



DOWN BALLOT DILEMMA: New York's Crisis in Governance

Trust in free and fair elections is the foundation of representative governance. When a government's policies do not reflect the values of the people who comprise that State, citizens rightly suspect fraud. When that government acts without regard for the rule of law or public safety, corruption spills into tyranny. It is well established that this is the current state of affairs in New York.

New York Citizens Audit researchers have discovered that 38% of the NYS Senators and Assembly Members allegedly elected in 2020 CANNOT PROVE THEY WON, as well as 41% of US Congressional Representatives from NY. The number of votes in their election districts assigned to invalid/illegal registrations in the voter rolls OUTSTRIPS their margins of victory, making the assignment of a clear winner impossible.

New York Citizens Audit is calling for the decertification of every one of these races, and the repeal of their signatures from all legislation passed during the current legislative session.

In addition, NY Citizens Audit is calling for the decertification of the 40 Democrat NYS Assembly members who ran unopposed, the 8 Republican NYS Assembly members who ran unopposed, the 8 NYS Democrat Senators who ran unopposed, the 5 Republican NYS Senators who ran unopposed, and the Democrat US Congressman who ran unopposed. These individuals represent another 32% of our Assembly, 21% of our Senate, and 4% of our representation in the US Congress. Disregard by these bodies for the rule of law has broken our trust in the innocence of these circumstances.

NY Citizens Audit calls for a new Threshold of Materiality in Elections

The current standard under which elections can be challenged in court is:

1. The number of votes in question must exceed the margin of victory
2. There must be demonstrable fraud



This stands in sharp contrast to the auditing standards in other industries, the financial sector especially so. In regards to corporate financial reporting, the Threshold of Materiality – the method for determining when a forensic audit is needed by the SEC – is as follows:

1. If the discrepancy represents less than 5% of profit, no audit is performed.
2. If the discrepancy is 5 – 10% of profit, it is a judgment call.
3. If the discrepancy is greater than 10% of profit, an audit is needed.
4. If there is ANY FRAUD, no matter the amount, an audit is needed.

Some examples from legislative races in New York that do not meet the current threshold of materiality for a legal challenge:

Affected Race	WinnerFirstLastName	TotalVotes	VictoryMarginVotes	% Victory Margin	% Victory Margin [C]	Votes Cast Dispu	Party
Member of Assembly - 80th District	Nathalia Fernandez	34,722	22,048	63%	11%	7%	DEM
Member of Assembly - 81st District	Jeffrey Dinowitz	45,261	30,375	67%	13%	9%	DEM
Member of Assembly - 82nd District	Michael R. Benedetto	49,864	26,376	53%	13%	7%	DEM

In the races above, 11% or 13% of the victory margin votes were cast from invalid/illegal registrations. The number of invalid/illegal votes in each race is 6204, 7530 and 8281 respectively, for a total of 22,015 invalid/illegal votes in 3 races. This is both greater than 10% of “profit,” AND demonstrates fraud. Under existing election precedent, a judge would not find these races worthy of examination. We must accept governance by these legislators.

Affected Race	WinnerFirstLastName	TotalVotes	VictoryMarginVotes	% Victory Margin	% Victory Margin [C]	Votes Cast Dispu	Party
Member of Assembly - 88th District	AMY R PAULIN	49,861	49,861	100%	20%	20%	DEM
Member of Assembly - 89th District	J GARY PRETLOW	35,853	35,853	100%	20%	20%	DEM
Member of Assembly - 90th District	NADER J SAYEGH	34,838	34,838	100%	21%	21%	DEM
Member of Assembly - 91st District	STEVEN OTIS	40,821	40,821	100%	20%	20%	DEM
Member of Assembly - 92nd District	THOMAS J ABINANTI	51,808	51,808	100%	19%	19%	DEM

Although the above candidates all ran unopposed, 19-21% of the votes cast in their districts are from invalid/illegal registrations. The number of invalid/illegal votes in each race is 9817, 7150, 7199, 8004 and 9963 respectively, for a whopping total of 42,133 invalid/illegal votes in only 5 races. Again this is greater than 10% of “profit,” AND demonstrates fraud. In the case of elections, however, this is not considered material and we must accept them as lawmakers.

