



NEW YORK CITY COMPTROLLER
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Audit Report on the New York City Board of Elections' Oversight of the Distribution and Processing of Absentee Ballots

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THE CITY OF NEW YORK
OFFICE OF THE COMPTROLLER
BRAD LANDER

July 26, 2024

To the Residents of the City of New York,

My office has audited the New York City (NYC) Board of Elections (BOE) to determine (1) whether BOE adequately administered the absentee ballot process so that all requests were accounted for and that absentee ballots were issued to voters in a timely manner and (2) whether there were any existing inequities among the City's five boroughs in the processing of absentee ballots.

The audit found that while BOE generally fulfilled its obligations to issue absentee ballots for the 2022 General Election as required under the New York State (NYS) Election Law, the audit identified weaknesses in the absentee voting system, such as voters' information required when submitting requests for absentee ballots being accessible to others, that not only leads to potentially fraudulent voting but may also disenfranchise voters who are unaware that absentee ballots have been requested and issued in their names.

The audit also identified statistically small errors, such as 484 voters with duplicate records, that are nonetheless significant in a democracy that depends on "one person one vote." Finally, the audit identified system problems that should be addressed in the future, including the low usage rate of absentee ballots among voters living in residential care facilities and disparities in rejection rates among boroughs.

The audit makes seven recommendations intended to improve how BOE administers the absentee ballots, and to strengthen voter integrity and access. BOE agreed to implement all seven.

The results of this audit have been discussed with BOE officials, and their comments have been considered in preparing this report. Their complete written response is attached to this report.

If you have any questions concerning this report, please e-mail my Audit Bureau at audit@comptroller.nyc.gov.

Sincerely,

A handwritten signature in black ink, appearing to read "B. Lander".

Brad Lander
New York City Comptroller

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Audit Impact

Summary of Findings

While the audit found that the New York City Board of Elections (BOE) generally fulfilled its obligations to issue absentee ballots for the 2022 General Election as required under the New York State Election Law, it also found significant areas that need improvement.

First, the audit identified control weaknesses in the absentee balloting process that have led to ballots being issued to individuals without proper authorization. This not only leads to potentially fraudulent voting, but it may also disenfranchise voters who are unaware that absentee ballots have been requested and issued in their names.

Second, the audit identified statistically small errors that are nonetheless significant in a democracy that depends on “one person one vote.” Errors in this category include 484 voters with duplicate records and 29 voters who requested but did not receive absentee ballots.

Lastly, the audit identified system problems that should be addressed in the future, including the low usage rate of absentee ballots among voters living in residential care facilities and disparities in rejection rates among boroughs that are not currently analyzed by BOE.

Intended Benefits

This audit identified areas of improvement in BOE’s oversight, controls, and distribution of absentee ballots to strengthen the integrity of the absentee balloting process and to ensure that all voters can exercise their right to vote.

Introduction

Background

On June 1, 1974, the New York State Board of Elections (NYS BOE) was established as a bipartisan agency, vested with the responsibility of administering and enforcing all laws relating to elections in New York State. NYC BOE, which predates the NYS BOE, is an administrative body of 10 Commissioners, who appoint bipartisan staff to oversee the daily activities of its main office, as well as activities in the five borough offices.¹ In accordance with NYS Election Law, NYC BOE is responsible for enfranchising all eligible NYC voters to register and vote; conducting fair and honest elections; certifying the results of the elections and retaining official records; and reaching out to voters and providing education.

One method of voting is via absentee ballot, which means that a voter mails or drops off their ballot instead of voting in person. All counties in the State are required to follow Article 8, Title 4, Section 400 of the NYS Election Law pertaining to absentee voting. The section outlines the process required for absentee voting, including, but not limited to eligibility (including hospitalized veterans, residents of nursing homes, acute care facilities, and hospitals), filing and reviewing applications, delivery of ballots, and tracking. NYS Election Law governs the operations of NYC BOE and NYC BOE is subject to NYS BOE oversight.

An absentee ballot may be cast in NYC for several reasons. For example, if the voter is absent from the five boroughs on Election Day; unable to appear at the polls due to illness; or incarcerated for any reason other than a felony conviction. NYC residents can apply for an absentee ballot online, by mail, in person, by fax, or by designating another person to deliver their application in person. In July 2020, in response to public health concerns arising from the COVID-19 pandemic, NYS issued a temporary (2020 through 2022) update to the legislation, allowing voters to utilize absentee ballots when they felt at risk of contracting or spreading a disease, effectively allowing all NYC voters to be eligible to vote by absentee ballot.

As stated in the NYS Election Law, voters wishing to vote absentee can apply for an absentee ballot via a paper form obtained from BOE, by letter, or through the electronic absentee ballot application transmittal system (online portal) established and maintained by BOE. The portal is designed to only process requests for voters who are registered to vote in NYC and who provide all required pieces of information correctly. If a voter is not registered or the information is entered incorrectly, the portal will not accept the absentee ballot application.

The application for an absentee ballot must contain the applicant's full name, date of birth, residence address, and mailing address (if different from the residence address). Those who are permanently ill or disabled have the right to request a permanent absentee ballot for all future elections or until the voter revokes the request. For applicants requesting an absentee ballot for a specific election by mail, applicants must submit their request so that the Board of Elections (within the county of the applicant) receives it no later than 15 days before the election.²

¹ The commissioners are two from each borough, recommended by both political parties, and then appointed by the City Council for a term of four years.

² The 15-day requirement applied to the 2022 General Election. The current requirement is 10 days.

The voter may request that a ballot be mailed to an address other than the address on file with BOE and NYS Election Law does not place any restrictions on the number of ballots that can be mailed to one address. For those requesting absentee ballots in person, they must make their request to the county board no later than the day before the election. A voter may also designate anyone to pick up the ballot from the borough office and the NYS Election Law does not place any restrictions on the number of ballots that can be picked up by a single designee. According to the Law, once an absentee ballot is issued to a voter, that voter can no longer use a regular ballot to vote in person. The voter may only use the absentee ballot or an affidavit ballot.³

NYC BOE uses two systems to store a voter's information and voting history: Archival for Voter Images and Data (AVID) and the Ballot Tracking System (BATS). AVID holds the voter's personal information and voter history, while BATS tracks data related to each specific ballot, such as issuance of an absentee ballot.

According to BOE's 2022 Annual Report, 4.7 million voters were registered to vote in the 2022 General Election. Of the 1.8 million voters who voted in that election, 132,490 (7.3%) did so by absentee ballot.

Objectives

The objectives of the audit were to determine (1) whether BOE adequately administered the absentee ballot process so that all requests were accounted for and that absentee ballots were issued to voters in a timely manner, and (2) whether there were any existing inequities among the City's five boroughs in the processing of absentee ballots.

