



October 7, 2020

Dear Friends --

In my view, and I know, in the view of many, the November 3rd General Election is one of the **most important elections ever for our country**. It's not surprising that everywhere I go in my Assembly district, and in calls and emails to my office, people are asking questions about how and when they should vote and also expressing concern about whether their vote will count.

First, I want to remind everyone that, if you are not already a registered voter, this Friday, October 9th is the last day to register to vote in New York State. To make sure you are registered, make any changes to your address information or to register, you can visit the NYS Board of Elections [here](#).

If you have decided to vote by absentee ballot this year, and I know many have already done so, your vote will, in most cases, be counted -- if you have carefully followed the instructions for filling out and mailing or dropping off your ballot (more on this very important matter below, under "MAIN REASONS ABSENTEE (MAIL-IN) BALLOTS ARE TOSSED OUT").

If you are among the majority who haven't already voted yet, I encourage you to set a plan for voting by whatever method you plan to use, and execute that plan by the deadlines given below (in the "SUMMARY OF VOTING METHODS AND INSTRUCTIONS" section of this letter). For more complete information about the practical aspects of voting locally, including all directions and deadlines, you can also consult your local Board of Elections (BOE) office at:

- [Tompkins County Board of Elections](#) or
- [Cortland County Board of Elections](#).

As I said, I'm continually asked by people whether their vote will count and with which method they should vote. Let me state that if you vote on a voting machine at a polling place in Tompkins or Cortland County, either in Early Voting or on November 3rd, Election Day, your vote will be counted -- and I believe that is true of the vast majority of states and municipalities around the country. (Obviously, I can't guarantee that lawmakers in Pennsylvania may not try to override the votes of the people of Pennsylvania by having the legislature vote for different electors than those elected by the voters, as described in a recent [piece](#) in *The Atlantic*. Such a move, unprecedented in modern times, to my knowledge, would ultimately be decided in the courts of that state, and we in New York can't do much about that, except to hope that Pennsylvania citizens won't tolerate such an undemocratic move. From my reading and listening to experts, it's a very politically-risky move that seems unlikely to be tried, or, if tried, unlikely to be successful, but I never say "never" in such a politically-tumultuous time.)

That said, I want to assure everyone that such a maneuver would never happen this year, nor probably in any year, in New York State, as our law is clear that the electors are determined by the winner of the popular vote and chosen by the state political committees -- not by the US President, as is the case in Pennsylvania. Neither the

Assembly Majority (the Democrats who control the Assembly) nor, I'm quite certain, the Senate Majority (the Democrats who control the Senate), will be taking action to change our law on this. It would take both houses of the legislature to do that -- and, of course, it would require the signature of the Governor, as well. It takes all three of those parties to change our law, and I assure you, it's not going to happen. The so-designated electors are bound to abide by the will of the voters of the state, and they will meet in December to vote formally for the Presidential candidate whom the majority of voters choose by their votes, the combination of both mail-in and machine votes, as always. But that is a formality -- the results of the election are, de facto, final after each of the 62 counties' Boards of Elections announces their final county tally and the state BOE then announces the final state tally of those 62 counties.

We will probably need to be patient, as the absentee ballot counting, must remain open until at least until a week after Election Day, as usual, closing no sooner than November 10th this year, so it's assured that all the absentee ballots are received (and, of course, many more people than usual will be voting absentee). The ballot counting could continue for many weeks, in fact, as we saw in a few counties during the Primary. As part of this process, the absentee ballots are compared carefully with the list of in-person votes to make sure there are no duplicate votes (see more on this under "VOTING TWICE?" below). While I have assurances that our local Post Offices will be able to fulfill their normal commitment to get ballot applications and the actual ballots where they need to go on-time, I always encourage people to vote in person, but only IF they feel comfortable going to the polls. I have to say that when I voted on Primary Day in June, I was the only voter in my polling place when I voted, and precautions were being rigorously observed. With nine (9) days of Early Voting and the great care being taken by poll workers to assure safety, some may want to consider going to the polls -- even if they have already voted absentee.

What follows is a summary of voting methods and instructions, for your reference. After that, I briefly explain the matter of voting twice in our state, and the main reasons absentee ballots are tossed out.

SUMMARY OF VOTING METHODS & INSTRUCTIONS

Early Voting (in person)

- Registered voters in our state now have nine (9) Early Voting days, **October 24th to November 1st**, including Sunday, prior to the Presidential Election, in which to vote in person. You don't need special permission to do so.
- Early Voting is on voting machines at a designated polling place, which is likely not your normal polling place. If your county offers more than one Early Voting site, you can vote at any of the early voting sites for your county.
- If you vote in person, you will be required to wear a mask. Poll workers will also be taking other standard precautions against COVID-19.
- Links to information on Early Voting locations and hours can be found on your county BOE website.

