



NY Judge Declares 'Vote By Mail' Law Unconstitutional

Description

USA: The way New York counts ballots **was thrown into chaos** on Friday after a judge ruled that several of the state's recent voting reforms are **unconstitutional**.



State Supreme Court Justice Dianne Freestone sided with Republicans in a lawsuit brought in late September, which argued against a law which allows people **to vote absentee if they fear contracting a disease like Covid-19**. Freestone also ruled that the new process for “canvassing,” or ensuring that absentee ballots are inspected and prepared for counting – **violates candidates’ rights** in several ways, including by making it more difficult to raise a legal challenge when there are questions over a ballot’s validity.

“The framers of the Constitution did not intend to grant (and did not grant) the Legislature carte blanche to enact legislation over absentee voting,” she wrote.

That said, Friday’s [28-page ruling](#) fell just short of invalidating hundreds of thousands of **absentee ballots** already issued to New York voters, which the Republicans asked the judge to do.

*For now, **the ruling means local election officials will have to soon pause the inspection of absentee ballots**, which were being processed on a rolling basis prior to Election Day for the first time this year. The Democrat-led state Legislature approved the new process in a 2021 law meant to expedite the state’s notoriously slow procedures for counting mail-in ballots.*

It also means the more than 427,000 New York voters — including more than 187,000 in New York City — who have already requested and received their absentee ballots will still be able to cast their ballots for the Nov. 8 election, regardless of whether they elected to receive mail-in ballots due to fears of spreading illness. Currently, 108,000 New Yorkers have completed and returned their absentee ballots. -Gothamist

Democratic official **immediately responded with a notice that they would appeal the decision.**

According to Freestone, the Democrat-controlled Legislature “appears poised to continue the expanded absentee voting provisions of New York State Election Law ... in an Orwellian perpetual state of health emergency and cloaked in the veneer of ‘voter enfranchisement.’”

The ruling was a blow to the State Board of Elections, with Freestone arguing that there are “uncounted reasons for this Court to second-guess the wisdom of the Legislature.”

The decision could hurt Gov. Kathy Hochul (D) who has been losing ground to GOP challenger Lee Zeldin in recent polls.

“The (state) constitution has been on our side and we will continue to fight to uphold the will of the voters and to ensure honest elections in New York,” said plaintiff Nick Langworthy, the state GOP Chairman.

“Just like their illegal Hochulmander and their non-citizen voting scheme, Democrats’ attempt to rig our elections was slapped down by the courts,” he continued, adding “When I took over as chairman of the New York GOP, I promised to usher in a new, fighting era that took on Democrats’ brazen lawlessness and this victory is another win for election integrity.”

*Another plaintiff, Conservative Party Chairman Gerald Kassar, said, **“This decision helps uphold the integrity of the electoral process**, a major victory for New York voters and the rule of law.”*

*“Absentee-ballot voters have had the right to amend their votes on Election Day for decades, and **cynical attempts by Gov. Hochul and the Democrat Party to strip them of those rights were wrong**,” he added.*

Last year, state voters rejected a proposed constitutional amendment that would have allowed no-excuse absentee voting in New York.

But lawmakers subsequently enacted a measure that allowed people to vote by mail if they feared catching COVID-19 by voting in person. That expansion of absentee voting is set to expire at the end of this year. -NY Post

On Friday, a BOE spokesperson said **“Our office is still reviewing the ruling and its impact on the upcoming election.”**

by Tyler Durden

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Date Created

10/25/2022