Discussion of Audit Results with BOE

The matters covered in this report were discussed with BOE officials during and at the conclusion of this audit. An Exit Conference Summary was sent to BOE and discussed with BOE officials at an exit conference held on May 9, 2024. On June 24, 2024, we submitted a Draft Report to BOE with a request for written comments.

We received a written response from BOE on July 9, 2024. In its response, BOE agreed to implement all seven recommendations, stating that BOE will incorporate the Comptroller's recommendations into the evaluation process to the extent legally and operationally permissible.

The full text of BOE's response is included as an addendum to this report.

³ An affidavit ballot is used when voters believe that they are eligible to vote, but their names are either not on the voting roll or they are marked as ineligible. According to NYS Election Law, in circumstances where BOE receives a vote by absentee ballot, as well as an affidavit ballot from the same voter, BOE must account for and validate the absentee ballot vote before the affidavit ballot vote. The affidavit vote is canvassed only if the absentee ballot is rejected.

Detailed Findings

The audit found that BOE generally fulfilled its obligations to issue absentee ballots for the 2022 General Election as required under the NYS Election Law. However, there are weaknesses in the State-regulated absentee voting system that potentially threaten voter integrity—specifically, individuals have access to other voter’s information that is required when submitting a request for an absentee ballot and there are unrestricted opportunities to request such ballots. This combination culminates in voters being denied or rejected from exercising their right to vote due to unauthorized people fraudulently filing absentee ballots on their behalf. While BOE is aware of these weaknesses, has discussed them with the NYS BOE, and has indicated that changes to State law are needed to more comprehensively address them, there are actions BOE can take now to better secure the City’s absentee voting process.

The audit also identified duplicate voter records and a small number of ballots that were not provided when requested, as well as disparities among certain absentee voters and certain operational issues that should be improved in future.

These are discussed in more detail below.

BOE Granted Unauthorized Absentee Ballots

NYS Election Law allows individuals to pick up absentee ballots on behalf of other registered voters, provided the voter authorizes this in writing with a signature (see ballot application in Appendix I). There is no limit on the number of ballots an individual may pick up, and the NYS Election Law allows ballots to be sent to an address other than that associated with the voter requesting the ballot.

The information needed to request an absentee ballot is (1) last name; (2) first name; (3) middle initial (if applicable); (4) zip code for address on file; and (5) date of birth, and all such information is available to the public. BOE is required to maintain this information for all registered NYC voters in public portals throughout the five boroughs, and any member of the public may access this information. Campaigns also routinely access the voter rolls in their entirety to conduct voter outreach.

As stated earlier, once an absentee ballot is issued to a voter, the voter may only vote by either returning the absentee ballot or casting an affidavit ballot. However, when both an absentee ballot and affidavit ballot are submitted for the same voter, the absentee ballot is counted and the affidavit ballot is set aside, unopened (NYS Election Law Section 9-209[7-a]). This means that if someone fraudulently requests an absentee ballot and files that ballot, the rightful voter is unable to cast a legitimate vote.

According to BOE officials, if a voter discovers that their vote was not counted, the voter may pursue legal action, but only to the extent that the vote cast by absentee ballot has been rejected. Once the vote is counted and tabulated by machines, the vote can no longer be retrieved—no court can overturn a vote that has been deemed valid and that has been counted by BOE.

Auditors reviewed the data for rejected affidavit ballots of 11,792 voters in the 2022 General Election to identify voters possibly disenfranchised by an unauthorized absentee ballot and found

298 voters whose affidavit ballots were rejected for the reason “Other.” Of these voters, 209 were recorded as having already voted via absentee ballot. A further analysis of the data showed that 119 of the 209 voters were from a single district in Queens in which one Assembly race was decided by a margin of only 356 votes.

Auditors expanded the analysis of absentee ballot requests for voters in that district and found that 711 ballots were physically picked up by five individuals. Of these, ballots associated with 678 voters (including the above-mentioned 119 voters who unsuccessfully attempted to vote in person) were submitted and deemed valid. Despite this, concerns remain about the validity of such a high volume of ballots that were requested and issued to these five individuals and, by extension, what impact this may or may not have had on the outcome of the closely contested Assembly election.⁴

Research conducted by the auditors identified three instances of voter fraud by absentee ballot that were publicly reported and prosecuted. In 2 of the 3 cases, BOE appears to have issued fraudulent absentee ballots that may have been counted.

- In a November 11, 2022, Grand Jury Report, the Richmond County District Attorney sharply criticized efforts by a particular candidate (referred to as “Candidate 2”) and their campaign staff to submit absentee ballots and related applications in the names of voters who were deceased, ineligible, or who had not authorized applications to be made in their names. The attempts to submit illegal votes were identified and prevented before the vote count had been certified.
- A criminal complaint was issued in July 2022 against a Manhattan resident who made over 95 requests for absentee ballots in the 2022 Primary Election, on behalf of recognizable politicians, media personalities, and lawyers. Of the 95 requests for absentee ballots, BOE mailed 35 ballots to a single address in New Jersey and 38 ballots to one Manhattan apartment. The remaining 22 ballots were not mailed because either the voters were not affiliated with a party conducting a primary election or a ballot request had already been requested. The resident admitted to requesting unauthorized absentee ballots on behalf of individuals other than himself.
- On December 19, 2023, the Queens District Attorney arraigned a Queens resident, charging him with submitting 118 falsified absentee ballot applications for the August 2022 primary election. BOE had approved 32 of the 118 absentee ballot requests, resulting in the perpetrator’s submission of all 32 ballots. The situation was discovered when one of the voters (on behalf of whom an unauthorized absentee ballot had been requested) arrived at a polling site to vote in person, but was not able to because an absentee ballot had already been submitted. The outcome of the case is still pending.

The auditors discussed the weaknesses in the system with BOE. The agency was aware of the issues and stated that they are in regular communication with NYS BOE. They claim that changes in State law would be needed to comprehensively address these weaknesses, but also that they have safeguards in place to mitigate the risk. However, BOE refused to share information about these safeguards with auditors, and as a result, it is not possible to assess their effectiveness.

⁴ Additionally, auditors are unable to determine the candidates for whom absentee ballots are cast. Once absentee ballots are separated from their envelopes and ballots are scanned, it is no longer possible to identify the candidate selected by a voter.

There is no evidence they were effective in preventing the issuance of absentee ballots to unauthorized individuals in the cases reviewed by auditors.

The audit report makes recommendations for tightening security around access to voter registration data, monitoring of multiple ballots picked up or requested to be mailed to single addresses, and reviewing rejected affidavit ballots and rejected attempts to vote in person because of a filed absentee ballot, prior to certifying votes, all of which could be accomplished without changes to NYS Election Law.

