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# **Impact of New York’s “Wrong Church” Ballot Disqualification Rule in the 2020 General Election**

**By Rachel Landy and Jarret Berg**

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## FOREWORD

In 2020, more than 13,800 New York voters, eager to cast their ballots in the General Election, walked into a polling place and presented themselves to poll workers, who were unable to locate those voters in the poll book, even though they were registered. Poll workers directed them to vote provisionally by affidavit ballot and each did so. However, as officials determined several days later, these voters had all turned out and cast a ballot at a poll site in their county that was different from the one assigned to them, a fatal technical pitfall under New York's election law.<sup>1</sup>

Although poll workers are required by law to redirect lost voters to their assigned polling place before issuing them a ballot,<sup>2</sup> in practice, that doesn't consistently occur, leading election officials to reject the voter's *entire* ballot at post-election canvass if it was cast at any poll site other than the one assigned. This includes votes for statewide contests that all voters may participate in like U.S. President, Senator, or Governor; as well as offices these voters are usually eligible to vote for, like their Member of Congress, county- or citywide officials, and state legislators.

**In Election 2020, this restriction accounted for the largest source of disqualified affidavit ballots cast by duly registered voters, both statewide and in nearly every county.**

## ABOUT VOTEEARLYNY

VoteEarlyNY is a nonpartisan nonprofit created by voting rights advocates to educate and inform the public about their civil rights under New York's voting laws and ensure that much-needed election reforms are implemented responsibly and made accessible to all New York voters. VoteEarlyNY provides rights-based civic education and is working to build a culture of voting and engagement that empowers communities.

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<sup>1</sup> N.Y. ELEC. LAW § 9-209(2)(a)(iii) ("If the board of elections determines that a person was entitled to vote at such election, the board shall cast and canvass such ballot if such board finds that the voter appeared at the correct polling place, regardless of the fact that the voter may have appeared in the incorrect election district."); Chapters 248 and 489 of the laws of 2009.

<sup>2</sup> N.Y. ELEC. LAW § 8-302(3)(e).

## EXECUTIVE SUMMARY

Across New York State, **more than 13,800 ballots were disqualified in the 2020 General Election** because of the “wrong church” technicality, the largest source of disqualified affidavit ballots cast by duly registered voters.<sup>3</sup> As set out in Appendix A, **statewide, over 50% of all disqualified affidavit ballots cast by registered voters were rejected on the basis of “wrong church”**. In particular, the data reveals:

- The impact of the “wrong church” rule overburdens voters in *population dense* counties. The 15 most population dense counties in the state<sup>4</sup> accounted for 13,008 disqualifications, or over 94% of the “wrong church” disqualifications statewide.
- A disproportionately large majority of rejected “wrong church” ballots—nearly 69% or 9,481 lost votes—were cast by registered New York City voters, who make up less than 42% of all state voters.<sup>5</sup>
- Of the five boroughs, the Bronx saw a disproportionate number of “wrong church” disqualifications: Approximately one for every 187 voters in the borough.<sup>6</sup>
- More voters had their ballots disqualified for voting at an unassigned polling place in each of Assembly Districts 79 in the Bronx<sup>7</sup> and 24 in Queens,<sup>8</sup> than in all of Staten Island.
- On Election Day in 2020, over 4,000 registered voters outside of New York City cast an affidavit ballot at an unassigned polling place. Over 3,500 of these ballots were cast in the ten most population-dense counties outside of New York City.
- 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).

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<sup>3</sup> “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)). Election officials have documented 13,829 ballots from registered voters disqualified in the 2020 General Election due to this rule. See Appendix A for county-level data.

<sup>4</sup> N.Y. DEP’T OF HEALTH, TABLE 2: POPULATION, LAND AREA, AND POPULATION DENSITY BY COUNTY (2018), [www.health.ny.gov/statistics/vital\\_statistics/2018/table02.htm](http://www.health.ny.gov/statistics/vital_statistics/2018/table02.htm).

<sup>5</sup> N.Y. BD. OF ELECTIONS, ENROLLMENT BY COUNTY - 11/01/2020, <https://on.ny.gov/33QSIY9>.

<sup>6</sup> This figure is an estimate determined by adding the number of disqualified affidavit ballots (for any reason) to the “Total Votes” counted for “President/Vice President”, as provided by the State Board of Elections’ Certified 2020 General Election Results (i.e., the number of disqualified “wrong church” ballots in the Bronx, divided by the “Total Votes” plus all disqualified affidavit ballots in the Bronx). Both disqualified absentee and affidavit ballots are not accounted for in the State’s certified results. N.Y. BD. OF ELECTIONS, 2020 ELECTION RESULTS, GEN. ELECTION RESULTS, PRESIDENT/VICE PRESIDENT, <https://on.ny.gov/3hp7V9l>.

