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November 10, 2010

Statement from the Commissioners of the Board of Elections in the City of New York

The Board of Elections in the City of New York calls upon the Governor and the New York State legislature to resolve the conflicts created in the New York State Election Law upon the signing into law by President Obama in 2009 of the Military and Overseas Voters Empowerment Act (MOVE Act). As currently written, the New York State Election Law disenfranchises members of the United States military.

The MOVE Act requires local boards of elections to mail military ballots to military voters at least 45 days prior to the date of the General Election. The New York State Election Law currently requires that the 2011 Party Primary elections be held September 13, 2011. The 2011 General Election shall be held November 8, 2011. In order to comply with the MOVE Act, local boards of elections must mail military ballots for the 2011 General Election on or before September 24, 2011, 11 days after the 2011 Party Primary Election.

During the 11 day post-primary period, each local board of elections must canvass the elections results (taking into account that military ballots received 7 days after the party primary must be included in the canvass), conduct a detailed and labor intensive audit of three percent of all newly employed electronic ballot scanners, certify the election result, and print ballots for the General Election. This minimum time table does not take into account any litigation for an election challenge and the inherent delays of such litigation.

While, in our collective opinion, it is not practically possible to comply with the time sensitive requirements of the MOVE Act in 2011, we note that in 2010 the post-primary certification time period was a mere four days, creating a situation whereby the local boards of elections were precluded by law from compliance with the MOVE Act.

The New York City Board of Elections requests a comprehensive review and revision of the New York State Election Law to ensure that all of our brave men and women serving in the military are afforded their right to participate in the electoral process.