In addition, changes to the NYS Election Law may be advisable, to more comprehensively address the weaknesses identified, while still providing easy access to absentee ballots for those who need them.

484 Duplicate Voter Records Identified by Auditors

The audit identified a total of 484 duplicate voter records, suggesting that the de-duping process needs improvements.

NYS adopted NYSVoter, a database maintained by the State for storing and managing the official list of registered voters. NYS BOE reviews the voter rolls for duplicates, deaths, felonies, etc., and periodically notifies BOE (generally on a monthly basis) of potential records that may need to be cleaned or removed. BOE is responsible for reviewing the report of potential duplicates, deaths, and felonies received from NYS and for removing the deceased, felons, and duplicate voter registration records from AVID, which links to NYSVoter.

BOE provided auditors with data relating to 5.2 million active and inactive voters registered to vote in NYC as of January 2023. Using the first and last name and date of birth, auditors examined the voter records to flag potential instances of voters registered multiple times under two or more different voter registration numbers. Auditors initially identified potential instances relating to 1,819 voters—representing .03% of the population of registered voters.⁵

Auditors selected a sample of 149 of the 1,819 voters. They then visited the public portal to conduct a more comprehensive review by comparing the voter demographics (last name, first name, date of birth, current address, etc.), voting history (election type, election date, voting method, Election/Assembly District), voter activity (past addresses, past demographic changes, notes posted to the voter's data), and signatures for the 149 voters.

Based on this review, the auditors determined that 31 voters had two distinct voter registration records, but the information on record, along with the signatures, indicated that it may have been the same individual. The auditors shared the list of 31 voters with BOE, who confirmed that 15 of the 31 were in fact duplicate records and later merged the duplicates into single accounts.

⁵ Auditors identified a total of 3,684 records pertaining to the 1,819 voters. These records included 28 records potentially representing seven voters (quadruplicates), 96 records potentially representing 32 voters (triplicates), and 3,560 records potentially representing 1,780 voters (duplicates).

BOE subsequently reviewed the remaining 1,670 potential duplicates and confirmed that 468 were duplicates and 1,201 were not, based on distinguishing data. BOE has since removed the above-mentioned duplicate accounts. BOE provided no information pertaining to the status of one duplicate account.

BOE Process Weaknesses Identified

Very Few Residents in Residential Care Facilities Who Received an Absentee Ballot Voted

According to the NYS Election Law, BOE is required to visit residential care facilities (e.g., nursing homes, veteran hospitals) to collect absentee ballots from residents. Despite this requirement, the voting rate among people living in these facilities was significantly lower than the population of voters who received absentee ballots as a whole. BOE records indicate that only 2,289 (37%) of the 6,319 registered voters who lived in residential care facilities—and who were issued absentee ballots for the 2022 General Election—are recorded as having voted. By comparison, 63% of the total number of people who received absentee ballots appear to have voted.

When asked, BOE officials stated that several facilities requested that BOE not visit due to health and safety concerns related to COVID-19. However, despite several requests, BOE did not provide any documentation or correspondence indicating that this was accurate, and there are no indications that BOE made attempts to fulfil its obligations under the NYS Election Law in other ways. For example, BOE could have asked facility staff to collect ballots and then picked them up outside each facility without entering the premises.

For those facilities not visited by BOE, residents relied on others (e.g., family members, facility staff) to submit their ballots to BOE, putting those wishing to vote at increased risk of being disenfranchised. It appears that there was a correlation between facilities being visited and the degree to which residents in facilities were able to vote. Auditors found that BOE visited a higher percentage of facilities in the Bronx than in the other boroughs, and a higher percentage of people in residential care facilities in the Bronx cast votes than those in the other boroughs.

Disparity Among Boroughs in Percentage of Ballots Rejected

The borough of Brooklyn rejected a greater number of absentee ballots in comparison to the four other boroughs. Auditors analyzed the absentee ballot data for the five boroughs and determined that rejection rates ranged from 4.3% for Manhattan and Staten Island, to 9% for Brooklyn, as shown in Table I below.

Table I: Analysis of Absentee Ballots

Analysis	Bronx	Brooklyn	Manhattan	Queens	Staten Island	NYC total
Percentage of registered voters to whom absentee ballots were issued (<i>ballots issued/total registered voters</i>)	3%	3.7%	7.2%	4%	3.8%	4.4%
Percentage of registered voters who were issued absentee ballots that were returned to BOE (<i>returned ballots/issued ballots</i>)	68.6%	65.5%	67.7%	67.7%	74%	67.6%
Percentage of votes in the 2022 GE that were submitted via absentee ballot (<i>voters whose absentee ballot was counted/total number valid votes in the 2022 GE</i>)	7.1%	5.7%	10%	7%	5.9%	7.3%
Percentage of all absentee ballots issued that were returned unopened or with defects (<i>"rejected" ballots/returned ballots</i>)	4.7%	9%	4.3%	6.9%	4.3%	6.2%
Percentage of "rejected" ballots with curable defects (<i>cures/returned ballots</i>)	1.4%	3%	0.7%	1.8%	1.8%	1.7%

As indicated in the table above, although Brooklyn had the second-lowest percentage of voters to whom BOE issued absentee ballots (only the Bronx had a lower percentage), it had the highest percentage of ballots that were rejected and needed cures. Conversely, Manhattan had the highest percentage of voters to whom BOE issued absentee ballots but the lowest percentage of rejected ballots.

When analyzing the rejection categories, the audit found that the percentage of rejections due to mail-related factors ranged from a low of 39.8% in Brooklyn to a high of 81.6% in Manhattan. These include ballots received by BOE after deadline; ballots with no postmark; ballots postmarked late; ballots returned by residential care facilities due to voter being discharged, hospitalized, refusing to accept the ballot, or confused; and ballots which the Post Office could not deliver due to address issues, voters' death, or relocation.

Of the absentee ballots rejected, the percentage of ballots rejected because the signature on the ballot envelope did not match the signature in the voting records was 24.2% in Staten Island, 19.1% in Brooklyn, and 5.1% in Queens. In contrast, only 0.4% of the absentee ballots were rejected due to nonmatching signatures in the Bronx, and none were rejected in Manhattan for that reason. Based on the available documentation, the audit was unable to determine the reasons for the disparities.

BOE does not analyze the rejection rates on a borough-by-borough basis, so it is unable to identify the underlying reason for these disparities. Inadequate training and scrutiny could lead to the inappropriate rejection of votes cast by registered voters, or the acceptance of ballots received

from people who illegitimately cast votes on behalf of registered voters. A further analysis of these rates would better enable BOE to identify what measures are warranted to help ensure that voters are not incorrectly denied the opportunity to vote.