The number of invalid/illegal votes, identified in the voter rolls, cast in 2020 New York State Legislative races exceeds 750,000. New York Citizens Audit asserts that this demonstrates a crisis in governance, and is calling for the decertification of the entire 2020 General Election in New York. Emergency special elections will not suffice as a solution. The people responsible for the fraud must be removed and held accountable, and the voter rolls irreparably poisoned with clandestine cryptographic programming must be remade, BEFORE elections can be trusted.



Following is the list of New York State Assembly members who cannot prove they won. The affected races are highlighted with yellow, orange and red. If the number of invalid/illegal votes is subtracted from their victory margin, and added to their opponent's total, the opponent wins. On this basis, and in light of all other facts presented herein, New York Citizens Audit claims that these elections were certified under false pretenses, and the winner can no longer be determined.

Affected Race	WinnerFirstLastName	TotalVotes	VictoryMarginVotes	Party	VoteFlagged
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Member of Assembly - 1st District	Fred W. Thiele Jr.	69,822	11,556	DEM	11097
Member of Assembly - 2nd District	Jodi A. Giglio	70,970	9,762	REP	6960
Member of Assembly - 3rd District	Joseph P. DeStefano	54,492	7,540	REP	4354
Member of Assembly - 4th District	Steven Englebright	61,145	6,822	DEM	5064
Member of Assembly - 5th District	Douglas M. Smith	60,726	13,694	REP	4590
Member of Assembly - 6th District	Philip R. Ramos	35,334	18,284	DEM	2682
Member of Assembly - 7th District	Jarrett C. Gandolfo	65,675	13,605	REP	5326
Member of Assembly - 8th District	Michael J. Fitzpatrick	72,424	20,806	REP	7215
Member of Assembly - 9th District	Michael A. Durso	38,981	7,975	REP	6911
Member of Assembly - 10th District	Steve Stern	65,681	8,441	DEM	9860
Member of Assembly - 11th District	Kimberly Jean-Pierre	50,965	9,819	DEM	6134
Member of Assembly - 12th District	Keith Brown	68,217	2,163	REP	7669
Member of Assembly - 13th District	Charles D. Lavine	62,461	16,431	DEM	8416
Member of Assembly - 14th District	David G. McDonough	72,519	14,261	REP	8219
Member of Assembly - 15th District	Michael A. Montesano	66,181	7,519	REP	8113
Member of Assembly - 16th District	Gina Sillitti	65,718	5,192	DEM	10597
Member of Assembly - 17th District	John K. Mikulin	66,449	12,913	REP	7597
Member of Assembly - 18th District	Taylor R. Darling	43,573	30,183	DEM	6300
Member of Assembly - 19th District	Edward P. Ra	65,340	11,678	REP	9666
Member of Assembly - 20th District	Melissa L. Miller	64,950	11,686	REP	9087
Member of Assembly - 23rd District	Stacey G. Pheffer Amato	47,198	10,932	DEM	6932
Member of Assembly - 24th District	David I. Weprin	34,000	34,000	DEM	4843
Member of Assembly - 25th District	Nily D. Rozic	28,155	28,155	DEM	4255
Member of Assembly - 26th District	Edward C. Braunstein	52,286	5,080	DEM	6566
Member of Assembly - 27th District	Daniel Rosenthal	30,789	30,789	DEM	4828
Member of Assembly - 28th District	Andrew D. Hevesi	40,018	29,250	DEM	6296
Member of Assembly - 29th District	Alicia L. Hyndman	45,687	45,687	DEM	5651
Member of Assembly - 30th District	Brian Barnwell	32,866	32,866	DEM	4981
Member of Assembly - 31st District	Khaleel Anderson	38,100	29,928	DEM	4055
Member of Assembly - 32nd District	Vivian E. Cook	42,061	42,061	DEM	4938
Member of Assembly - 33rd District	Clyde Vanel	47,035	47,035	DEM	5222
Member of Assembly - 34th District	Jessica Gonzalez-Rojas	33,388	18,916	DEM	3323
Member of Assembly - 35th District	Jeffrion L. Aubry	29,135	16,311	DEM	2655
Member of Assembly - 36th District	Zohran Kwame Mamdani	38,221	38,221	DEM	4688
Member of Assembly - 37th District	Catherine Nolan	40,614	40,614	DEM	5268
Member of Assembly - 38th District	Jenifer Rajkumar	34,675	15,789	DEM	3901
Member of Assembly - 39th District	Catalina Cruz	21,765	21,765	DEM	2362
Member of Assembly - 40th District	Ron Kim	21,780	14,648	DEM	2976
Member of Assembly - 41st District	Helene E. Weinstein	43,242	12,716	DEM	5045
Member of Assembly - 42nd District	Rodneyse Bichotte	39,649	39,649	DEM	3919
Member of Assembly - 43rd District	Diana Richardson	48,906	38,352	DEM	5134
Member of Assembly - 44th District	Robert C. Carroll	47,261	27,653	DEM	4981
Member of Assembly - 45th District	Steven Cymbrowitz	23,470	23,470	DEM	4020
Member of Assembly - 46th District	Mathylde Frontus	43,148	838	DEM	5198
Member of Assembly - 47th District	William Colton	30,471	7,247	DEM	2842
Member of Assembly - 48th District	Simcha Eichenstein	25,981	25,981	DEM	3538
Member of Assembly - 49th District	Peter J. Abbate, Jr.	18,104	18,104	DEM	2122
Member of Assembly - 50th District	Emily E. Gallagher	38,278	38,278	DEM	4664
Member of Assembly - 51st District	Marcela Mitaynes	27,954	27,954	DEM	3260
Member of Assembly - 52nd District	Jo Ann Simon	67,382	67,382	DEM	6697
Member of Assembly - 53rd District	Maritza Davila	38,791	38,791	DEM	4392
Member of Assembly - 54th District	Erik Martin Dilan	32,830	26,408	DEM	3713



