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Rejection rates of Paterson vote-by-mail ballots last month far exceeded previous years

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PATERSON — City residents' vote-by-mail ballots were disqualified in last month's controversial council races at significantly higher rates than they had been in Paterson's three previous municipal elections, according to information in public records.

The Passaic County Board of Elections decided not to count 3,274 mail-in ballots in the 2020 City Council elections, or 20% of those that were submitted. In comparison, the board rejected 10.5% of the mail-in ballots in the 2018 municipal election, 4.8% in 2016 and 4.5% in 2014, according to a Paterson Press analysis of the data provided by county officials.

Political insiders attribute the high rate of disqualified ballots in the city to two factors: the governor's decision to conduct all May elections in New Jersey entirely through mail-in votes and the ongoing investigations by law enforcement agencies into possible election fraud in Paterson.

Some political figures argue that the large number of rejected ballots provide some degree of proof that voter fraud occurred, while others maintain that the massive disqualifications stem from overzealous election officials' misguided efforts to ferret out wrongdoing.

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Five of the six incumbents won the ward council elections, and the results in the closest contest — the 2nd Ward, decided by eight votes — will undergo a recount on Monday, officials said. Two other recounts, in the 1st and 3rd wards — elections originally decided by more than 240 votes — did not change the outcomes.

Political strategists said the recounts represent a preliminary step that losing candidates must take before they file lawsuits contesting the outcome of an election over issues such as

fraud. No matter what happens in the 2nd Ward recount on Monday, that race will end up in litigation, according to supporters of the two candidates, Shahin Khalique and Mohammed Akhtaruzzaman.

The county Board of Elections' report on this year's mail-in ballots said the most common reason for the votes' disqualification was problems with voters' signatures not matching those on registration documents. The report listed 1,214 rejections because of ballot signatures, which accounted for 37% of all those that were disqualified.

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Most of the other disqualifications stemmed from a variety of flaws involving the ballots not being filled out the right way. About 1,000 of those rejections covered problems with the section of the ballot that must be filled out by the "bearer," the official title for someone who delivers the ballot on behalf of the voter.

"All of these factors point heavily to fraud, which is why we are confident that this was not a fair election," said Scott Salmon, the lawyer handling Akhtaruzzaman's recount petition.

"While we're hopeful the New Jersey Attorney General's Office and the FBI will bring those responsible to justice in our criminal courts, every bit of data we find and every voter we speak to just confirms the need to have the results of the election overturned," added Salmon, who also is representing second-place finishers Nakima Redmon in the 1st Ward and 20-year incumbent William McKoy in the 3rd Ward.

Henry Sosa, Khalique's campaign manager, said he has found 100 people in the 2nd Ward whose ballots the county board said it disqualified for problems involving the bearer who all said they mailed the ballots themselves without the use of a bearer.

Sosa said his research into the disqualified votes indicated that authorities may have flagged as problematic legitimate votes that were dropped in the same mailboxes that investigators believed were used for illegal bundling of ballots.

"You're creating another crime by trying to prevent a crime," Sosa said. "Or at least you're disenfranchising people who filled out their ballots exactly the way the way they were supposed to fill them out."

Assemblyman Benjie Wimberly and his wife and two sons were among the more than 3,200 people whose ballots were rejected. The county board report said Wimberly's ballot was

discounted because of an “incomplete bearer portion.”

But in an interview last month, Wimberly said he didn’t use a bearer. The assemblyman said he mailed the ballots for his family himself.

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