Voting on Election Day (in person)

- Registered voters may choose to vote in person on Election Day, **November 3rd**. If you vote in person, expect to be required to wear a mask. Poll workers will also be taking other standard precautions against COVID-19.
- A list of Election Day polling places can be found on your county BOE website, and, if you are a registered voter, you should have received a postcard within the past few weeks indicating your polling place.

Voting “Absentee” (by in person drop-off or by mail)

- If you have Permanent Absentee designation, you will receive your ballot automatically. You do not have to re-apply for your ballot.
- If you are not designated as a Permanent Absentee, and you choose to vote absentee due to the risk of exposure to COVID-19 or for other legal reasons -- even if you got permission to vote absentee in the Primary Election -- you still must apply for an absentee ballot for the November 3 General Election -- which you can do online [here or](#) through your county BOE. Your mailed-in **absentee ballot application must be received by the BOE no later than October 27.**
- Very importantly, any registered voter can also go to their Board of Elections from **October 28th - November 2nd (before the 5pm closing time) and fill out an application for an absentee ballot.** The voter can vote on that ballot and hand it in immediately at the BOE or can mail it in, as long as it's **postmarked no later than Election Day, November 3rd.**
- In applying for your absentee ballot, if applying because of risks of COVID-19, check the box that says “Temporary illness or disability.”
- Once you have completed your absentee ballot and carefully followed all instructions for signing, as well as the use of both envelopes, you may submit it in a number of ways: you may drop it off at the BOE on any weekday during their businesses hours OR during voting hours on any Early Voting day at any Early Voting polling place in your county OR during voting hours on November 3rd, at your usual Election Day polling place.
- If you choose to mail in your absentee ballot, it is recommended that you do so as early as possible (the USPS **recommends you mail in your absentee ballot on or before October 27**) in order to assure its arrival at your local Board of Elections in time to be counted. That said, it can be mailed at any time between now and Election Day, as long as it is postmarked by Election Day, November 3rd.

VOTING TWICE?

There was a good deal of controversy on the national level recently about “voting twice,” so I want to clarify. New York is one of a handful of states that actually does allow a voter to vote on a voting machine during Early Voting or on Election Day, even if they have mailed in or dropped off an absentee ballot. Many people have to travel for work, are caring for a sick family member or have other serious obligations, and aren't sure whether they will be at their home or available to vote in person on Election Day, and so New York encourages voting by absentee ballot. But if that person turns out to be home and available to go to the polls, they are allowed to vote again on a machine, as it is recognized that, while absentee ballots are tossed out more often than we like to think about -- and also challenged for a variety of reasons -- votes cast on a voting machine cannot be challenged. Only the machine vote will be counted if someone “votes twice” and the absentee ballot will be “set aside,” and not counted. That is one of the very important tasks that the BOE staff does. About 1.6 million votes were cast during the June Primary and there was not a single claim of voting fraud, despite many people voting both absentee and at the polls. As I said, machine votes are always counted, but to be very clear, only one vote is counted, ultimately. Under our state's election law, if you vote both at a polling place and also via absentee ballot, the vote you cast on a voting machine at a polling place – whether during Early Voting or on November 3rd – will be the one counted and your absentee ballot will not be counted, no matter when you mail it or drop it off.

MAIN REASONS ABSENTEE (MAIL-IN) BALLOTS ARE TOSSED OUT

I've been told by local and other election experts that the two main reasons that absentee ballots are tossed out and, in fact, MUST be tossed out under law, are: 1) the inside Oath Envelope that holds the ballot isn't sealed, thereby compromising the secret ballot; 2) that same Oath Envelope isn't signed on the outside by the voter,

allowing the poll workers to verify that the voter is the correct person. The main reason ballots are challenged and CAN be tossed is due to a stray mark on the ballot that leads to confusion among poll workers about the intent of the voter. This last category, and the others, are the ones that sometimes end up in court. Happily, the state enacted a [new law](#) recently, called "Notice and Cure", which requires local BOEs to notify voters with disqualifying problems on their ballot and allow them the opportunity to correct such problems on the absentee ballot they had cast.

I hope I've clarified most of the questions about elections that are afoot in my Assembly district and in the state. If not, please feel free to contact my office with any further questions or comments. Whatever method you use to vote, I strongly urge you to vote, this year -- and every year. If you have already voted, thank you. I believe that is our most important duty as citizens. Democracy can only improve and work for all its people if citizens participate by voting -- at a minimum.

Best --

Barbara

Hon. Barbara Lifton, New York State Assembly

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