



County Legislature

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U. S. Department of Justice, Civil Rights Division, Voters Rights Section

Attn: [REDACTED]

950 Pennsylvania Avenue, NW

Office of the Assistant Attorney General

Washington, D.C. 20530-0001

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January 2, 2014

Re: November 5, 2013 General Election,
Town of Monroe, New York

Dear [REDACTED]:

Thank you for responding to my call to the US Department of Justice, Voting Rights Section in reference to the above election. As a voter at the Mombasha Fire House polling place in Monroe, I personally experienced having to vote on a small print emergency paper ballot copy using a Sharpie black pen to blacken ovals. The ink bled through the paper to the other side where six more voting items were placed. I received no checking that I completed my ballot properly; voting for the right number of judges, for example. I was only directed to fold the paper in thirds, then to proceed to a line to bring the ballot to a box. The line next to mine did not move at all. These people held optical scan machine ballots sheathed in a cover. They were waiting for the machine to start again. It had overheated and shut down repeatedly all day from the volume of ballots being fed into it. The woman next to me shared that she and her friend had been waiting half an hour. The Board of Elections had been alerted to the problem, but another scan machine was not sent. While I waited on line, I called the Orange County Board of Elections to find out why another machine was not sent. "It was not necessary," I was told, "since everybody is now using emergency ballots which do not use a scanner." I replied that there were long lines and that people were talking about leaving because they could not vote. The response was cutting, "I cannot do anything if people want to leave..."

On the morning of November 6th, I called the New York State Board of Elections, Albany, Operations Division to check on the legality and inequality of the Emergency Ballot to the Scan Ballot in serviceability to the voter, since the print was so much smaller. Surprisingly, there is no state law requiring a specific font and minimum type size for Emergency Ballots. As suggested, I followed up by reading sections of the NY State Election Law, particularly:

Article 7-120 Ballots; emergency use, to be furnished

1...emergency ballots, printed or written, and of any suitable form, may be used for taking of votes.

Question: What constitutes a "suitable form"? Certainly the intent is that it is in the English-speaking voters language, and that it is written in a print size not inhibiting the voter from casting a vote.