<sup>7</sup> Representing Concourse Village, Morrisania, Melrose, Belmont, Claremont and East Tremont.

<sup>8</sup> Representing Briarwood, Bellerose, Bellerose Manor, Fresh Meadows, Glen Oaks, Hillcrest, Hollis Hills, Holliswood, Jamaica Estates, Jamaica Hills, Oakland Gardens, Queens Village, Richmond Hill, South Richmond Hill, and Utopia.

## METHODOLOGY

This report is based on 2020 General Election data collected by VoteEarlyNY from New York’s state and county boards of elections that reveals the prevalence of ballots disqualified because they were cast at unassigned polling places (“wrong church” ballots).<sup>9</sup> For each jurisdiction,<sup>10</sup> the data provided by election officials included the quantity of affidavit ballots disqualified because the voter was not registered to vote or did not register in time to participate in the election, in addition to the other bases for disqualification of affidavit ballots, such as lack of signature.<sup>11</sup>

Throughout this report, we compare the “wrong church” disqualifications to two overall categories of disqualified affidavit ballots: (1) total affidavit ballots “disqualified for any reason” (by that measure, wrong church ballots accounted for more than 20% of all disqualified affidavit ballots); and, (2) disqualified affidavit ballots that were cast by duly registered voters, who enter a polling site having completed the jurisdictional eligibility prerequisites, and who are then directed to vote by affidavit with the expectation and understanding their ballot will count, only to have it *fully* discounted at the post-election canvass. By that measure, wrong church ballots accounted for the majority (51.99%) of affidavit ballots cast by duly registered New York voters in the 2020 General Election.

## IMPACT ON VOTERS RESIDING IN POPULATION DENSE COUNTIES

The impact of the “wrong church” rule overburdens voters in *population dense* counties. As Snapshot A reveals, the 15 most population dense counties in the state<sup>12</sup> accounted for 13,008 disqualifications, or over 94% of the “wrong church” disqualifications statewide. Each of these counties has a population density of over 400 residents per square mile. Of the ten counties outside of New York City in the top 15 impacted, the population density ranges from just over 400 residents per square mile to just over 4000.<sup>13</sup> By contrast, the 22 counties that reported zero wrong church ballots in the 2020 general election boasted an average population density of just 89 residents per square mile.

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<sup>9</sup> See *supra* note 3 and accompanying text.

<sup>10</sup> All but two counties confirmed the specific number of “wrong church” ballots cast and disqualified in Election 2020. Saratoga and Sullivan Counties were unable to provide this detail. In each case, election officials claim they are not required to track or report ‘wrong church’ disqualifications. Appendix A.

<sup>11</sup> New York requires that voters register at least 25 days prior to Election Day. N.Y. ELEC. LAW § 5-210(3). Collectively, these two categories constituted the majority of affidavit ballots disqualified in the 2020 General Election. Because the Election Law prescribes a post-election canvass process that first eliminates affidavit ballots cast by, *inter alia*, persons not properly registered to vote, N.Y. ELEC. LAW § 9-209(2)(a)(i)(A) and (iii), and the consistent reporting of affidavit ballots rejected due a voter’s registration status, ballots rejected for other reasons were presumably cast by duly registered voters. In some cases, counties indicated when a ballot was rejected for multiple defects, but this reporting is not uniform or required. Where there was a discrepancy between State and County data, the higher number reported was used. See Appendix A.

<sup>12</sup> N.Y. DEP’T OF HEALTH, *supra* note 4.

<sup>13</sup> The 15 most population-dense counties *are not* equivalent to the 15 counties with the most registered voters. For example, Schenectady County is the 12th most population dense county in New York, with over 700 residents per square mile, but it ranked 22nd in Registered Voter population in November, 2020.