Affected Race	WinnerFirstLastName	TotalVotes	VictoryMarginVotes	Party	VoteFlagged
Member of Assembly - 55th District	<u>Latrice Walker</u>	39,327	35,675	DEM	4612
Member of Assembly - 56th District	<u>Stefani L. Zinnerman</u>	45,103	45,103	DEM	5576
Member of Assembly - 57th District	<u>Phara Souffrant Forrest</u>	62,141	32,553	DEM	6040
Member of Assembly - 58th District	<u>N. Nick Perry</u>	43,737	43,737	DEM	4309
Member of Assembly - 59th District	<u>Jaime R. Williams</u>	38,846	38,846	DEM	5073
Member of Assembly - 60th District	<u>Charles Barron</u>	39,597	39,597	DEM	5575
Member of Assembly - 61st District	<u>Charles D. Fall</u>	47,775	18,035	DEM	12101
Member of Assembly - 62nd District	<u>Michael W. Reilly Jr.</u>	55,953	55,953	REP	15243
Member of Assembly - 63rd District	<u>Michael J. Cusick</u>	54,516	3,036	DEM	13534
Member of Assembly - 64th District	<u>Michael Tannousis</u>	40,864	11,894	REP	10910
Member of Assembly - 65th district	<u>Yuh-Line Niou</u>	40,554	40,554	DEM	6449
Member of Assembly - 66th District	<u>Deborah J. Glick</u>	56,119	39,257	DEM	5309
Member of Assembly - 67th District	<u>Linda B. Rosenthal</u>	57,883	57,883	DEM	8207
Member of Assembly - 68th District	<u>Robert J. Rodriguez</u>	45,846	36,630	DEM	8179
Member of Assembly - 69th District	<u>Daniel J. O'Donnell</u>	52,354	52,354	DEM	7211
Member of Assembly - 70th District	<u>Inez E. Dickens</u>	52,048	42,110	DEM	7135
Member of Assembly - 71st District	<u>Alfred E. Taylor</u>	48,538	48,538	DEM	8069
Member of Assembly - 72nd District	<u>Carmen De La Rosa</u>	39,405	39,405	DEM	6335
Member of Assembly - 73rd District	<u>Dan Quart</u>	60,730	26,992	DEM	7214
Member of Assembly - 74th District	<u>Harvey Epstein</u>	46,749	46,749	DEM	6432
Member of Assembly - 75th District	<u>Richard N. Gottfried</u>	53,573	53,573	DEM	6739
Member of Assembly - 76th District	<u>Rebecca A. Seawright</u>	49,321	7,601	RU	6030
Member of Assembly - 77th District	<u>Latoya Joyner</u>	32,986	26,532	DEM	5861
Member of Assembly - 78th District	<u>Jose Rivera</u>	29,480	22,360	DEM	4550
Member of Assembly - 79th District	<u>Chantel Jackson</u>	36,022	29,994	DEM	6727
Member of Assembly - 80th District	<u>Nathalia Fernandez</u>	34,722	22,048	DEM	6204
