
NEW YORK CITIZENS AUDIT

Dear Fellow Citizen,

Two years ago, a group of New Yorkers—busy, like you—felt that something had gone terribly wrong in our state. We knew it in our bones. We watched as our officials became less responsive, our taxes climbed, our businesses were shuttered, our elders died alone, our children and families suffered increasingly vicious moral and physical attacks on their sovereignty, and the transformation of our bountiful farmland into soy fields and solar “farms” accelerated. We watched violent criminals returned to our streets to destabilize and destroy, to traffic and trade unhindered by our laws. We watched our families and neighbors turned against one another in suspicion and rage. Finally, we watched as massive, blatant violations of election law went unanswered in 2020 and 2022.

Our forefathers and mothers knew well the dangers of blind trust in government. Their grievances against the King, enumerated in our Declaration of Independence, still present a fine study in tyranny. Our founders applied hard won truths of right and wrong, good and evil, to meticulously craft a system designed to maximize freedom while protecting our country, and our inalienable rights.

The first law passed in our new nation was not passed by any federal agency or legislative body. We The People were the ones to ratify our US Constitution, thus giving birth to America, the land never to be ruled by the unjust laws of self-dealers and con-men. America became the beacon of hope! People from around the world sacrificed everything to come here and join our freedom movement. Our forebears would never have believed that one day we would face an insular, unresponsive and entrenched government that has increasingly turned the weapons of government on its own masters, us.

Against this stark landscape, NY Citizens Audit set forth to determine if our elections were fair and honest. What we found is stunning: New York elections appear to massively violate state and federal law. The problems are dismissed by officials who steadfastly resist the efforts of honest, well-intentioned citizens to get answers regarding their legitimate findings.

Through auditing the voter roll databases, obtained directly from state and local boards of election, we have uncovered millions of invalid registrations, hundreds of thousands of votes cast by legally invalid registrants, massive vote discrepancies, and the clear presence of algorithmic patterns we reverse engineered from within the state’s own official records. To be absolutely clear, there is no known innocent purpose or explanation for why these algorithms exist. I am told by cyber-intelligence experts they indicate a “Total Loss of Control” data breach, the most severe kind of data breach recognized by our federal government. The law says it renders the affected NYSVoter database completely untrustworthy.

Any honest person can repeat and verify our research. We use the Freedom of Information Law (FOIL) to request public records, we identify “black letter law” registration and voting violations, and we present the total number of occurrences, inspecting and verifying the records as we go. This labor has involved tens of thousands of hours volunteered by over 2,000 citizens including lawyers, engineers, artists, farmers, statisticians, musicians, PhDs, parents, police officers and your neighbors.

On May 9, 2022, NY Citizens Audit delivered a Petition for Redress of Grievances, pursuant to the first amendment of our US Constitution, to our party-appointed representatives at the state board of elections, and our elected representatives, Attorney General Letitia James and Secretary of State Robert Rodriguez. Signed by over 5,000 citizens, this fact-filled petition contained all our findings. We demanded a material response. They ignored us and administered and certified another federal election using the same legally invalid data and procedures.

Now our effort is being denounced by some of these same officials who admit they have not examined our findings or analysis. They describe our work as “malicious,” “false,” and “debunked,” hiding behind instruments of naked power and the press. Charged with the public trust and paid by the citizens they are sworn to serve, they ignore the simple solution to meet with us. Instead, using the false mantle of their confiscated authority, they have announced our claims are “baseless,” and the provenance of our data is “fictional,” knowing many will be deceived. Why?

Perhaps even more damaging to our democracy, the top election official in NY has addressed the local commissioners with dangerous lies about us and our work. This is not the behavior of a faithful servant. Deliberately warning county staff away from meeting with citizens proves how deeply arrogance, apathy and corruption penetrate our government. NY Citizens Audit still looks to share our findings with all that will fulfill their duty and meet with us. We take solace that those who have already met with us universally expressed gratitude for our help repairing abundant errors and legal violations in the election system they hold dear. Active interference by the state in our collaboration condemns the people to elections that cannot be trusted, and the resulting discontent.

The burden to prove our elections are accurate and comply with the law is the statutory duty of our election officials. Ad hominem attacks are tired tools of tyranny, not transparency. New York is waiting. In the meantime, I encourage you to review NY Citizens Audit’s fully transparent findings, and learn how our election officials are ignoring the US Constitution, federal and state law, and failing to guarantee our recognized civil right to free and fair elections. When did we grant them the authority to disregard the law?

Thank you for taking the time to get to know us. I invite you to learn more at AuditNY.com, and I welcome you to our bipartisan movement to ensure citizen sovereignty through honest, provable elections.

Sincerely,



Marly Hornik
Executive Director
NY Citizens Audit

Contents

NEW YORK CITIZENS AUDIT RESPONSES:

Response to NYS board of elections “False Claims Explained”	1
Response to NYS board of elections “Truths About Voter Registration List Maintenance in New York State”	5
Response to Ontario County board of elections	7

ORIGINAL DOCUMENTS:

New York State board of elections letter	9
NYS board of elections “False Claims Explained”	10
NYS board of elections “Truths About Voter Registration List Maintenance in New York State”	12
Ontario County board of elections: Rebuttal to Citizens Audit	13

NEW YORK CITIZENS AUDIT

Response to NYS board of elections “False Claims Explained”

New York State board of elections claims are in black. NY Citizens Audit responses are in red.

New York Citizens Audit’s (NYCA) claims are based on true and accurate observations of the New York State Board of Elections (NYSBOE) voter roll database, NYSVoter.