**Snapshot A –15 Most Population Dense NYS Counties; Total Disqualified Affidavit Ballots Cast by Registered Voters; Total Disqualified due to Wrong Church Rule (Election 2020):**

	Population Density (residents per square mile)	Total Disqualified Affidavit Ballots (any reason)	Total Disqualified Affidavit Ballots cast by Registered Voters	Wrong Church Disqualifications	% of Disqualified Affidavit Ballots (any reason) due to Wrong Church	% of Total Registered Voter Disqualifications due to Wrong Church
New York (Manhattan)	71,340.39	5,924	2,777	1,635	27.60%	58.88%
Kings (Brooklyn)	36,470.35	11,730	4,846	2,554	27.77%	52.70%
Bronx	34,017.39	8,596	4,057	2,357	27.42%	58.10%
Queens	20,997.94	10,009	5,111	2,651	26.49%	51.87%
Richmond (Staten Island)	8,157.94	2,596	503	284	10.49%	56.46%
Nassau	4,770.8	3,623	1,144	671	18.52%	58.65%
Westchester	2,247.65	3,226	975	330	10.23%	33.85%
Rockland	1,876.66	215	78	41	19.07%	52.56%
Suffolk	1,623.92	4,908	2,050	524	10.68%	25.56%
Monroe	1,129.74	1,396	487	408	29.23%	83.78%
Erie	882.06	3,062	1,198	993	32.43%	82.89%
Schenectady	759.58	330	64	35	10.61%	54.69%
Onondaga	593.29	632	212	165	26.11%	77.83%
Albany	587.45	713	243	175	24.54%	72.02%
Orange	470.56	1,322	599	185	13.99%	30.88%
<b>TOTALS:</b>	<b>N/A</b>	<b>58,282</b>	<b>24,344</b>	<b>13,008</b>	<b>22.32%</b>	<b>53.44%</b>

## IMPACT ON NEW YORK CITY VOTERS

Of more than 13,800 wrong church votes disqualified statewide, **a disproportionately large majority of them—nearly 69% or 9,481 lost votes—were cast by registered New York City voters, who make up less than 42% of all state voters.**<sup>14</sup> The four most densely populated New York City counties (the boroughs of Brooklyn, Bronx, Queens, and Manhattan, with an average population density of over 40,000 residents per square mile) constituted four of the top ten counties statewide with the highest rate of wrong church ballots as a percentage of all rejected affidavit ballots. A review of affidavit ballots cast by *registered* voters in New York City reveals that **wrong church votes account for over half of those disqualified.**<sup>15</sup> **There was approximately one “wrong church” disqualification for every 327 City voters.**<sup>16</sup>

### Snapshot B – Disqualification of Affidavit Ballots in New York City due to Wrong Church Rule, Compared to Disqualifications for All Reasons and Disqualifications of Registered Voters’ Ballots (Election 2020):

	Total Disqualified Affidavit Ballots (for any reason)	Total Disqualified Affidavit Ballots cast by Registered Voters	Wrong Church Disqualifications	% of All Disqualified Affidavit Ballots due to Wrong Church	% of Affidavit Ballots cast by Registered Voters, Disqualified due to Wrong Church
Bronx	8,596	4,057	2,357	27.42%	58.09%
Kings (Brooklyn)	11,730	4,846	2,554	21.77%	52.70%
New York (Manhattan)	5,924	2,777	1,635	27.60%	58.87%
Queens	10,009	5,111	2,561	26.49%	51.86%
Richmond (Staten Island)	2,596	503	284	10.49%	56.46%
<b>TOTALS:</b>	<b>38,888</b>	<b>17,294</b>	<b>9,481</b>	<b>24.38%</b>	<b>54.82%</b>

<sup>14</sup> N.Y. Bd. of Elections, *supra* note 5.

<sup>15</sup> The remaining ballots were disqualified predominantly due to an incomplete affidavit ballot (e.g., no signature), the voter ultimately having voted a regular ballot, and other miscellaneous, unreported reasons.

<sup>16</sup> This figure is an estimate determined by adding the number of disqualified affidavit ballots (for any reason) to the “Total Votes” counted for “President/Vice President”, as provided by the State Board of Elections’ Certified 2020 General Election Results (i.e., the number of disqualified “wrong church” ballots in New York City, divided by the “Total Votes” plus all disqualified affidavit ballots in New York City). Both disqualified absentee and affidavit ballots are not accounted for in the State’s certified results. N.Y. Bd. of Elections, 2020 ELECTION RESULTS, GEN. ELECTION RESULTS, PRESIDENT/VICE PRESIDENT, <https://on.ny.gov/3hp7V9I>.

