)(ii), "shall offer ... an affidavit" to the voter, who, upon completing it, "shall then, *without further inquiry*, be permitted to vote an affidavit ballot...." (italics added). Furthermore, the same sub-section provides that, to the extent that a voter is found by the BOE not to be registered, the information on the affidavit envelope "shall constitute an application to register to vote," to which application the voter is alternatively entitled by law. It is therefore our position that any "pre-condition" imposed by BOE as a predicate to issuance of an affidavit ballot, irrespective of intention, is so plainly without basis in or support under the Election Law that it could be deemed to constitute a "wilfull[] refus[al] to accord ... to any voter ... [a] right given him by [the Election Law] or ... [a wilfull refusal] to tak[e] votes" within the meaning of § 17-106 of the Election Law. Certainly any such direction issued or implemented in the future could be so construed.

We appreciate your acknowledgment when we spoke that you were unaware of any superior authority under the Election Law supporting issuance of the BOE directive in question and your commitment that no such directive will be issued in the future for any polling location in Orange County. We hereby request (1) that you acknowledge that no such or similar directive will be issued by your Office in the future, and (2) in light of the directive which was

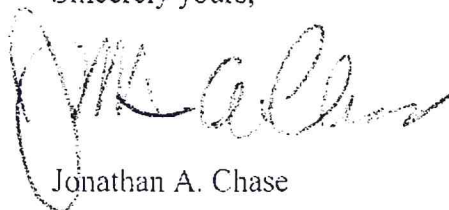
² Of course, this action reduced affidavit ballot consumption not only by directing voters to the correct ED but also because § 8-302(3)(b) of the Election Law permits a voter who has moved but remains within the same ED to vote a live ballot and thus eliminates the need for an affidavit ballot.

Orange County Board of Elections
November 13, 2012
page 3

communicated to election inspectors in Newburgh on November 6, 2012, that you commit to include, in your future training of election inspectors in Orange County, specific instruction on (a) the rights of voters who have moved within an ED to vote a live ballot, and (b) the fundamental right of voters to complete and vote, or to register to vote, by way of affidavit ballots on election days.

Just as is the Board of Elections, the NYDLC is interested above all in informing and enabling voters to exercise their fundamental right to vote. We look forward to working with you and BOE now and in the future toward advancing that goal and we appreciate your willingness to discuss this issue and your attention to resolving it.

Sincerely yours,

A handwritten signature in black ink, appearing to read "J. Chase", written over a circular stamp or seal.

Jonathan A. Chase

JAC/nfs

cc: David C. Green, Commissioner of Elections, Orange County (By Hand Delivery)
James A. Walsh, Co-Chair, New York State Board of Elections
Douglas A. Kellner, Co-Chair, New York State Board of Elections
Evelyn J. Aquila, Commissioner, New York State Board of Elections
Gregory P. Peterson, Commissioner, New York State Board of Elections
Hon. Eric T. Schneiderman, Attorney General of New York
John Nonna, Esq., Co-Chair, NYDLC

61. POLL WATCHER AND POLL SITE INFORMATION

Your Name: <i>Maria Patrizio</i>		Your Cell Phone: <i>(845) 313-3848</i>
Poll Site Name: <i>Kol Israel</i>	Poll Site Address: <i>290 North St., Newburgh NY</i>	AD(s)/Town/Ward and ED(s): <i>Ward 3, District 2</i>

2. VOTER INFORMATION

Voter Name:		Voter Phone No:	
Voter Address:			
Gender:	Race/Ethnicity:	Age:	Other:

3. WITNESS(ES) INFORMATION

Witness(es) Name(s):
Witness(es) Contact Info

4. INCIDENT INFORMATION

Time of Incident: <i>± 9:50 a.m.</i>
Name of Inspector(s) Involved and Title(s):

Describe Incident: *The ED chair refuses to let me look people up in voter lookup. The ED chair insists that she has to call the BOE if a voter is not listed in the book.*

They complained about me to BOE and Sue Behrens called me and told me not to "interfere" in the process. I explained that I was available to help, not to interfere and that I don't understand the hostility, given that we have a common goal of getting votes cast.

Type: (Please circle)	Late Opening	Missing Inspector	Voter Registration	Scanner/ BMD	Challenges	Long Lines	Secret Ballot
	Affidavit Ballot	Language Assistance	Disability Assistance	Poll Closing Issues	Electioneering	Intimidation	Other (fill out):

Describe how you and others responded:

Please send to NYDLC by faxing to 866-693-5201, using the free Genius Scan app., or scanning and emailing to forms@nydlc.org.