BOE Generally Fulfilled Its Legal Obligations

Based on the auditors' observations of BOE's processing of the manual requests for absentee ballots and a review of its online request portal, the auditors concluded that BOE followed NYS Election Law. BOE created a system designed to issue absentee ballots to eligible voters and reject requests from those applicants whose eligibility cannot be determined (i.e., either ineligible or whose requests are not properly filled out). As a result, the audit found that BOE sent out appropriate notices to voters to enable them to cure defective ballots, and in all cases, voters received their ballots in time to vote, as noted below. Additionally, respondents to a survey asking voters for their feedback were generally pleased with the absentee ballot process.

BOE Provided All But 29 Absentee Ballots as Requested

To determine the extent to which BOE satisfied ballot requests, auditors reviewed BOE's data for ballot requests made in 2022. The data auditors received from BOE did not include information pertaining to the specific elections for which the ballots were requested. Because of this, and to better isolate requests made for the 2022 General Election, auditors obtained the data for all absentee ballot requests received by BOE during the period August 24, 2022 (the day after the second primary election of 2022) through October 24, 2022 (the last day to request an absentee ballot via mail and online portal for the 2022 General Election).

According to BOE's data, 100,174 registered voters requested absentee ballots between August 24, 2022, and October 24, 2022. The audit team found evidence that BOE issued absentee ballots to 99,567 (99.4%) of those voters. Of the remaining 607 voters who were not issued a ballot, BOE provided the following explanations for 578 (95%) of them:

- 451 voters were BOE poll workers who were assigned to work at their home poll site or who were not assigned to work on Election Day. Although they are included in the number of voters who requested absentee ballots, absentee ballots are not issued under these circumstances.⁶
- 66 voters requested ballots for a different election; therefore, an absentee ballot would not have been issued to them.
- 22 voters died after they submitted their applications, but before the ballots were printed; therefore, an absentee ballot would not be issued.
- 17 voters moved after they submitted their applications, but before the ballots were printed; therefore, an absentee ballot would not be issued.

⁶ BOE poll workers who wish to vote may fill out a request for a special absentee ballot prior to an election. However, an absentee ballot is issued only to those who end up working at a poll site other than their home poll site. Applicants who decide not to work on Election Day or who are assigned to their home poll site are not issued an absentee ballot and may vote in person on Election Day.

- 10 voters were part of the nursing home program, and although BOE attempted to deliver the ballots, they were not accepted by the nursing home. Since the ballots did not leave BOE's custody, they are not considered issued in the system.
- 12 voters did not receive the requested ballots for other appropriate reasons (did not pick them up from the borough office; requested them through duplicate accounts that were later purged; were not eligible because they had a felony conviction; were too young to vote, or subsequently revoked the request).

The remaining 29 voters were not issued an absentee ballot due to a clerical error. While statistically small, such errors have the potential to deter voting by absentee ballot. Although 11 of the 29 voters had a chance to vote via an affidavit ballot, BOE should aim for 100% adherence to ensure that no voter is left without the means to exercise the right to vote.

Voters Received Absentee Ballots on Time

To determine whether absentee ballots were sent out in a timely manner, auditors examined the electronic log maintained by BOE, in which the absentee ballot issue dates are recorded. BOE sent out absentee ballots to 209,674 voters for the 2022 General Election. These figures included ballots requested by voters before August 24, 2022, as well as ballots sent to those who applied for permanent absentee ballots in prior years and were not required to file repeated applications.

As indicated in the log, ballots were issued in a timely manner to all 209,674 (100%) voters, i.e., voter's absentee vote was counted; absentee ballot was mailed at least five business days before Election Day or two days after application was received if it was received after November 1, 2022; emailed/faxed at least one business day prior to Election Day; and all absentee ballots issued to poll workers at any time up to and including the Election Day.⁷

BOE Provided Appropriate Notices to Cure Defective Ballots

Of the 209,674 voters who were issued absentee ballots for the 2022 General Election, 132,490 (63%) returned them and had their absentee ballots counted. The remaining 77,184 voters who did not vote via absentee ballot includes 9,218 voters whose ballots were returned to BOE but not counted.

NYS Election Law requires that absentee ballots received but not counted by BOE are to be classified as "rejected" ballots. Such ballots generally fall under two categories: those that are returned unopened by the intended recipient (voter died, voter moved, etc.) and those that were returned by the voter but had some sort of defect (ballot unsigned, ballot incomplete, etc.).

The audit team's review of the "rejected" ballots found that the ballots for 3,123 voters were returned as undeliverable.⁸ The "rejected" ballots also included ballots for 6,095 (66.1%) voters that were submitted but not counted because the ballots had defects. Examples of defects include unsealed ballot envelopes, postmarks after the election day, and voters' signatures on the

⁷ According to the United States Postal Service, first class mail is 1-5 business days. Poll workers are issued an absentee ballot only when they do not work at their home poll site. The work location may change on Election Day.

⁸ Undeliverable ballots are returned by the Post Office due to issues with mailing address, unopened envelopes marked as deceased, or returned by the nursing home/hospital to which they were sent because the patient was discharged or patients reportedly did not want to receive their ballot.

affirmation envelope and voters' registrations not matching. (A breakdown of the categorization of the 9,218 voters who submitted "rejected" ballots is found in Appendix II.)

NYS Election Law designates some defects as curable. Examples of curable defects include ballots that are returned without a ballot affirmation envelope in the return envelope, ballot envelopes that are not signed, or ballots that are missing the voter's signature. If a defect is curable, BOE sends a cure notice to the voter explaining how to correct the defect. If a defect cannot be corrected or cured, BOE sends a rejection notice to the voter. Examples of non-curable defects include ballots received after the deadline and ballots that are postmarked after the election.

Of the 6,095 voters that submitted defective ballots, 2,407 of them had defects that were considered curable. BOE provided the cure letters sent to the voters for the 2022 General Election. A review of cure letters for a sample of 249 voters showed that BOE reached out to the voters with curable defects and made attempts to have the voters cure the defects.

Survey Respondents Generally Viewed the Process Favorably

Surveys can serve as a vital resource for feedback to enhance an agency's programs and operations. They can provide important insights to help management address challenges and improve program operations.

The auditors sent survey questionnaires to 50,000 randomly selected registered voters who had requested absentee ballots and for whom auditors had email addresses from the voter records obtained from BOE. The auditors received anonymized responses from 928 (2%) of them. The audit acknowledges that the number of participants who responded to the survey represents a small percentage of people who requested absentee ballots, so the degree to which their responses reflect general consensus as a whole is unknown. A survey with a greater response rate would help BOE gather feedback from citizens and help the agency identify areas where further improvements could be made.