Snapshot B also reveals that the Bronx appears to bear a disproportionate share of “wrong church” disqualifications: approximately one for every 187 voters in the borough.<sup>17</sup> By comparison, “wrong church” disqualifications occurred at a rate of one for every 360 voters in Brooklyn, 425 voters in Manhattan, 310 voters in Queens, and 760 voters in Staten Island.<sup>18</sup> Bronx residents suffered 722 *more* disqualifications due to wrong church voting than Manhattan, which had over 269,000 more voters cast ballots than in the Bronx and nearly 400,000 more registered voters in Election 2020. In Suffolk and Nassau Counties (the only counties outside of New York City in 2020 with more registered voters than the Bronx), 524 and 671 voters cast disqualified affidavit ballots at an unassigned polling place, respectively; a staggering difference of 1,833 and 1,686 votes less than the Bronx. Notably, despite their larger registered voter populations, both Suffolk and Nassau counties have population densities much lower than that of the Bronx: 1623.92 and 4770.80 residents per square mile, compared to 34,017.39 in the Bronx.

The extreme rate of disenfranchisement in the much denser Bronx warrants some examination, particularly in light of current legal challenges to out-of-precinct voting laws elsewhere. Federally, the Supreme Court is reviewing a Voting Rights Act challenge to Arizona law which fully disqualified 38,335 ballots cast at an unassigned location between 2008 and 2016. In a [2020 Opinion striking down the law](#), the Ninth Circuit found the law (which is similar to New York’s) to have discriminatory *impact* on Arizona’s minority communities.

The Bronx itself is a majority-minority county, with only 9% of the population identifying as white alone (not Hispanic).<sup>19</sup> In all other boroughs, at least 24% of the population identify as white.<sup>20</sup> Four of the top five New York City Assembly Districts with the most wrong church ballots disqualified (and six of the top ten) are located in the Bronx.<sup>21</sup> Those six districts alone account for over 1,400 lost votes, and according to data from the last complete census (2010), the 18+ population in each one of those six districts is over 70% non-white.<sup>22</sup> In five of those districts, Blacks and Non-White Hispanics comprise over 80% of the population.<sup>23</sup>

Experts in the Arizona case identified three key factors that make it more likely voters from Arizona’s minority communities vote at an unassigned poll sites: 1) frequent poll site changes; 2) confusing placement of assigned sites; and 3) high rates of renters and residential mobility. These factors may also be present in the Bronx. In 2020, Bronx residents complained that early voting sites were not situated in convenient areas, and that poll sites had changed from the last

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<sup>17</sup> *See id.*

<sup>18</sup> *See id.*

<sup>19</sup> U.S. CENSUS BUREAU, QUICK FACTS: BRONX COUNTY (BRONX BOROUGH), <https://bit.ly/3w2rGaK>.

<sup>20</sup> U.S. CENSUS BUREAU, QUICK FACTS: KINGS COUNTY (BROOKLYN BOROUGH); NEW YORK COUNTY (MANHATTAN BOROUGH); RICHMOND COUNTY (STATEN ISLAND BOROUGH); QUEENS COUNTY (QUEENS BOROUGH); BRONX COUNTY (BRONX BOROUGH), <https://bit.ly/3hjbCxi>.

<sup>21</sup> There are 65 total assembly districts in New York City.

<sup>22</sup> Each LATFOR district map provides Assembly-District level demographic data. THE NEW YORK STATE LEGISLATIVE TASK FORCE ON DEMOGRAPHIC RESEARCH AND REAPPORTIONMENT, VIEW 2012 ASSEMBLY DISTRICT MAPS, [https://latfor.state.ny.us/maps/?sec=2012a\\_color](https://latfor.state.ny.us/maps/?sec=2012a_color) (hereinafter “LATFOR”).

