

CLC Lawsuit Enabled 9,000 Ballots To Count in New York's 2020 Election

BY **GEORGIA LYON**

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ISSUES: **VOTING RIGHTS**



Campaign Legal Center (CLC) has achieved a victorious settlement in a lawsuit filed to prevent New York from erroneously rejecting voters' mail ballots. Due to the changes in state law that this lawsuit inspired, the rejection rate for mail ballots fell from 14% in the 2018 general election to 4% in the 2020 general election, and nearly 9,000 people were able to address deficiencies in their ballots and have them counted.

These changes to New York's election rules will permanently apply to all future elections, ensuring that the procedures for reviewing signatures on mail ballots are applied more fairly and helping more voters participate.

court.

As New York voters increasingly came to rely on the state's mail voting system to cast their ballots during COVID-19, more New York voters were at risk of disenfranchisement because the state had relied on an ineffective system that rejected their ballot for issues that had nothing to do with their eligibility.

This was, in part, because the state had no process for notifying voters and giving them an opportunity to respond when their ballots were in danger of not being counted because of benign issues.

Examples of these include: an omitted signature, writing the wrong date on a ballot, or a perceived discrepancy between the signature on a voter's mail ballot envelope and the one in their voter registration file.

To seek a solution to this problem, CLC and pro bono partner Selendy & Gay represented the League of Women Voters of the United States, the League of Women Voters of New York, and individual client Carmelina Palmer in a lawsuit, League of Women Voters v. Kosinski, filed on July 8, 2020 against the state.

CLC found through the course of litigation that there was disparate impact of ballot rejections in the areas with more communities of color in the boroughs of New York City than in whiter upstate areas.

The New York State legislature took a significant step to address this, passing a bill providing voters an opportunity to resolve challenges to their mail ballots and fixing a process that did not give voters notice that their ballot would be rejected.

The state board of elections was then required to inform voters by phone or email, as well as mail, of clerical errors with their mail-in ballot and give them an opportunity to fix it.

In 2021, the board of elections adopted new rules designed to implement these notification procedures and ensure voters statewide are treated fairly regardless of which county they happen to live in.

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ending the case.

This reform is long overdue and will ensure voters are more confident that their ballot will be counted should they choose to vote by mail in future elections.

GEORGIA LYON *Georgia is a communications assistant at CLC.*

Protecting Voters from Having Mail Ballots Erroneously Rejected

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