Member of Assembly - 81st District	<u>Jeffrey Dinowitz</u>	45,261	30,375	DEM	7530
Member of Assembly - 82nd District	<u>Michael R. Benedetto</u>	49,864	26,376	DEM	8281
Member of Assembly - 83rd District	<u>Carl Heastie</u>	39,862	36,440	DEM	5430
Member of Assembly - 84th District	<u>Amanda N. Septimo</u>	29,021	22,529	DEM	6929
Member of Assembly - 85th District	<u>Kenneth Burgos</u>	30,989	24,859	DEM	5691
Member of Assembly - 87th District	<u>Karines Reyes</u>	38,875	30,847	DEM	6011
Member of Assembly - 88th District	<u>AMY R PAULIN</u>	49,861	49,861	DEM	9817
Member of Assembly - 89th District	<u>J GARY PRETLOW</u>	35,853	35,853	DEM	7150
Member of Assembly - 90th District	<u>NADER J SAYEGH</u>	34,838	34,838	DEM	7199
Member of Assembly - 91st District	<u>STEVEN OTIS</u>	40,821	40,821	DEM	8004
Member of Assembly - 92nd District	<u>THOMAS J ABINANTI</u>	51,808	51,808	DEM	9963
Member of Assembly - 93rd District	<u>CHRIS BURDICK</u>	66,195	20,833	DEM	9134
Member of Assembly - 94th District	<u>KEVIN M BYRNE</u>	32,704	2,232	REP	8367
Member of Assembly - 95th District	<u>SANDRA R GALEF</u>	46,559	17,393	DEM	8006
Member of Assembly - 96th District	<u>Kenneth P. Zebrowski</u>	45,439	45,439	DEM	6361
Member of Assembly - 97th District	<u>Ellen C. Jaffee</u>	57,295	57,295	DEM	6032
Member of Assembly - 98th District	<u>Karl A. Brabenec</u>	8,501	8,501	REP	5246
Member of Assembly - 99th District	<u>Colin J. Schmitt</u>	7,902	2,040	REP	6554
Member of Assembly - 100th District	<u>Aileen M. Gunther</u>	20,468	20,468	DEM	8306
Member of Assembly - 101st District	<u>Brian D. Miller</u>	1,794	537	REP	5834
Member of Assembly - 102nd District	<u>Christopher Tague</u>	10,255	117	REP	7798
Member of Assembly - 103rd District	<u>Kevin A. Cahill</u>	62,667	24,993	DEM	9873
Member of Assembly - 104th District	<u>Jonathan G. Jacobson</u>	10,269	331	DEM	6506
Member of Assembly - 105th District	<u>Kieran Michael Lalor</u>	69,062	9,686	REP	8132
Member of Assembly - 106th District	<u>Didi Barrett</u>	44,768	5,860	DEM	8404
Member of Assembly - 107th District	<u>Jacob C. Ashby</u>	56,032	7,601	REP	6283
Member of Assembly - 108th District	<u>John T. McDonald, III</u>	7,689	1,091	DEM	6181