Overall, the results of the survey showed that respondents were generally pleased with the absentee ballot process:

- Of the 341 respondents who responded that they had requested an absentee ballot for the 2022 General Election, 307 (90%) indicated that they received a ballot. Of the 34 who responded that they had not received a ballot, 33 stated that they did not contact BOE to obtain a replacement ballot. Of the 34 respondents, 22 stated that they ended up voting in the 2022 General Election and 12 stated that they did not.
- Of the 333 respondents who rated their level of satisfaction with the absentee ballot process, 289 (87%) stated that they were satisfied with their experiences.

A total of 196 respondents provided feedback on BOE's administration of absentee ballots. The most common response was that voting by absentee ballot was easy, clear, and effective. One respondent stated that they are very happy that voting by absentee ballot is available, allowing his disabled wife to execute her right to vote.

There were, however, 22 respondents who expressed dissatisfaction about the fact that they did not receive their ballots and did not know whether a submitted ballot was accepted. Some of the written comments included, “I never got the ballots;” “It’s hard to know if the process goes through or is interrupted for any reason at all after you submit your ballot;” and “they kept sending it to the wrong address and as many times I requested it to be corrected they finally did but it was a long process.”

Details pertaining to the survey responses are presented in Appendix III.

Recommendations

To address the abovementioned findings, the auditors propose that BOE should:

1. Track public access to registered voter information needed to obtain absentee ballots by requiring individuals seeking access to public portals to first create accounts.

BOE Response: BOE agreed with this recommendation.

2. Conduct integrity reviews when individuals request multiple absentee ballots be mailed to a single address, and/or are arranged to be picked up in person, particularly in high volume.

BOE Response: BOE agreed with this recommendation.

3. Conduct reviews of affidavit ballots and rejected attempts to vote in person based on submission of an absentee ballot to identify potential unauthorized ballot requests, prior to certifying the vote.

BOE Response: BOE agreed with this recommendation.

4. Continue to work with NYS BOE on modifications to the NYS Election Law to tighten identified weaknesses in the balloting system.

BOE Response: BOE agreed with this recommendation.

5. Examine the current process for identifying duplicates and ensure that the process leads to a timelier and more accurate identification and correction of duplicate voter records.

BOE Response: BOE agreed with this recommendation.

6. Ensure that staff visit residential facilities to collect absentee ballots as required by the NYS Election Law or make alternative arrangements to facilitate the collection of completed ballots. BOE should document when visits, failures to visit, and alternate efforts to pick up ballots are made.

BOE Response: BOE agreed with this recommendation.

7. Analyze the ballot rejection rates on a borough-by-borough basis to identify the underlying reasons for disparities (e.g., voters' knowledge about the process, level of training and scrutiny of BOE staff at borough offices) and take corrective measures, when warranted.

BOE Response: BOE agreed with this recommendation.

These recommendations could all be implemented without changes to NYS Election Law.

In addition, changes to the NYS Election Law may be advisable, to more comprehensively address the weaknesses identified, while still providing easy access to absentee ballots for those who need them.

Recommendations Follow-up

Follow-up will be conducted periodically to determine the implementation status of each recommendation contained in this report. Agency reported status updates are included in the Audit Recommendations Tracker available here: <https://comptroller.nyc.gov/services/for-the-public/audit/audit-recommendations-tracker/>

Scope and Methodology

We conducted this performance audit in accordance with Generally Accepted Government Auditing Standards (GAGAS). GAGAS requires that we plan and perform the audit to obtain sufficient, appropriate evidence to provide a reasonable basis for our findings and conclusions based on our audit objectives. We believe that the evidence obtained provides a reasonable basis for our findings and conclusions within the context of our audit objective(s). This audit was conducted in accordance with the audit responsibilities of the City Comptroller as set forth in Chapter 5, §93, of the New York City Charter.

The audit scope was Calendar Years 2022 and 2023. To obtain an understanding of BOE absentee ballot process, auditors reviewed:

- 2022 New York State Election Law Sections: 3-220 Records and Photostat Preservation and Sale; 8-302 Voting Verification and Registration; 8-400 Absentee Voting; 9-209 Canvassing of Absentee, Military, and Special Ballots and Ballots Cast in Affidavit Envelopes;
- NYS Codes of Rules and Regulation Section 6217.8 Processing duplicate voters;
- Federal Voting Rights Act Section 203;
- Voting Rights Act Amendments of 2006, Determinations under Section 203, Notice by the Census Bureau on 12/08/2021;
- New York City Board of Elections Website;
- New York City Board of Elections Annual Report 2022;
- 2022 Election Informational Mailer;
- 2021 and 2022 Election Advertising Lists;
- New York State absentee ballot application;
- New York City absentee ballot portal.

Auditors interviewed the following BOE officials and staff: Executive Director, Deputy Executive Director, Operations Manager, Administrative Manager, Acting Director of Management Information Systems, and the borough chief and staff at in the five boroughs.

Auditors conducted walkthroughs at the five borough offices during the 2022 General Election and observed the process as BOE staff opened and inspected the envelopes and ballots, as well as counted and validated the absentee ballots.

Auditors obtained a list of all registered active and inactive voters as of January 11, 2023, and their voting history. Auditors met with the Operations Manager and the Acting Director of Management Information Systems and conducted walkthroughs of BOE's computer systems (AVID and BATS), the absentee ballot application portal, and the corresponding data dictionaries for these systems to understand how the data was collected and stored for the reports used by BOE.

To determine whether BOE sent voters their requested absentee ballots for the 2022 General Election, the auditors obtained a list 468,935 absentee ballot requests filed by voters during

Calendar Years 2021 and 2022.⁹ The data received from BOE did not contain information on the specific elections for which the absentee ballots were requested. Consequently, in order to better isolate requests made for the 2022 General Election, auditors obtained data on absentee ballot requests that BOE received between the August 24, 2022, primary election and October 24, 2022—the last day to request an absentee ballot via mail and the online portal for the 2022 General Election. There was a total of 103,979 requests placed by 100,174 voters during this time period (some voters submitted more than one request).

Auditors also obtained a list of 209,674 voters who were sent an absentee ballot for the 2022 General Election, containing the following information: VSN, activity date, system user who sent the ballot, system user who approved the ballot being sent, election, and the vendor who sent the ballot. Auditors compared the list of 100,174 voters with the 209,674 voters on the ballot sent list to determine whether BOE fulfilled the requests. For those voters who were not on the ballot sent list, the audit team checked the voter's history to determine if they were able to vote in person and requested explanations from BOE for the disparity.

