



Impact of 'Wrong Church' Voter Suppression in New York

More than 13,800 affidavit ballots fully disqualified in the 2020 General Election¹

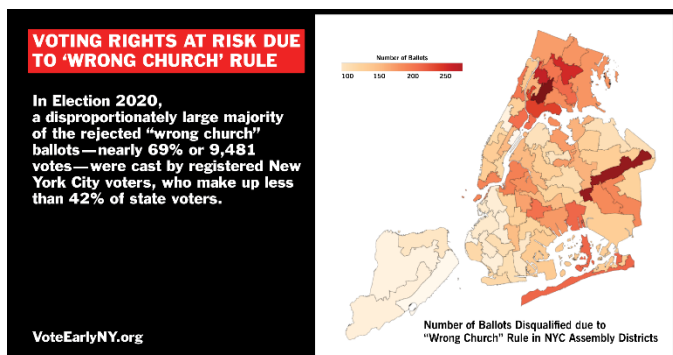
What is the Wrong Church Ballot problem?² A technicality that suppresses the votes of thousands of registered New Yorkers each year. This restriction in New York's Election Law *fully* disqualifies affidavit ballots that are cast at any poll site other than the site assigned to the voter, even for contests voters were eligible to participate in. In Election 2020, this overbroad policy accounted for the largest source of disqualified affidavit ballots cast by duly registered New York voters (more than 50%), statewide and in nearly every county.³ The Federal *Freedom to Vote Act* and state voting rights legislation ([A642](#)) that has passed the NY Senate would prohibit this harsh impact, as several other states already do (e.g., NJ, MD, CA, UT, NM, MA).

Who is Affected? "Wrong church" disproportionately disqualifies ballots in population dense counties. In 2020, the 15 most population dense counties accounted for 13,008 disqualifications, or over 94%. In New York City, majority-minority communities are disproportionately affected. Four of the top five impacted NYC Assembly Districts (and six of the top ten) were in the Bronx. In each of those six districts, the 18+ population is over 70% non-white.

A PROBLEM IN NEW YORK CITY

Nearly 69% (9,481 lost votes) were cast by registered New York City voters, who make up less than 42% of all voters.

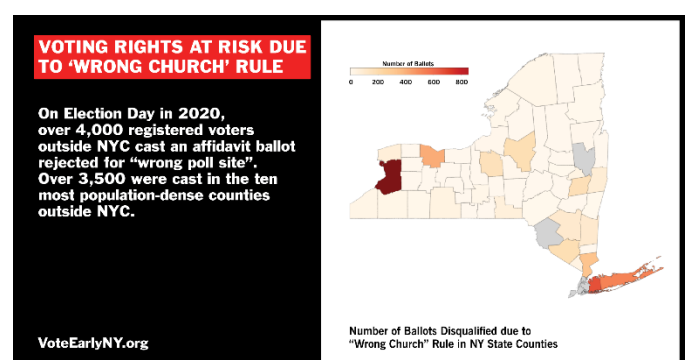
- Of the five boroughs, the Bronx saw a disproportionate number of disqualifications: approximately one for every 187 voters in the borough.
- More voters had ballots disqualified for voting at an unassigned site in each of Assembly District 79 in the Bronx and Assembly District 24 in Queens than in all of Staten Island.
- Voters in the top 20 impacted NYC Assembly Districts had nearly as many ballots disqualified for wrong church (4,278) as residents in all 57 counties outside NYC (4,348).



A PROBLEM ACROSS THE STATE

Over 4,000 registered voters were disenfranchised outside New York City on Election Day 2020 alone.

- Over 3,500 of these were cast in the ten most population-dense counties outside New York City.⁴
- In Erie, 83% of rejected affidavits cast by registered voters (nearly 1000) were "wrong church" ballots.
- At least 128 wrong church ballots from voters registered in New York's 22nd Congressional District were disqualified, a contest certified with only 109 votes separating the candidates.



¹ RACHEL LANDY AND JARRET BERG, IMPACT OF NEW YORK'S "WRONG CHURCH" BALLOT DISQUALIFICATION RULE IN THE 2020 GENERAL ELECTION, VoteEarlyNY, May 21, 2021, <https://bit.ly/2XmNSR3> ("WRONG CHURCH REPORT").

² "In 2005 the Court of Appeals held that an affidavit ballot cast by an individual who voted at the wrong polling site cannot be counted. This is often referred to as the 'wrong-church, wrong-pew' rule." Tenney v. Oswego Cty. Bd. of Elections, 2021 N.Y. Misc. LEXIS 386, [*3] (N.Y. Sup. Ct. 2021) (citing Panio v. Sunderland, 4 NY3d 123, 128 (2005)).

³ WRONG CHURCH REPORT 1-2; see Nick Reisman, *Lawmakers want to address 'wrong church, wrong pew' voting*, SPECTRUM NEWS 1, May 3, 2021, <https://bit.ly/3ITJOk3> ("This translates to a heavy percentage of affidavit ballots being rejected . . .").

⁴ Nassau, Westchester, Rockland, Suffolk, Monroe, Erie, Schenectady, Onondaga, Albany, Orange. In addition, Dutchess, Oneida, and Ulster each voided over 100 wrong church ballots. Niagara, Broome, and Rensselaer voided over 50. WRONG CHURCH REPORT 4, App. A.