Affected Race	WinnerFirstLastName	TotalVotes	VictoryMarginVotes	Party	VoteFlagged
Member of Assembly - 109th District	Patricia A. Fahy	68,632	28,088	DEM	6680
Member of Assembly - 110th District	Phillip G. Steck	44,623	9,429	DEM	6127
Member of Assembly - 111th District	Angelo L. Santabarbara	3,337	363	DEM	4785
Member of Assembly - 112th District	Mary Beth Walsh	63,236	10,040	REP	7811
Member of Assembly - 113th District	Carrie Woerner	56,076	7,332	DEM	7756
Member of Assembly - 114th District	Matthew J. Simpson	5,163	2,227	REP	6001
Member of Assembly - 115th District	D. Billy Jones	1,357	1,357	DEM	5926
Member of Assembly - 116th District	Mark C. Walczyk	26,518	4,306	REP	3819
Member of Assembly - 117th District	Kenneth Blankenbush	4,987	4,987	REP	3947
Member of Assembly - 118th District	Robert J. Smullen	6,234	6,234	REP	4727
Member of Assembly - 119th District	M. Buttenschon	3,518	265	DEM	3262
Member of Assembly - 121st District	John J. Salka	32,632	8,242	DEM	6788
Member of Assembly - 122nd District	Joe G. Angelino	3,492	1,084	REP	5323
Member of Assembly - 123rd District	Donna A. Lupardo	41,403	41,403	DEM	6365
Member of Assembly - 124th District	Christopher S. Friend	2,535	873	REP	5413
Member of Assembly - 125th District	Anna Kelles	11,814	546	DEM	6605
Member of Assembly - 126th District	John Lemondes, Jr.	8,340	2,414	REP	6253
Member of Assembly - 127th District	Albert A. Stirpe, Jr.	77,369	7,069	DEM	7887
Member of Assembly - 128th District	Pamela Jo Hunter	56,733	17,087	DEM	6165
Member of Assembly - 129th District	William B. Magnarelli	47,813	20,601	DEM	6083
Member of Assembly - 130th District	Brian D. Manktelow	42,145	16,845	REP	5026
Member of Assembly - 131st District	Jeff L. Gallahan	55,695	7,173	REP	7792
Member of Assembly - 132nd District	Philip A. Palmesano	7,380	7,380	REP	5241
Member of Assembly - 133rd District	Marjorie L. Byrnes	9,667	4,891	REP	5689
Member of Assembly - 134th District	Josh Jensen	67,347	13,013	REP	3729
Member of Assembly - 135th District	Jen Lunsford	82,397	731	DEM	5982
Member of Assembly - 136th District	Sarah Clark	51,915	41,080	DEM	4832
Member of Assembly - 137th District	Demond L Meeks	33,952	33,952	DEM	3526
Member of Assembly - 138th District	Harry B Bronson	57,268	17,434	DEM	4729
Member of Assembly - 139th District	Stephen M Hawley	13,815	10,851	REP	4720
Member of Assembly - 140th District	William C. CONRAD, III	9,442	581	DEM	5273
Member of Assembly - 141st District	Crystal D. Peoples	47,567	37,607	DEM	4335
Member of Assembly - 142nd District	Patrick B. Burke	65,548	7,956	DEM	3689
Member of Assembly - 143rd District	Monica Piga Wallace	67,096	3,306	DEM	4062
Member of Assembly - 144th District	Michael J. Norris	2,799	2,799	REP	6962
Member of Assembly - 145th District	Angelo J. Morinello	9,444	9,444	REP	6840
Member of Assembly - 146th District	Karen M. McMahan	64,185	9,009	DEM	5502
Member of Assembly - 147th District	David J. Pietro	40,729	40,729	REP	5172
Member of Assembly - 148th District	Joseph M. Giglio	1,439	981	REP	5654
Member of Assembly - 149th District	Jonathan D. Rivera	58,496	18,674	DEM	4775
Member of Assembly - 150th District	Andrew M. Goodell	57,438	21,748	REP	4323

For the list of New York State Senators and US Congressional Representatives who cannot prove they won, please contact info@AuditNY.com