Also, the auditors reviewed the dates absentee ballots were sent to the 209,674 voters to determine whether ballots were issued to allow for voter to cast the vote timely. The criteria for absentee ballot to be sent out timely are as follows: voters whose absentee vote was counted; absentee ballot was mailed at least five business days before Election Day or two days after application was received if it was received after November 1, 2022; emailed/faxed at least one business day prior to Election Day; and all absentee ballots issued to pole workers at any time up to and including the Election Day.¹⁰

To determine whether BOE counted all of the absentee ballots, the auditors compared the 141,708 returned ballots to the votes that were cast in each of the five boroughs to identify those that did not have corresponding votes. The auditors shared this information with BOE who provided 28 categories of explanations as to why the votes were not counted. The team inspected the physical copies of the “rejected” ballots to verify whether BOE's explanations matched the actual reasons provided for the rejections. For each borough, the audit team reviewed the copies of ballots, until the team tested 11% of the six highest rejection categories.

To determine whether voters were satisfied with the absentee ballot process, the auditors sent an online satisfaction survey sent via email. The auditors used the voter list referenced above. The auditors merged the lists received into a citywide voter list containing 5,223,135 active and inactive voters registered to vote in NYC. The auditors isolated the voters that had an email address on file and pulled a weighted sample of 50,000 city-wide voters to send survey questionnaires. The auditors received 928 responses.

To determine whether voters who resided in nursing homes or veteran hospitals were disenfranchised during the election process, auditors reviewed the list of voters who had resided in nursing homes and veteran hospitals at the time of 2022 General Election and requested an absentee ballot. The audit team also reviewed the list of facilities within each borough, as well as the number of times each of these facilities were visited by BOE staff. The audit team calculated the ratio of voters whose vote was counted to the total number of voters who resided in nursing facilities and veteran hospitals and who were issued an absentee ballot for the 2022 General

⁹ The list contained the VSN, activity date, system user who entered the request and system user that approved the request.

¹⁰ According to Election Law Section 8-400, BOE is required to mail all ballots first class mail. First class mail can take 1–5 days to arrive, and allowing the voter two additional days for voting, auditors determined that any ballots mailed on or before November 1, 2022, would provide enough time to the voter to return ballot.

Election. Finally, the auditors compared this rate to the overall rate of voters who cast a vote via the absentee ballot.

To determine if there was a disparity between boroughs rejection rates, the auditors used the data obtained from BOE which contained the total number of registered voters, as well as the number of voters: (1) to whom absentee ballots were mailed; (2) whose absentee ballot was returned to BOE; (3) whose absentee ballot was returned unopened; (4) who submitted an absentee ballot and the vote was counted; (5) who submitted an absentee ballot and the ballot was rejected; and (5) whose rejections were curable. The auditors calculated a rejection rate per borough and compared the rates across the five boroughs. To further explain the analysis, auditors asked BOE to provide reasons for rejecting the absentee ballots and analyzed the rejections data.

To determine whether BOE identified and removed duplicate voters from their rolls, the auditors reviewed the following five lists of active and inactive registered voters organized by borough:

- Bronx Voters – containing voter information for 795,997 voters registered in the Bronx.
- Brooklyn Voters – containing voter information for 1,635,500 voters registered in Brooklyn.
- Manhattan Voters – containing voter information for 1,136,554 voters registered in Manhattan.
- Queens Voters – containing voter information for 1,316,220 voters registered in Queens.
- Staten Island Voters – containing voter information for 338,864 voters registered in Staten Island.

The auditors merged the lists into a citywide voter list containing 5,223,135 active and inactive voters registered to vote in NYC and searched for voters with more than one VSN.¹¹ The auditors randomly selected 149 voters and visited the public portal to compare the voter demographic (last name, first name, date of birth, current address, etc.), voting history (election type, election date, voting method, ED/AD), voter activity (past addresses, past demographic changes, notes posted to the voters data), and signatures to flag those who were potential duplicates and shared the results with BOE.

During the course of the audit, auditors reviewed information regarding the process of requesting absent ballots, requirements for public access to voters' information, and processing and canvassing of votes cast by absentee ballots. Auditors also found several instances where the potential for voter fraud was reported in the news and in court documents. To determine whether BOE's process was prone to the possibility for illegal voting to occur, auditors reviewed these cases and compared them to the NYS Election Law, as well as to the election process employed by BOE.

The results of the above tests, while not projectable to their respective populations, provided a reasonable basis for the auditors to evaluate and support their findings and conclusions regarding whether BOE's administration of the absentee ballot processes helps ensure that requests were properly accounted for and that absentee ballots were issued to voters in a timely manner.

¹¹ Auditors used a duplicate match in ACL matching last name, first name, and date of birth.

