



NEW YORK STATE SENATE

June 3, 2020

The Honorable Andrew M. Cuomo
Governor of the State of New York
New York State Capitol Building
Executive Chamber
Albany, New York 12224

Re: School Board Elections and Budget Votes/Date Ballots Received

Dear Governor Cuomo:

We write to urge that the terms of Executive Order 202.26 be amended to provide that ballots for school board elections and school budget votes be postmarked by, rather than received by, June 9th this year.

First, as this year posed new and substantial changes in the voting process for school board candidates and school budget votes, we appreciate your efforts to ensure that the voting rights of all qualified residents are met. As we collectively strive to achieve this standard, we believe our request will address the process issues encountered and allow for greater voter participation to be accomplished.

The engagement of vendors for transmission of absentee ballots in a compressed time period has made the process challenging all around. In some districts, suppliers could not meet the scheduled delivery to mail ballots in time for voters to have a full opportunity to make informed decisions. In some cases, ballots will not be received in homes by the current statutory date required, further impacting voter decision-making by a shortened time period in which to return ballots. In order to ensure that the process works effectively and with integrity, we urge that the standard be changed this year for ballots postmarked by June 9th, instead of received by this date.

Second, there are serious delivery issues with the US Postal Service at the current time, due to Coronavirus job shortages as well as structural issues. We should not disenfranchise voters because of problems with the mail. As long as the ballot is postmarked, we know voters took the opportunity to vote, and that should be honored. Election law allows ballots postmarked by the day of the election to be valid.

Third, the possibility of legal challenges and uncertainty is great if the submission date is not modified. In a close election, if multiple ballots arrive on June 10th, there will be confusion if not legal challenges to the outcome, leaving districts in an unwelcome limbo.

We believe the best way to minimize these risks is simply to modify the EO to denote that the ballot must be postmarked by June 9th to be deemed timely. Thank you for your attention.

Sincerely,

Sen. Shelley B. Mayer

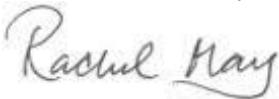
Sen. John C. Liu

Sen. Jen Metzger

Sen. Peter B. Harckham



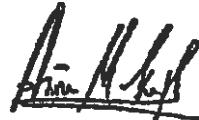
Sen. Todd Kaminsky



Sen. Rachel May



Sen. James Skoufis



Sen. Anna M. Kaplan



Sen. Leroy Comrie



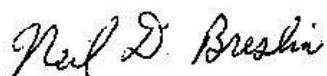
Sen. Alessandra Biaggi



Sen. Gustavo Rivera



Sen. Jamaal T. Bailey



Sen. Neil D. Breslin



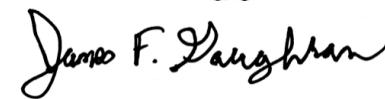
Sen. Liz Krueger



Sen. Toby Ann Stavisky



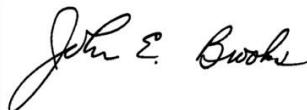
Sen. Monica R. Martinez



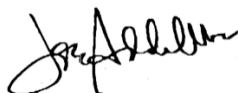
Sen. James F. Gaughran



Sen. Kevin Thomas



Sen. John E. Brooks



Sen. Joseph Addabbo



Sen. Jessica Ramos



Sen. Roxanne J. Persaud



Sen. Julia Salazar



Sen. Timothy M. Kennedy



Sen. David Carlucci



Sen. Robert Jackson



Sen. Brad Hoylman

cc: Dan Fuller
Dana Carotenuto Rico
Beth Garvey