

Congress of the United States
House of Representatives

COMMITTEE ON OVERSIGHT AND REFORM
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October 20, 2020

Michael Ryan
Executive Director
Board of Elections in the City of New York
32-42 Broadway, 7th Floor
New York, NY 10004

Dear Mr. Ryan:

We write to express our deep concern about recent reports that thousands of mislabeled absentee ballot envelopes were mailed to voters in Brooklyn as part of their absentee ballot packages. According to recent reports, the Board of Elections in the City of New York sent nearly 100,000 defective absentee ballots to voters in Brooklyn, with mismatched addresses on the inner and outer envelopes.¹ These reports come against a larger backdrop of growing instances across the country of administrative error, or worse, by election officials and others in the wake of the rapid expansion of mail-in balloting. In light of these reports, we write to request additional information to ensure the Board of Elections in the City of New York is taking requisite measures to guard against further error or fraud.

Substantive procedures to detect and prevent voters from casting multiple ballots are essential when conducting any election with a large mail-in component, which presents a voter with the opportunity to vote by mail and in person.² This is not a hypothetical scenario. It was recently discovered that at least 1,000 residents voted twice in Georgia's June 2020 primary, each having submitted an absentee ballot but then voting again in person on the day of the election.³ Yet such procedures become even more necessary where voters are erroneously receiving multiple absentee ballot packages, as receiving multiple ballots permits individuals to potentially fraudulently cast multiple ballots.

¹ Rubinstein, Dana & Luis Ferré-Sadurní, *Nearly 100,000 Defective Absentee Ballots Sent to N.Y.C. Voters*, THE NEW YORK TIMES (Sept. 29, 2020), available at <https://www.nytimes.com/2020/09/29/nyregion/absentee-ballot-nyc-brooklyn.html>.

² Republican Staff Report, *How Democrats are Attempting to Sow Uncertainty, Inaccuracy, and Delay in the 2020 Election*, U.S. House of Representatives, Comm. on the Judiciary & Comm. on Oversight and Reform (Sept. 23, 2020), available at <https://republicans-judiciary.house.gov/wp-content/uploads/2020/09/2020-09-23-How-Democrats-Are-Attempting-to-Sow-Uncertainty-Inaccuracy-and-Delay-in-the-2020-Election.pdf>.

³ Curl, Joseph, *1000 people Double-Voted in Georgia Primary, Face 10 Years in Prison, \$100,000 Fine*, DAILY WIRE (Sept. 8, 2020), available at <https://www.dailywire.com/news/1000-people-double-voted-in-georgia-primary-face-10-years-in-prison-100000-fine>.

According to a statement released by the Board of Elections in the City of New York, the numerous errors were the fault of a third-party printing vendor.⁴ The statement indicates that the Board will send “a second absentee ballot package with the corrected information to all voters who **may** have been affected by this error” during the week of October 9, 2020.⁵ The statement then requests that voters “destroy the contents of the previous absentee ballot package” and only use the second corrected ballot package.⁶ It ultimately asserts that “[t]he Board will ensure that the second ballot will be the only one that is counted.”⁷

This statement raises more concerns than it alleviates. The Board failed to adequately supervise the quality control operations of a third-party vendor. Then, the Board made individual citizens responsible for cleaning up the Board’s mess by destroying the incorrect absentee ballot packages—without confirmation those inaccurate ballots have in fact been destroyed. Further, this appears to be the Board’s only safeguard to prevent the ballot packages from being cast.

The emphasis on sending additional ballots to individuals who “may” have been affected indicates that the Board does not have an accurate accounting of exactly which voters were affected by the error, and may be sending additional ballots to voters who originally received correct ballot packages.

The Board ultimately claims that the second ballot will be the only one that is counted. But it does not indicate what procedures, if any, it has in place to detect fraudulent ballots or prevent an individual from casting multiple ballots.

To assist the Committee in understanding the Board of Elections’ procedures and protections in place as it relates to its absentee balloting process, please provide information sufficient to answer the following questions by October 27, 2020:

1. Does the Board of Elections have an accurate accounting of each ballot package that was mislabeled in order to send a new ballot package to affected voters?
2. How will the Board of Elections ensure that mislabeled ballots are destroyed by the affected voters?
3. What prevents someone from casting a ballot sent in a mislabeled ballot package in addition to their corrected ballot package?

⁴ Statement on Brooklyn Ballots, available at https://vote.nyc/sites/default/files/news/010-october_2020/Statement_on_Brooklyn_Ballots_2.pdf.

⁵ *Id.* (emphasis in original).

⁶ *Id.*

⁷ *Id.*

4. Does the Board of Elections have procedures in place to detect instances where an individual might attempt to cast multiple ballots sent to them in error?
5. What procedures are in place to ensure that voters who cast ballots by mail are prevented from also attempting to cast a ballot in-person on election day?
6. What procedures are followed in the case that the Board of Elections detects a fraudulently cast ballot?

To schedule a briefing or document delivery, or to ask any follow-up or related questions, please contact Committee on Oversight and Reform staff at (202) 225-5074.

The Committee on Oversight and Reform is the principal oversight committee of the U.S. House of Representatives and has broad authority to investigate “any matter” at “any time” under House Rule X. Thank you in advance for your cooperation with this inquiry.

Sincerely,



James Comer
Ranking Member
Committee on Oversight and Reform



Jody Hice
Ranking Member
Subcommittee on Government Operations

cc: The Honorable Carolyn B. Maloney, Chairwoman
Committee on Oversight and Reform

The Honorable Gerald Connolly, Chairman
Subcommittee on Government Operations