Appendix I

Copy of New York State Absentee Ballot Application

<h3 style="margin: 0;">New York State Absentee Ballot Application</h3> <p style="margin: 0;">Please print clearly. See detailed instructions.</p> <p style="margin: 0; font-size: small;">To receive an absentee ballot: In-Person - Application must be personally delivered to your county board of elections not later than the day before the election. By Mail - Application must be received by your county board of elections not later than the 15th day before the election. The ballot itself must either be personally delivered to the board of elections in your county no later than the close of polls on election day, or postmarked by a governmental postal service not later than the day of the election and received no later than 7 days after the election.</p>		<p style="margin: 0; font-size: x-small;">BOARD USE ONLY:</p> <p style="margin: 0; font-size: x-small;">Town/City/Ward/Dist: _____</p> <p style="margin: 0; font-size: x-small;">Registration No: _____</p> <p style="margin: 0; font-size: x-small;">Party: _____</p> <p style="margin: 0; font-size: x-small;"><input type="checkbox"/> voted in office</p>								
<p>1. I am requesting, in good faith, an absentee ballot due to (check one reason):</p> <table style="width: 100%; border: none;"> <tr> <td style="width: 50%; border: none;"><input type="checkbox"/> absence from county or New York City on election day</td> <td style="width: 50%; border: none;"><input type="checkbox"/> resident or patient of a Veterans Health Administration Hospital</td> </tr> <tr> <td style="border: none;"><input type="checkbox"/> temporary illness or physical disability</td> <td style="border: none;"><input type="checkbox"/> detention in jail/prison, awaiting trial, awaiting action by a grand jury, or in prison for a conviction of a crime or offense which was not a felony</td> </tr> <tr> <td style="border: none;"><input type="checkbox"/> permanent illness or physical disability</td> <td></td> </tr> <tr> <td style="border: none;"><input type="checkbox"/> duties related to primary care of one or more individuals who are ill or physically disabled</td> <td></td> </tr> </table>			<input type="checkbox"/> absence from county or New York City on election day	<input type="checkbox"/> resident or patient of a Veterans Health Administration Hospital	<input type="checkbox"/> temporary illness or physical disability	<input type="checkbox"/> detention in jail/prison, awaiting trial, awaiting action by a grand jury, or in prison for a conviction of a crime or offense which was not a felony	<input type="checkbox"/> permanent illness or physical disability		<input type="checkbox"/> duties related to primary care of one or more individuals who are ill or physically disabled	
<input type="checkbox"/> absence from county or New York City on election day	<input type="checkbox"/> resident or patient of a Veterans Health Administration Hospital									
<input type="checkbox"/> temporary illness or physical disability	<input type="checkbox"/> detention in jail/prison, awaiting trial, awaiting action by a grand jury, or in prison for a conviction of a crime or offense which was not a felony									
<input type="checkbox"/> permanent illness or physical disability										
<input type="checkbox"/> duties related to primary care of one or more individuals who are ill or physically disabled										
<p>2. absentee ballot(s) requested for the following election(s) :</p> <p><input type="checkbox"/> Primary Election only <input type="checkbox"/> General Election only <input type="checkbox"/> Special Election only</p> <p><input type="checkbox"/> Any election held between these dates: absence begins: ____/____/____ absence ends: ____/____/____</p>										
<p>3. last name or surname _____ first name _____ middle initial _____ suffix _____</p>										
<p>4. date of birth MM/DD/YYYY _____ county where you live _____ phone number (optional) _____ email (optional) _____</p>										
<p>5. address where you live (residence) street _____ apt. _____ city _____ state NY zip code _____</p>										
<p>6. Delivery of Primary Election Ballot (check one) <input type="checkbox"/> Deliver to me in person at the board of elections</p> <p><input type="checkbox"/> I authorize (give name): _____ to pick up my ballot at the board of elections.</p> <p><input type="checkbox"/> Mail ballot to me at: (mailing address)</p> <p style="font-size: x-small;">street no. street name apt. city state zip code</p>										
<p>7. Delivery of General (or Special) Election Ballot (check one) <input type="checkbox"/> Deliver to me in person at the board of elections</p> <p><input type="checkbox"/> I authorize (give name): _____ to pick up my ballot at the board of elections.</p> <p><input type="checkbox"/> Mail ballot to me at: (mailing address)</p> <p style="font-size: x-small;">street no. street name apt. city state zip code</p>										
<p>Applicant Must Sign Below</p>										
<p>8. I certify that I am a qualified and a registered (and for primary, enrolled) voter; and that the information in this application is true and correct and that this application will be accepted for all purposes as the equivalent of an affidavit and, if it contains a material false statement, shall subject me to the same penalties as if I had been duly sworn.</p> <p>Sign Here: <u> X </u> Date ____/____/____</p> <p style="text-align: right; font-size: x-small;">MM/DD/YYYY</p>										
<p>If applicant is unable to sign because of illness, physical disability or inability to read, the following statement must be executed: By my mark, duly witnessed hereunder, I hereby state that I am unable to sign my application for an absentee ballot without assistance because I am unable to write by reason of my illness or physical disability or because I am unable to read. I have made, or have the assistance in making, my mark in lieu of my signature. (No power of attorney or preprinted name stamps allowed. See detailed instructions.)</p> <p>Date ____/____/____ Name of Voter: _____ Mark: _____</p> <p>I, the undersigned, hereby certify that the above named voter affixed his or her mark to this application in my presence and I know him or her to be the person who affixed his or her mark to said application and understand that this statement will be accepted for all purposes as the equivalent of an affidavit and if it contains a material false statement, shall subject me to the same penalties as if I had been duly sworn.</p> <p>_____ (address of witness to mark)</p> <p>_____ (signature of witness to mark)</p>										
<p>Board Use Only 2021 Absentee Ballot Application</p>										

Appendix II

Breakdown of the 9,218 Rejected Absentee Ballots:

Reason	Number of Voters	Percentage
Returned from mailing address	2,538	27.53%
Ballot envelope not sealed	1,146	12.43%
Postmark not timely	989	10.73%
Non-matching signature (<i>curable</i>)	849	9.21%
Ballot received after deadline	778	8.44%
Ballot returned without a ballot affirmation envelope in the return envelope (<i>curable</i>)	745	8.08%
Ballot not in ballot envelope	669	7.26%
Ballot envelope not signed (<i>curable</i>)	437	4.74%
Deceased	214	2.32%
No postmark (<i>curable</i>)	177	1.92%
Refused / nursing home	145	1.57%
Voter did not sign ballot/affirmation envelope and someone else signed (<i>curable</i>)	101	1.10%
No postmark	96	1.04%
Discharged / nursing home	95	1.03%
Moved	82	0.89%

Reason	Number of Voters	Percentage
Ballot/affirmation envelope was signed by person providing assistance but not by voter (<i>curable</i>)	48	0.52%
Confused / nursing home	40	0.43%
No witness to voter's mark on the ballot/affirmation envelope (<i>curable</i>)	25	0.27%
Ballot Envelope Not Sealed - 23rd AD only Court Order (<i>curable</i>)	13	0.14%
Hospitalized / nursing home	9	0.10%
Application not returned	8	0.09%
Ballot Not in Ballot Envelope - 23rd AD only Court Order (<i>curable</i>)	5	0.05%
Voter returned multiple ballots	4	0.04%
Spoiled or Replaced Ballots	2	0.02%
Voted at poll site	1	0.01%
Witness address missing	1	0.01%
Felon	1	0.01%
27 reasons for rejections	9,218	100.0%

Appendix III

The following is a breakdown of registered voters satisfaction survey of the absentee ballot process questions/topics and results:

Voter Satisfaction

How satisfied are you with your overall experience of voting by Absentee Ballot?		
Very Satisfied	256	75%
Somewhat Satisfied	33	10%
Neither satisfied nor dissatisfied	22	7%
Somewhat dissatisfied	8	2%
Very dissatisfied	14	4%
Not applicable	8	2%
Total	341	100%

Voters were provided an opportunity to share comments about their overall satisfaction.		
Positive Comments	113	69%
Neutral Comments	31	19%
Negative Comments	20	12%
Total	164	100%

How satisfied are you with your ability to contact and communicate with someone at BOE, if you needed to do so?		
Very satisfied	98	29%
Somewhat satisfied	27	8%
Neither satisfied nor dissatisfied	57	17%
Somewhat dissatisfied	9	3%
Very dissatisfied	12	3%
Not Applicable	138	40%
Total	341	100%