Poll Watcher/ Observer/ Witness Signature: <i>Maria Patrizio</i>	Date: <i>11/8/16</i>
--	----------------------

61. POLL WATCHER AND POLL SITE INFORMATION

Your Name: <i>Maria Patricia</i>		Your Cell Phone: <i>(845) 313-3848</i>
Poll Site Name: <i>KOL Israel</i>	Poll Site Address: <i>290 North St., Newburgh</i>	AD(s)/Town/Ward and ED(s): <i>Newburgh, Ward 4, District 4</i>

2. VOTER INFORMATION

Voter Name: <i>Dentonai Downer</i>		Voter Phone No:	
Voter Address: <i>22 mandigo Place, Newburgh</i>			
Gender: <i>Female</i>	Race/Ethnicity: <i>African-American</i>	Age: <i>18</i>	Other:

3. WITNESS(ES) INFORMATION

Witness(es) Name(s):

Witness(es) Contact Info

4. INCIDENT INFORMATION

Time of Incident: *11:50*

Name of Inspector(s) Involved and Title(s):

Describe Incident: *New 18 y.o. voter says she registered at Dmv on 10/14/16. Not in book. Chair of ED called BOE. BOE said "her vote won't count." I encouraged Affidavit ballot. Chair of ED started to permit Affidavit ballot, but then was told by Ward 3, District 2 Chair that voter had to go to the judge. I provided address of city court.*

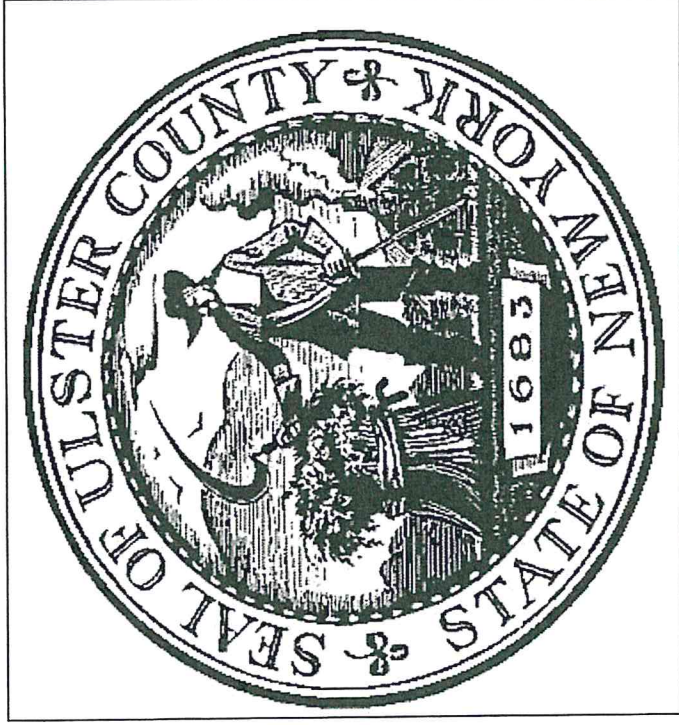
Type: (Please circle)	Late Opening	Missing Inspector	Voter Registration	Scanner/ BMD	Challenges	Long Lines	Secret Ballot
	Affidavit Ballot	Language Assistance	Disability Assistance	Poll Closing Issues	Electioneering	Intimidation	Other (fill out):

Describe how you and others responded:

Please send to NYDLC by faxing to 866-693-5201, using the free Genius Scan app., or scanning and emailing to forms@nydlc.org.

Poll Watcher/ Observer/ Witness Signature: <i>Maria Patricia</i>	Date: <i>11/8/16</i>
--	----------------------