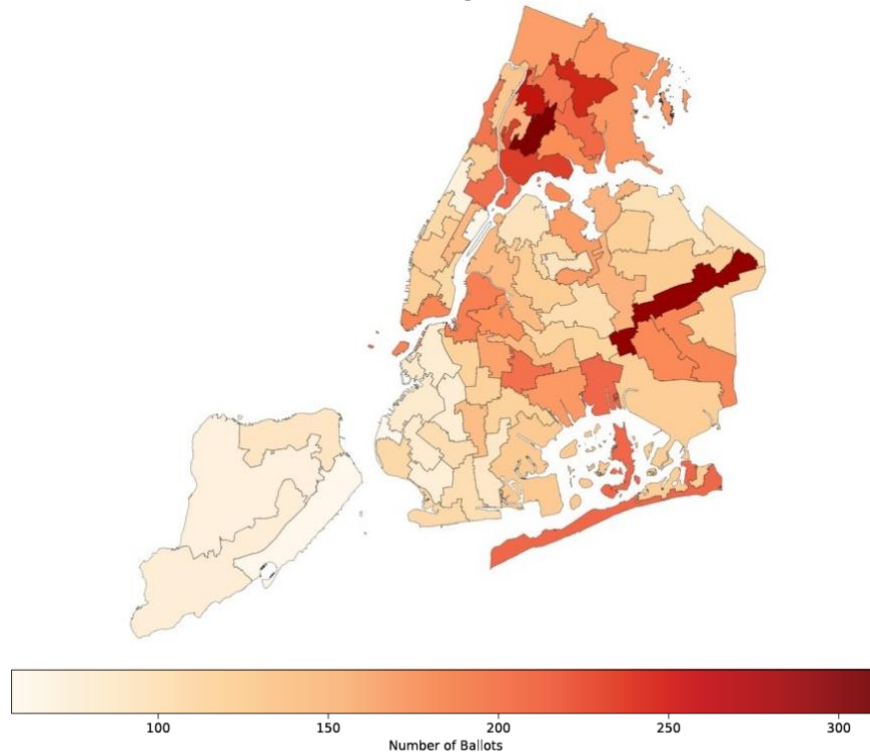
<sup>23</sup> *Id.*



election.<sup>24</sup> Moreover, while two-thirds of New York City residents rent their homes,<sup>25</sup> the percentage of renters is highest in the Bronx, where 81.5% of housing units are occupied by renters.<sup>26</sup>

The “wrong church” rule’s disproportionate impact on non-white voting communities is not limited to the Bronx, however. Of the 20 NYC Assembly Districts with the most wrong church ballots disqualified, only two are more than 50% white while thirteen are over 80% non-white.<sup>27</sup> The 4,278 wrong church ballots disqualified in these 20 districts comprise over 45% of all ballots disqualified for this reason in New York City, despite accounting for less than one-third of the City’s assembly districts. Because New York City operates as one jurisdiction for election administration, it is also worth comparing the impact between the City’s racially and geographically diverse communities. In Election 2020, **more voters had their ballots disqualified for voting at an unassigned polling place in each of Assembly Districts 79 in the Bronx and 24 in Queens, than in all of Staten Island.**

### Number of Ballots Disqualified due to “Wrong Church” Rule in NYC Assembly Districts



Map courtesy of Daniel Grenell.

<sup>24</sup> Anna Deen, *Tamping Down Turnout? Bronx Early Voting Sites Few & Far Between*, CITY LIMITS, Oct. 29, 2020, <https://bit.ly/3f9FTvS>.

<sup>25</sup> Noah Manskar, *Fewer New Yorkers Own Homes As Number Renting Grows, Figures Show*, PATCH, Jan. 25, 2018, <https://bit.ly/3uVXAFu>.

<sup>26</sup> Measure of America, Social Science Research Council, 2015, *DATA2GO.NYC*, [www.data2go.nyc](http://www.data2go.nyc).

<sup>27</sup> LATFOR, *supra* note 22.

**Snapshot C – Top 20 NYC Assembly Districts Ranked by Total Disqualified Affidavit Ballots due to Wrong Church Rule (Election 2020) and Racial Demographics:**