Voters were provided an opportunity to share comments about their communication with BOE.		
Positive Comments	25	22%
Neutral Comments	18	16%
Negative Comments	6	5%
Did not have contact with BOE	64	57%
Total	113	100%

How satisfied are you with BOE's responsiveness to your inquiries if you had any?		
Very Satisfied	67	20%
Somewhat Satisfied	13	4%
Neither satisfied nor dissatisfied	30	9%
Somewhat dissatisfied	10	3%
Very dissatisfied	6	1%
Not applicable	215	63%
Total	341	100%

Voters were provided an opportunity to share comments about BOE's responsiveness to inquiries.		
Positive Comments	17	22%
Neutral Comments	9	12%
Negative Comments	0	0%
Did not have contact with BOE	50	66%
Total	76	100%

Voters were provided an opportunity to share additional comments.		
Positive Comments	34	33%
Neutral Comments	15	14%
Negative Comments	56	53%
Total	105	100%

Outreach

Were you aware that you can request an Absentee Ballot from BOE?		
Yes	257	79%
No	67	79%
Total	324	100%

How did you become aware of absentee ballots?		
Social Media	26	10%
Television	62	24%
Newspaper	33	13%
Graphic Advertisements	1	1%
Mail from NYC BOE	71	27%
Other	64	25%
Total	257	100%

Did you receive an election information packet in the mail from BOE in any year between 2020 and 2022?		
Yes	34	51%
No	33	49%
Total	67	100%

Absentee Ballot Process

Have you ever applied to vote in an election through the use of an Absentee Ballot, which allows you to vote without appearing at your polling site?		
Yes	864	65%
No	361	27%
Total	928	100%

For 2022 General Election what would best describe your absentee ballot status.		
You were a permanent absentee voter	99	16%
You applied for a temporary absentee ballot	242	40%
You were neither a permanent nor a temporary absentee voter	263	44%
Total	604	100%

If you applied for permanent absentee voter status, when did you apply for permanent absentee voter status?		
Before November 2, 2021	87	88%
After November 2, 2021	12	12%
Total	99	100%

Did you apply for your General Election 2022 absentee ballot application by mail, portal, or in-person?		
Mail	65	26%
Online	182	72%
In-person	6	2%
Total	253	100%

Did you receive an absentee ballot for the 2022 General Election?		
Yes	307	90%
No	34	10%
Total	341	100%

Was your personal information correct on the 2022 General Election ballot?		
Yes	307	99.7%
No	1	0.3%
Total	308	100%

Was your district information correct on the 2022 General Election ballot?		
Yes	281	92%
No	0	0%
I don't know	26	8%
Total	307	100%

Did you return the Absentee Ballot to BOE with your vote?		
Yes	284	92%
No	24	8%
Total	308	100%

After you submitted your vote via absentee ballot, did BOE contact you regarding any problem with your absentee ballot?		
Yes	4	1%
No	280	99%
Total	284	100%

If BOE reached out to you regarding a problem with your ballot, please describe the issue.		
Voter Error	2	50%
Ballot Received Late	1	25%
N/A	1	25%
Total	4	100%

If BOE reached out to you regarding a problem with your ballot, was the issue resolved?		
Yes	2	50%
No	2	50%
Total	4	100%

Did you contact BOE to request and receive a replacement ballot?		
Yes	1	100%
No	0	0%
Total	1	100%

Did you end up voting in the 2022 General Election?		
Yes	39	64%
No	22	36%
Total	61	100%

What difficulties did you experience?		
Late or no receipt of requested absentee ballot	10	45%
Not receiving a replacement ballot	2	9%
Ballot submitted to BOE was returned in the mail	1	5%
Communication with New York City Board of Elections	3	14%
Other	2	9%
N/A	4	18%
Total	22	100%

Demographics

Location of Respondents	
Reported number of zip codes	181
Reported number of ED/AD	470

What is your ethnicity?		
White/Caucasian	572	62%
Black/African American	93	10%
Hispanic	87	10%
Asian	53	6%
Native American	1	0%
Other	35	4%
Prefer not to say	74	8%
Total	915	100%

What is the primary language spoken in your home?		
English	834	91%
Spanish	19	2%
French/Creole	4	0%
Chinese	11	1%
Russian	5	1%
Other	26	3%
Prefer not to say	15	2%
Total	914	100%

Please select your age range.		
18-25	21	2%
25-45	212	23%
45-65	289	32%
65+	395	43%
Total	917	100%



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July 9, 2024

**VIA USPS Delivery and
e-mail to jsoto@comptroller.nyc.gov**

Maura Hayes-Chaffe
Deputy Comptroller for Audit
City of New York – Office of the Comptroller
1 Centre Street 11th Floor
New York, NY 10007

**Re: Audit Report on the Board of
Elections in the City of New York
Oversight of the Distribution and
Processing of Absentee Ballots
MG22-106A**

Dear Deputy Comptroller Hayes-Chaffe:

Please be advised that the Board of Elections in the City of New York (the Board) is in receipt of the above referenced Report in draft form. The Board has reviewed the draft report and the accompanying cover letter.

The Board recognizes the responsibility of the Comptroller's Office to conduct such audits and appreciates the professionalism and consideration of the audit team throughout the audit process.

The Board appreciates the recognition that the absentee ballot process is conducted effectively and efficiently. The Board further appreciates the inclusion of public praise regarding satisfaction with the absentee ballot process.

As with any large-scale undertaking there are always areas requiring evaluation and improvement. The Board shares the Comptroller's goal of a 100% success rate

and works diligently towards that goal. The Board recognizes that 100% success was achieved in certain categories and there was a 99.4% overall grade for ballot distribution.

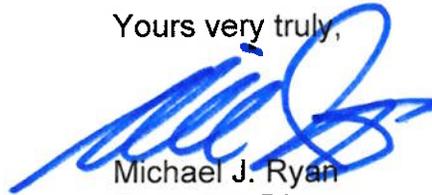
The Board consistently works to improve all of its operational processes. The present manner of absentee ballot distribution was created in response to the COVID-19 emergency and mandated changes to the process. Thus, the high marks provided in the report are particularly gratifying.

As with all Board operations, absentee ballot distribution is a source of ongoing evaluation and improvement. The Board will incorporate the Comptroller's recommendations into the evaluation process and incorporate same, to the extent legally permissible and/or operationally feasible.

Thank you for the opportunity to submit the foregoing response and for your diligent efforts with respect to this important matter.

If you have any questions or require additional information, please do not hesitate to contact me at (212) 487-5403 or mjryan@boenyc.gov.

Yours very truly,



Michael J. Ryan
Executive Director

MJR:ks

C: Board of Commissioners
Deputy Executive Director
Office of General Counsel





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