ULSTER COUNTY BOARD OF ELECTIONS



Chair Master & Ballot Master

Manual

284 Wall Street
Kingston, NY 12401
845-334-5470

DRAFT 2 with Tom Turco & Vic
Work changes: October 7, 2015

Some Important Rules to Keep In Mind

- It is against New York State Law for anyone to sign on behalf of a Voter. “Power of Attorney” is not acceptable. The Voter must be present and must sign or make a mark next to her or his name in the Poll Book.
- If you cannot find a voter’s name in the Poll Book, ask if he or she recently changed names, moved, or might be at the wrong polling site. For a Primary Election you may also check the other Party Poll Books.
- After you’ve done this and still can’t find the Voter, call the Board of Elections to see if the Voter is registered in Ulster County.
- **NEVER ASK A VOTER FOR IDENTIFICATION** (it is against the law) **UNLESS** the Voter’s record states “ID Required.” Follow instructions in the Ballot Master folder for reviewing acceptable IDs (driver’s license, passport, etc.) before allowing the voter to vote.
- It is important that you keep track of the Ballot Stub Number and record it next to the voter’s name on the space provided.
- Do not sign in more voters than the number of Privacy Booths that are available. No Voter should have a ballot unless they are on their way to a privacy Booth. **A ballot must never leave the Poll Site!**

ULSTER COUNTY BOARD OF ELECTIONS

POLL BOOK



Make certain you are given a Poll Book for the correct election.

SEPTEMBER 10, 2002
PRIMARY ELECTION

KINGSTON CITY WD 3 ED 1

DEMOCRATIC

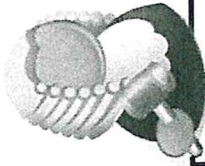
For Primary Elections ONLY you will have Poll Books for each party having a Primary. You must ask the Voter his/her party affiliation during a Primary Election.

And make certain you have the correct Poll Book for your Election District(s). Call the Board of Elections immediately if you have the wrong Poll Book!

The Poll Book

Only individuals whose names appear in the Poll Book are allowed to vote on the machine

If a voter's name is **NOT** in the Poll Book he or she must vote by AFFIDAVIT
BALLOT



There is **ONLY ONE EXCEPTION**

If a voter presents you with a **Supreme Court Order** you must allow him or her to vote on the machine.

Please call the Board of Elections if you are presented with a Court Order.

You must keep the Court Order in the Ballot Master folder and return it to the Board of Elections at the end of the night.

Please record the Ballot Stub Number in the upper right corner of the Court Order and write "Court Order" instead of the Voter's name on the ballot ledger.

Westchester County Board of Elections

25 Quarropas Street, White Plains, NY 10601

914-995-5700

www.westchestergov.com/boe



POLL WORKER INSTRUCTION MANUAL

4/22/2015

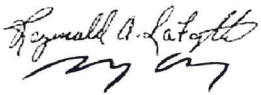
AFFIDAVIT BALLOTS

An **Affidavit Ballot** is a tri-fold paper ballot (pictured below) which, once voted, goes into a special envelope that must be completely and accurately filled out by the voter.

Affidavit Ballots are used when a voter:

- Is in the correct polling place but their name is not in the Poll Roster Book.
- Refuses to show ID when a note in their signature box of the Poll Roster Book requires them to do so.
- Refuses to take an oath or refuses to answer questions with respect to a Challenge.

OFFICIAL
AFFIDAVIT
BALLOT
FOR
SPECIAL ELECTION
MARCH 31, 2011
STATE OF NEW YORK
COUNTY OF WESTCHESTER


Commissioners of Elections
FRANCIS S. BARTON, JR., COUNTY CLERK

Sheet No: 1
43 Election Districts
County of Westchester
City of: White Plains
E.D.(s): 1 / 43

USPATENT # 7070115

DO NOT USE these
ballots if the voting
machine breaks
down!!
Refer to page 37 for
further instructions
on machine
problems.

If a person at your polling place claims to be registered in another district, but says they have moved into your district, confirm this new address information with the AskED device (shown on page 35). This is to ensure that the new address is located in the election district in which you are working. If you have confirmed the voter's address is in your district, the voter may vote by Affidavit Ballot. Otherwise if you have confirmed the voter is supposed to vote elsewhere, then confirm the new polling place and district with the AskED device and direct the voter to the new location. They may be given an Affidavit Ballot there.

*****NOTE:** If the voter resides in another district, tell the voter that he/she must go to that district to vote (even if it's at another polling place). WHY? If the voter casts a ballot in a district that is not their own, the entire ballot will not be counted.

PROCEDURE FOR VOTING BY AFFIDAVIT BALLOT

1. Give the voter the “Notice to Voter” Statement found in your binder (pictured below).



NOTICE TO VOTER

If your name is missing from the poll roster, or you have moved within Westchester County, or your poll record does not show enrollment in the party in which you claim to be enrolled for a primary election, you may seek to vote by PAPER BALLOT.