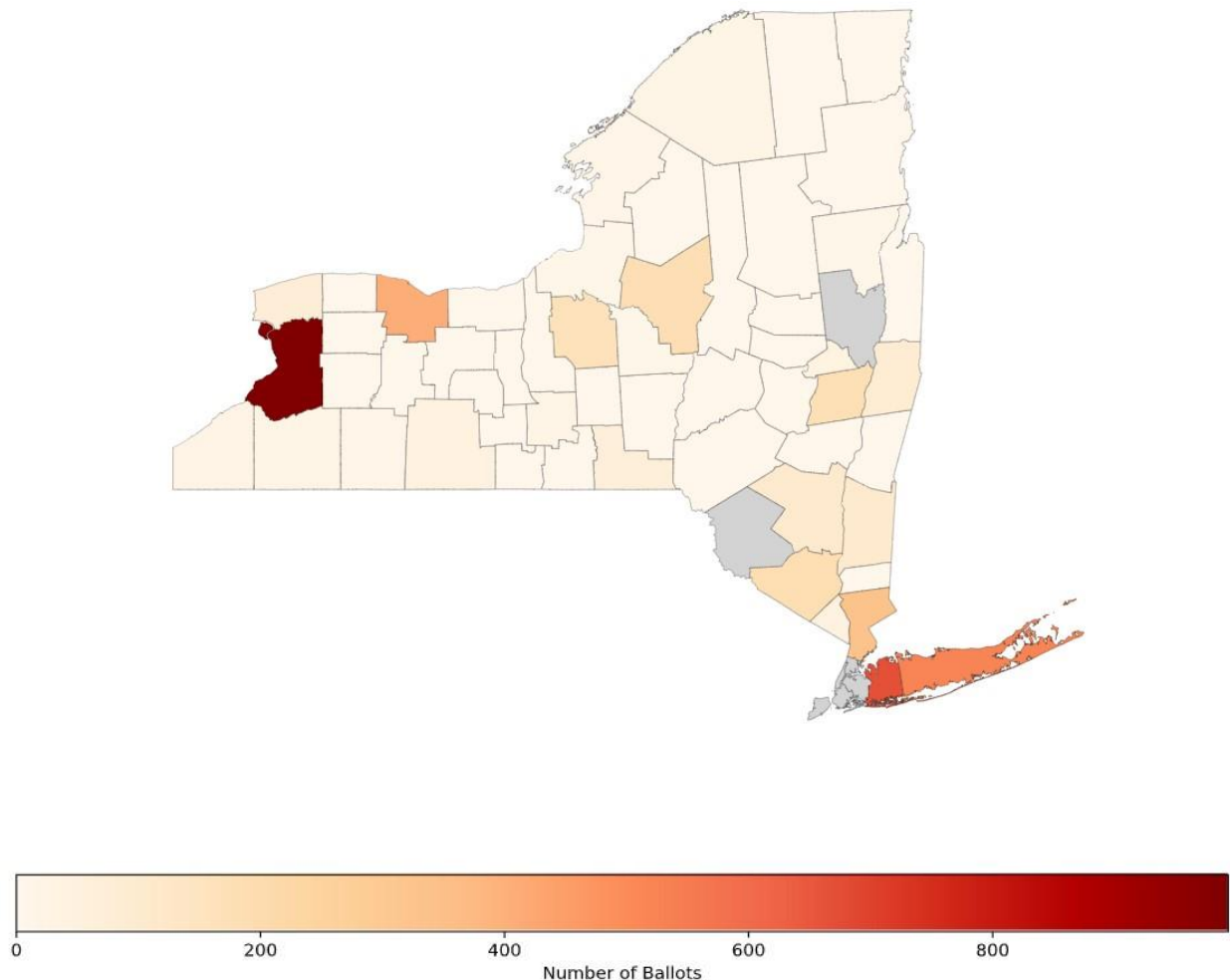
Assembly District	Borough	Wrong Church Disqualifications	Black and Hispanic Population (18+)	Non-White Population (18+)
79	Bronx	312	96.73%	98.65%
24	Queens	299	32.11%	74.43%
86	Bronx	266	94.8%	98.39%
80	Bronx	254	63.84%	74.24%
84	Bronx	239	95.72%	98.14%
23	Queens	215	35.33%	44.52%
87	Bronx	212	85.12%	95.65%
68	Manhattan	209	72.24%	80.76%
55	Brooklyn	207	95.18%	98.20%
78	Bronx	203	82.68%	88.96%
71	Manhattan	203	76.73%	81.98%
50	Brooklyn	195	22.57%	28.79%
65	Manhattan	190	19.84%	64.39%
29	Queens	189	79.75%	96.59%
32	Queens	187	83.99%	98.28%
85	Bronx	184	97.91%	94.81%
53	Brooklyn	182	65.03%	74.54%
82	Bronx	178	54.31%	60.78%
83	Bronx	178	92.75%	96.10%
60	Brooklyn	176	91.51%	95.42%
<b>TOTAL (top 20 ADs):</b>		<b>4,278</b>		

## A STATEWIDE ISSUE

In the close 2020 Congressional contest for New York’s sprawling, upstate 22nd district between Anthony Brindisi and Claudia Tenney, a court determined that 128 affidavit ballots disputed by the candidates were required to be disqualified because the voters who cast them, all of whom were eligible to vote in the NY-22 contest, did so from unassigned polling places in their county of registration. In that race, the application of the wrong church rule alone suppressed a greater swath of registered voters than the certified 109 vote margin standing between the candidates.<sup>28</sup>

As that litigation illustrates, the impact of entirely disqualifying duly registered voters’ ballots due to this technical pitfall is not limited to the more populous downstate region. But for the wrong church rule, in nine counties outside New York City, over 70% of registered affidavit voters who had their ballots disqualified would have had them counted or partially counted.<sup>29</sup>

### Number of Ballots Disqualified due to “Wrong Church” Rule in NYS Counties<sup>30</sup>



Map courtesy of Daniel Grenell.

