

Within hours of opening, Monroe polling places outside of Kiryas Joel were calling for Emergency Ballots. They arrived late and long lines waiting had formed. Emergency Ballots were on a shorter sheet of paper and showed a smaller size print than Scan ballots. With the exception of Kiryas Joel because all voters there had scan ballots, the elderly in Monroe had a visual hurdle to get over imposed on them to vote. In my polling place there was only one magnifying glass to be used, creating another hardship of waiting on line just to be able to read their ballots. When Emergency Ballots in English were exhausted, Spanish language ballots were given to English speaking voters.

Is it not wrong that all of the voters who were forced to fill in Emergency Ballots were denied the do-over chances that all of the voters using scan sheets received, that an error in filling out the paper ballot had no chance of being corrected and the paper ballot voter was denied a voice on the line where an error occurred. Is helping one voter and denying another equal help not disenfranchising one? Cannot this innocent inequity ultimately suppress a vote count?

From the Brennan Center for Justice, NYU School of Law, "Voter Friendly Ballot Act is Good for New York," by Carson Whitelmons, March 17, 2013, article originally printed in the Poughkeepsie Journal in speaking about optical scanning machines and paper ballots to vote in the 2012 presidential election, Whitelmons points out that "...particularly older voters and those with impaired vision found the paper ballots difficult to read and use. This is because they did not change to reflect our new voting system: our ballot requirements stayed the same while our ballot size shrunk significantly...voters faced a crowded and confusing ballot that at best made the voting experience more difficult and at worst invalidated otherwise legitimate votes. New York's ballots are governed by strict, outdated guidelines intended for the retired mechanical voting machines." He continues to say, "Poorly designed paper ballots can invalidate votes and interfere with the integrity of our election process. The Brennan Center has estimated that design defects in ballots and voter instructions contributed to the loss of several hundred thousand votes in the last two federal elections. Evidence suggests that low income and elderly voters particularly bear the brunt of poorly designed ballots, raising fundamental issues of access to the political process."

Because of the difference in the physical ballots' print size and performance ability; because of the inequity of working scanner equipment in the Town election; because our elderly citizens are our consistent voters who come to the polls proudly to vote, and because of the de facto segregation of the well-equipped voter who received scanner help from the ill-equipped voter who received no help in this election, the election was grievously flawed and not equally representative of each of the voters. I do not doubt that there were hundreds of votes across the Town of Monroe lost.

██████████, I believe there is a viable claim of loss of access to the political process and "Violation of the Equal Protection Clause" for a great body of voters in Monroe, and request that you please advise me of next steps. If there is no recourse to this injustice, I implore you to keep a watchful, legal eye on The Town of Monroe as the negative, divisive after-effects of the election begin to play out.

Sincerely yours,

Myrna Kemnitz, Orange County Legislator,  
District 7, Monroe