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Congress of the United States
House of Representatives
COMMITTEE ON HOUSE ADMINISTRATION
1309 Longworth House Office Building
Washington, D.C. 20515–6157
(202) 225–2061
https://cha.house.gov

RODNEY DAVIS, ILLINOIS
RANKING MINORITY MEMBER

MARK WALKER, NORTH CAROLINA
BARRY LOUDERMILK, GEORGIA

ONE HUNDRED SIXTEENTH CONGRESS

JEN DAULBY, MINORITY STAFF DIRECTOR

July 22, 2020

Ms. Patricia Anne Taylor
President
New York City Bd. of Elections
32-42 Broadway, 7fl.
New York, New York 10004

Dear Ms. Taylor,

As Ranking Member of the Committee on House Administration in the U.S. House of Representatives, which has broad jurisdiction over election issues, I write to you because of the election administration issues that plagued your city's June 23rd primary election. As primary elections conclude across the country, I have identified New York City as one where voters are likely to face significant hurdles voting in the November 3rd general election and where the risk of failure is simply too high. Included in this letter are references to the issues identified as well as oversight questions aimed at reassuring me and, more importantly, the voters of New York City that they will not be disenfranchised again.

a. *Failure to adequately prepare for an increase in absentee ballots:* Due to Covid-19 we are seeing a significant increase of voters requesting absentee ballots across the nation. In April, New York Governor Andrew Cuomo signed an executive order allowing all New Yorkers to vote absentee in the June 23rd primary. He then issued another executive order in April requiring state election officials to send postage-paid absentee ballot applications to all voters amid the pandemic. Over 700,000 voters from New York City requested an absentee ballot for the primary election. It was then widely reported that numerous voters who applied for an absentee ballot never received it and had to vote in person or be disenfranchised.

    1. On June 19th, the New York City Board of Elections updated the number of absentee ballots mailed. It reported more than 29,000 ballots had still not been sent to voters. How many requested absentee ballots were not mailed before the June 23rd primary?
    2. What is being done to improve distribution of ballots ahead of the November general election?
    3. The Cybersecurity and Infrastructure Security Agency (CISA) Elections Infrastructure Government Coordinating Council (GCC) and Sector Coordinating Council's (SCC) Joint Covid Working Group has produced a series of documents, available on the Election Assistance Commission's website, meant to provide guidance to state, local, tribal, and territorial election officials on how to administer and secure election infrastructure in light of the Covid-19 epidemic. Included in these documents is a "Vote

by Mail/Absentee Voting Timeline" which provides recommendations and a timeline for ramping up vote by mail operations.[1] Using this timeline as a reference point, please provide the Committee an update on whether New York City is taking these recommendations and if New York City is meeting the proposed timeline.

4. How will your office bolster its IT infrastructure ahead of the November general election?

b. *Underprepared poll workers leading to long lines at polling locations:* On the day of the primary election it has been reported that numerous polling locations opened late because poll workers failed to arrive on time. Voters reported that even when locations did open poll workers seemed unprepared. The Board of Elections said the overnight closure of the subway made it difficult for some workers to arrive on time. However, the Metropolitan Transportation Authority (MTA) said the roughly 1,000 poll workers met the conditions to book a for-hire vehicle at the agency's cost while the subway was closed. The MTA further said they have been moving "thousands of essential workers every morning…and Election Day was no different." There was seemingly a disconnect which severely harmed election day operations as it was reported that voters throughout the city regularly waited over two hours in line.

1. The Presidential Commission on Election Administration has said voters should not have to wait more than 30 minutes. How does your office plan on reducing the time voters spend in line on November 3rd, 2020?
2. Does any effort by your office to reduce wait times include the opening of additional in-person voting locations for early voting and/or election day voting?
3. What efforts were made to communicate transportation options to poll workers?
    a. Does your office intend on increasing this level of communication ahead of the general election?
4. Voters complained they were not being given full ballots and that some poll workers were only giving voters one of two pages. The Board of Elections said that a message was sent to poll workers reminding them to give out both pages of the ballot. Looking ahead to November, what added training does the Board of Elections plan to introduce to make sure all poll workers are adequately trained and this does not happen again?
5. What plans does your office have in place to ensure the health and safety of staff, volunteers, and voters in both early voting and on election day?

c. *Failure to provide adequate voter education:* Many polling places weren't in the location voters had used in previous elections, and in some cases, the change of polling location happened just hours before voting began. In the Upper West Side alone, five polling sites were moved. Adding to these issues, it has been reported that the New York Attorney General's voting hotline was used nearly exclusively by voters of New York City. These problems, taken together, paint a bleak picture of New York City's voter education program.

1. How many polling locations across the city were closed or moved within the week following up to the June 23rd primary? What was the reasoning for these closures?

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[1] *Vote by Mail Timeline*, Election Assistance Commission (2020), https://www.eac.gov/sites/default/files/electionofficials/vbm/VBMProjectTimeline.pdf.

2. What did your office do to communicate these changes to affected voters?
3. How does your office plan to communicate changes around the voting process to individuals ahead of the November 3rd general election?

Ahead of the 2020 general election, it is imperative New York City address these issues to ensure voters are again not disenfranchised. I firmly believe every voter who wants to vote must have the opportunity to do so. It is also critical that the American people have confidence in their elections, and to this end, the issues seen in New York City are simply unacceptable. It is my hope that these oversight questions will begin to restore that confidence. Please submit answers to these questions to my office by August 14, 2020. If you have any questions, please contact my staff at the Committee on House Administration at (202) 225-8281.

Sincerely,

Rodney Davis
Ranking Member