<sup>28</sup> Tenney v. Oswego Cty. Bd. of Elections, 2021 N.Y. Misc. LEXIS 386, [\*3] (N.Y. Sup. Ct. 2021).

<sup>29</sup> Monroe, Erie, Onondaga, Albany, Ulster, Chautauqua, Steuben, Allegany, Montgomery. Appendix A.

<sup>30</sup> Officials in Sullivan and Saratoga County (gray) could not provide the quantity of wrong church ballots.

In fact, “wrong church” ballots were cast (and rejected) at roughly the same rate in Queens as in Syracuse’s Onondaga County (between 26% and 27% of total rejected affidavit ballots, and between 51% and 56% of rejected affidavit ballots from registered voters). As Snapshots A and D illustrate, Onondaga County is one of the more population dense counties in the state. In Erie County, home to Buffalo and the sixth most population dense county outside of New York City (and third most population dense county excluding New York City, Westchester, and Long Island), more than 32% of total affidavit ballots—and a whopping 83% of rejected affidavit ballots cast by *registered* voters (nearly 1000 ballots)—were tossed on this basis. Had these ballots counted, the number of registered voters whose votes did not count would have been reduced from 1,198 to 205. Only two other counties exhibited higher percentages of ballots cast by registered voters but disqualified on the “wrong church” basis: Monroe County (the fifth most population dense county outside of New York City), at 84% and Montgomery County, a much smaller county with only 30,000 registered voters, whose four disqualified “wrong church” affidavit ballots constituted 100% of the affidavit ballots cast by registered voters and rejected.

### **AGGRAVATING FACTOR: DISPARITIES IN EARLY VOTING**

While the wrong church restriction disqualified thousands of ballots statewide, the disproportionate impact on New York City voters is clear. One aggravating factor that may have contributed to the disproportionate quantity of wrong church disqualifications reported in New York City during Election 2020 is an early voting rule that applies only to City voters, who are restricted to a single assigned early voting site for the duration of the early voting period.

By contrast, outside New York City, all 57 counties deploy a countywide voter access model for the nine days of early voting, permitting voters to visit any county location deployed. This means that in Election 2020 and future elections, there are no wrong church ballots cast outside New York City during the nine days of early voting. On Election Day, however, all counties revert to assigned poll sites. On that one day in 2020, over 4,000 registered voters outside of New York City cast an affidavit ballot in an unassigned polling place. Over 3,500 of these ballots were cast in the ten most population dense counties outside of New York City.

**Snapshot D – Disqualification of Affidavit Ballots in Ten Most Population Dense Counties Outside NYC (Ranked by Density) due to Wrong Church, Compared to Disqualifications for All Reasons; and, Disqualifications of Registered Voter’s Ballots (Election 2020):**

	Total Disqualified Affidavit Ballots (any reason)	Total Disqualified Affidavit Ballots cast by Registered Voters	Wrong Church Disqualifications	% of Disqualified Affidavit Ballots (any reason) due to Wrong Church	% of Affidavit Ballots cast by Registered Voters Disqualified due to Wrong Church
Nassau	3,623	1,144	671	18.51%	58.65%
Westchester	3,226	975	330	10.23%	33.85%
Rockland	215	78	41	19.07%	52.56%
Suffolk	4,908	2,050	524	10.68%	25.56%
Monroe	1,396	487	408	29.23%	83.78%
Erie	3,062	1,198	993	32.43%	82.89%
Schenectady	330	64	35	10.61%	54.69%
Onondaga	632	212	165	26.11%	77.83%
Albany	713	243	175	24.54%	72.07%
Orange	1,322	599	185	13.99%	30.88%
<b>TOTALS:</b>	<b>19,427</b>	<b>7,050</b>	<b>3,527</b>	<b>18.34%</b>	<b>50.03%</b>

## CONCLUSION

The 2020 General Election data gathered from New York’s state and local boards of elections reveals that over 13,800 registered New York voters who appeared at poll sites in their county had their ballots *fully* disqualified due to the wrong church rule in New York’s election law. This harsh and overbroad technical pitfall has disproportionate impact on New York City voters residing in majority-minority Assembly Districts and residents in the most population dense counties across the state.

