



NEW YORK STATE SENATOR

Cecilia Tkaczyk

Senator Tkaczyk and Assemblyman Cahill Announce Legislation to Protect New Yorker's Right to Vote

CECILIA TKACZYK May 1, 2013

| ISSUE: **ELECTIONS**



State Senator Cecilia Tkaczyk and Assemblyman Kevin Cahill, joined by Board of Elections officials from several counties, today announced legislation that would protect New Yorkers' right to vote and ensure their votes are counted.

One of the measures (**S.4270**) would prevent affidavit ballots from being disqualified for insignificant, hyper technical reasons, as long as the voter is eligible, registered and in

substantial compliance with voting regulations.

“Our democracy will only thrive if citizens participate and vote,” **Senator Tkaczyk** said. “We should be encouraging residents to get involved in the process and cast their vote, rather than creating unnecessary obstacles that prevent their votes from being counted.”

A second measure (**S. 4269**) removes the restriction on when a county board of elections can provide ballots to election inspectors. By removing this constraint, ballots cast by election inspectors would be treated much the same way as those provided to absentee voters.

“Election inspectors work on Election Day, helping others to cast their votes,” **Senator Tkaczyk** said. “It simply does not make sense that our laws would make it more difficult for them to vote, when we should be doing all we can to protect their vote, and the vote of every other eligible registered voter in the State.”

Assemblyman Cahill, the Assembly sponsor of the legislation, said, “These bills are necessary to ensure that all citizens have the equal opportunity to exercise their constitutional right to vote. It is time for us to move away from hyper-technical laws that except for expensive litigation and court intervention simply would have disenfranchised our local voters. We should enact this common sense legislation that allows every vote to be counted.”

During the recount process in Senator Tkaczyk’s campaign, her opponent’s legal team challenged hundreds of affidavit ballots because of insignificant technicalities. Many of those ballots were initially disqualified, but later reinstated by the Appellate Division, which determined the ballots were cast by eligible voters who complied with the law.

The election in the 46th Senate District was not decided until 73 days after Election Day, and only after the intervention of the NYS Supreme Court Appellate Division, Third Department and ultimately the Courts of Appeals – New York’s highest court. Senator Tkaczyk’s

legislation, co-sponsored by 20 of her Senate colleagues, would codify these Appellate Court decisions into New York's Election Law.

Barbara Bravo is an election inspector who had her 2012 ballot disqualified because it was submitted prior to the two weeks before Election Day. Her ballot was later reinstated by the Appellate Division.

"It was just inconceivable to me that poll inspectors, who are directly involved in our Democracy, and who go to special training classes in order to help others to vote, would have their votes disqualified because of a technicality." **Ms. Bravo** said. "When I first heard about it, I was very angry, and very upset that my vote, and many others, were in jeopardy."

Mary Anne Wrolsen also served as an election inspector and had her ballot disqualified. She said "I have been registered to vote for more than 40 years, and an inspector for more than five years. Our job on Election Day is to help make sure everything is running smoothly, and that everyone has a chance to vote. I was shocked to hear that my vote had been rejected, through no fault of my own. I was very pleased when the Court reinstated my vote, and I'm especially happy to hear that Senator Tkaczyk is sponsoring legislation that will prevent this type of thing from happening again."

Barbara Bartoletti, legislative director for the League of Women Voters of New York State (LWVNYS) said, "We believe that poll workers provide a vital service to our democracy and should not have their votes thrown out. Additionally, LWVNYS believes that our hyper-technical affidavit ballots should be simplified to ensure that qualified voters have their vote counted. We applaud Senator Tkaczyk and Assemblymember Cahill for their efforts, and for their legislation."

Brian Quail, Schenectady County Elections' Commissioner, said, "These seem like common sense measures -- because they are. If a voter provides an affidavit ballot and, based on its contents, we can tell the voter meets the substantive requirements, the voter should be allowed to vote. The fundamental right to vote should not be infringed upon because of paperwork technicalities that have no relationship to eligibility."