You must read the below stated notice.

You may seek to vote by one of the following methods:

COURT ORDER: You may obtain a court order directing the Election Inspector to allow you to vote on a machine. Your Election Inspectors will be able to tell you where and when a Judge can be located.

OR

AFFIDAVIT BALLOT: If you are unable to swear under oath that you live in the election district in which you are seeking to vote and that you are presently registered from that address, (and in a primary election that you are also enrolled in the appropriate party) the Election Inspectors are required to give you a paper ballot on which to cast your vote.

Place the voted ballot in the envelope provided and carefully complete your affidavit on the outside of this envelope, making sure to give your correct residence address. In order for the ballot that you cast to be counted at the Westchester County Board of Elections, you must be voting in your designated polling place. If you are casting this paper ballot at your former polling place, the Board of Elections will NOT count your ballot, but will register you at your new address. The envelope will be returned, unopened, to the Board of Elections. If the board determines that you are a proper voter of that election district, your ballot will be counted. You will be notified if your ballot is not cast and the reason for such decision.

At the Board of Elections eligible envelopes will be opened and the ballots counted pursuant to New York State Election Law which provides various methods of protecting the secrecy of your vote. They are then counted. In this manner, the secrecy of every vote is maintained.

UNITED STATES DISTRICT COURT
SOUTHERN DISTRICT OF NEW YORK

UNITED STATES OF AMERICA
and CESAR RUIZ

Plaintiffs,

v.

VILLAGE OF PORT CHESTER,

Defendant.

CONSENT DECREE

06 Civ. 15173 (SCR)

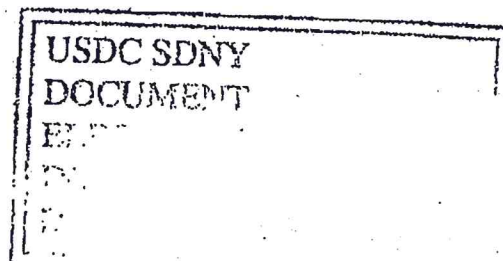
ECF CASE

WHEREAS, this Consent Decree ("the Decree") represents the parties' commitment to ensure that all citizens of the Village of Port Chester ("Port Chester") have an equal right to full electoral and political participation, including Hispanic and Spanish-language citizens;

WHEREAS, Port Chester intends to fully implement this Decree as part of its ongoing efforts to ensure all voters equal access to the polls regardless of race or ethnic origin;

WHEREAS, the United States of America filed this action against the Village of Port Chester pursuant to Section 2 of the Voting Rights Act of 1965, as amended, 42 U.S.C. § 1973, on December 15, 2006, and the Court granted the motion of Plaintiff Intervenor Cesar Ruiz to intervene on April 6, 2007;

WHEREAS, by Decision and Order dated January 17, 2008, the Court found that the Village of Port Chester's at-large method of election violates Section 2 of the Voting Rights Act and prevents Hispanic voters from participating equally in the electoral process (the "Liability Decision");



WHEREAS the Court, in the Liability Decision, relied on the official history of discrimination in Port Chester, including Port Chester's lack of required Spanish language assistance at the polls and incidents of Hispanic voters being turned away from the polls;

WHEREAS, Port Chester, as a political subdivision of Westchester County, is covered under Section 203 of the Voting Rights Act, as amended, 42 U.S.C. § 1973aa-1a, which coverage requires that "Whenever [Port Chester] . . . provides any registration or voting notices, forms, instructions, assistance, or other materials or information relating to the electoral process, including ballots, it shall provide them in the language of the applicable minority group as well as in the English language." 42 U.S.C. § 1973aa-1a(c);

WHEREAS, by Order dated November 6, 2009, the Court ordered Port Chester to implement cumulative voting as an election scheme to remedy the Section 2 violation (the "Remedy Order");

WHEREAS, the Court has required a "full education plan" to ensure the success of the cumulative voting program; and

WHEREAS, the Court in its Remedy Order directed the parties to submit a plan that includes "the form, format, schedule for providing voter education; bilingual poll officials; Spanish-language materials; practice voting; and the duration of such outreach efforts";

NOW, THEREFORE, in resolution of this matter, and with agreement of all parties, it is hereby ORDERED, ADJUDGED, and DECREED as follows:

DEFINITIONS

- (a) At-large method of election: A system of voting in which all registered voters in the political jurisdiction may vote for all of the political representatives. Each voter is