Although elections are administered and canvassed on a countywide basis across thousands of shifting poll sites and districts, this hyper-local technical requirement imposes an unjust hurdle that disproportionately undermines the civil rights of registered Americans living in certain communities and can distort the will of the electorate. By ensuring the races that voters are entitled to participate in are counted regardless of confusion among voters or errors by poll workers, policymakers can improve due process and significantly reduce avoidable suppression of registered voters, ensuring more accurate election results and a more representative democracy.

## APPENDIX A

<b>Affidavit Ballots Cast by Registered New York Voters: Disqualified Due to "Wrong Church" Rule (2020 General Election)</b>					
	<b>Total Affidavit Ballots Disqualified</b>	<b>Total Affidavit Ballots Cast by Registered Voters and Disqualified</b>	<b>Affidavit Ballots Disqualified Due to 'Wrong Church' (but cast in correct county)</b>	<b>Affidavit Ballots Disqualified Due to 'Wrong Church', As Share of Total Affidavit Ballots Disqualified</b>	<b>Affidavit Ballots Disqualified Due to 'Wrong Church', As Share of Total Affidavit Ballots Cast by Registered Voters and Disqualified</b>
<b>TOTAL:</b>	<b>65963</b>	<b>26601</b>	<b>13829</b>	<b>20.96%</b>	<b>51.99%</b>
Bronx	8596	4057	2357	27.42%	58.10%
Kings	11730	4846	2554	21.77%	52.70%
New York	5924	2777	1635	27.60%	58.88%
Queens	10009	5111	2651	26.49%	51.87%
Richmond	2596	503	284	10.94%	56.46%
Albany	713	243	175	24.54%	72.02%
Allegany	64	17	12	18.75%	70.59%
Broome	446	114	63	14.13%	55.26%
Cattaraugus	205	36	20	9.76%	55.56%
Cayuga	100	0	0	0.00%	N/A
Chautauqua	435	33	24	5.52%	72.73%
Chemung	144	7	0	0.00%	0.00%
Chenango	29	11	0	0.00%	0.00%
Clinton	55	1	0	0.00%	0.00%
Columbia	99	12	4	4.04%	33.33%
Cortland	90	27	0	0.00%	0.00%
Delaware	55	12	7	12.73%	58.33%
Dutchess	469	254	107	22.81%	42.13%
Erie	3062	1198	993	32.43%	82.89%
Essex	31	9	5	16.13%	55.56%
Franklin	115	23	1	0.87%	4.35%
Fulton	72	42	0	0.00%	0.00%
Genesee	94	0	0	0.00%	N/A
Greene	13	10	0	0.00%	0.00%
Hamilton	0	0	0	N/A	N/A
Herkimer	0	0	0	N/A	N/A
Jefferson	98	47	13	13.27%	27.66%

Lewis	49	6	0	0.00%	0.00%
Livingston	56	4	0	0.00%	0.00%
Madison	140	23	10	7.14%	43.48%
Monroe	1396	487	408	29.23%	83.78%
Montgomery	121	4	4	3.31%	100.00%
Nassau	3623	1144	671	18.52%	58.65%
Niagara	1017	538	74	7.28%	13.75%
Oneida	906	278	180	19.87%	64.75%
Onondaga	632	212	165	26.11%	77.83%
Ontario	165	46	0	0.00%	0.00%
Orange	1322	599	185	13.99%	30.88%
Orleans	71	71	0	0.00%	0.00%
Oswego	50	21	8	16.00%	38.10%
Otsego	179	59	3	1.68%	5.08%
Putnam	33	14	3	9.09%	21.43%
Rensselaer	485	174	86	17.73%	49.43%
Rockland	215	78	41	19.07%	52.56%
Saratoga	Officials could not provide quantity of wrong church ballots				
Schenectady	330	64	35	10.61%	54.69%
Schoharie	32	5	0	0.00%	0.00%
Schuyler	67	5	0	0.00%	0.00%
Seneca	11	6	0	0.00%	0.00%
St. Lawrence	95	26	16	16.84%	61.54%
Steuben	267	65	46	17.23%	70.77%
Suffolk	4908	2050	524	10.68%	25.56%
Sullivan	Officials could not provide quantity of wrong church ballots				
Tioga	110	17	0	0.00%	0.00%
Tompkins	132	36	17	12.88%	47.22%
Ulster	505	140	107	21.19%	76.43%
Warren	164	32	11	6.71%	34.38%
Washington	157	22	0	0.00%	0.00%
Wayne	161	4	0	0.00%	0.00%
Westchester	3226	975	330	10.23%	33.85%
Wyoming	82	5	0	0.00%	0.00%
Yates	12	1	0	0.00%	0.00%