1. Duplicated Voter IDs.

Each voter in New York is assigned both a state voter ID and a county ID. Although the state database is designed to have a single state ID follow a voter as they move from county to county, it is possible for multiple reasons that a voter may have multiple records with different state IDs. For example, if a voter registered more than once using the DMV’s online portal creating a duplicate record, their duplicate record may be purged, which would show the same voter and name with two voter IDs. One record would be active and the second would be purged.

NYCRR 6217.1(b) “NYSVoter shall maintain one record for each voter including the statewide unique identifier.”

NYCRR 6217.5(e) “NYSVoter shall assign a unique identifier to every voter that will remain with that voter for their voting life.”

NYS Election Law §5-614.4 “There shall be one official record of the registration of each voter. Such record shall be maintained in an interactive, statewide, computerized, voter registration list. Such statewide voter registration list shall constitute the official list of voters for the state of New York.”

Title 52 §20504. Simultaneous application for voter registration and application for motor vehicle driver’s license

(c) Forms and procedures

- (2) The voter registration application portion of an application for a State motor vehicle driver’s license—
 - (B) may require only the minimum amount of information necessary to—
 - (i) prevent duplicate voter registrations;

NYCA found 1,467,399 statewide unique identifiers assigned to particular voters who already had a registration, an apparent violation of the law of greater magnitude than the population of the entire state of Rhode Island. If there is a systemic procedural violation of the law, it must be corrected to comply with the law. If there is misconduct, it must be rooted out. We never granted our officials the privilege to ignore the law.

The false promise of purging excess records provides no solace to aggrieved voters, since over 31,000 registrations that were purged at the time of the 2020 general election inexplicably voted.

Likewise, it's possible for two different voters in two different counties to have the same county ID number since the county systems are independent of one another and the county number serves to differentiate voters within a county.

NYCA has never made any claim of impropriety regarding multiple county ID (CID) numbers. The violation is with multiple SBOEID numbers. As a county commissioner stated directly to NYCA, "This is illegal because it allows double voting."

2. More Votes than Registered Voters.

The statewide registration database reflects voter information as of the moment the data is extracted. The group requested data in October of 2021 and compared it to election results from November of 2020, nearly a year earlier. Any voter that moved would not be accurately represented as voting at the location where they had been registered at the time of the election. A more accurate representation would be to compare the Board's November 2020 enrollment data against the 2020 election results which would show an accurate 13.5 million eligible voters and 8.6 million votes cast.

The petition NY Citizens Audit formally presented to the NYSBOE on May 9, 2022 clearly stated there were 272,435 more votes cast than *voters who voted*. This compares NYSBOE results published on multiple state websites with raw voter history data from NYSVoter, the "official record" under the law. Following detailed examination of the deficits by county, our number has been revised to 338,356 more votes cast than voters who voted. Voter history in a statewide federal election is not dependent upon county of residence, nor should this record change over time. NYSBOE appears to have no explanation for who cast these excess votes.

In August of 2021, a volunteer with NY Citizens Audit made a Freedom of Information Law (FOIL) request for the November 2020 enrollment data from the NYS Board of Elections. The official response returned by Michael Chin, an IT professional with the NYSBOE, explained that it was no longer possible to receive a copy of NYSVoter as it stood on the eve of the 11/3/2020 election, as it had been overwritten and no longer existed. This is a direct violation of 52 USC §20701, which clearly states that all records pertaining to a federal election must be maintained for 22 months. NYSBOE's assertion that NYCA is at fault for investigating the incorrect data set only further supports NYCA's assertion: the results of the 2020 and 2022 general election in NYS are unprovable, and therefore should never have been certified.

3. Multiple Registrations for a Single Voter

As noted, the data in the statewide database is continually changing. When a voter moves from one county to another, a transfer process will occur so that the voter's registration moves with them throughout the state. This is required by state law. The examples listed in the group's report showed voters moving through the normal transfer process. Most were purged in one county and active in another. As the transfer happens, the voter is inactive so that the new county can take the data. There were many examples given where the same voter was listed in multiple counties. Again, the group failed to look at the voter's status. There will always be some overlap as a voter moves from one jurisdiction and registers in another. It is a crime to attempt to vote or vote in two places.

NYCA has found many records that reflect double voting by the same particular voter, using multiple SBOEID numbers. Voters are not aware of SBOEID numbers, and would have no means to secure a second ballot using this method. Yet thousands of such votes were cast by *different* sets of voters in 2020 and

2022. Either those records are correct, and double voting occurred internally, or the records are false. If they are false, the NYSBOE has introduced, maintained, and now defended the presence of false data in their database.

4. Voters Missing Date of Birth or Having Date of Birth that Seems Implausible

Voters in New York were not always required to give a date of birth. Prior to 1960, voters registered in person at a Board of Elections office. They did not have the ability to mail their registrations or register online. These voters would give their age but not their date of birth. When electronic registration systems were introduced, some counties used “placeholder dates” for voters who were not legally required to provide this information.

One way the NYSBOE could instill trust in their data is to repair material deficiencies like “placeholder dates.” The presumption that a blanket excuse affecting tens of thousands of registrations in NYSVoter must be accepted is naive. NYSVoter is the “official record” by law for administration and certification of federal elections, and included within our National Security Infrastructure. The National Voter Registration Act of 1993 says it must be accurate.

The excuse falls short regardless, due to the existence of thousands of records dated after the advent of electronic records with false birth date information. It also does not explain why the so-called “placeholder dates” vary considerably, incorporating any date in the past or future.

5. Voters Missing Identification

Voters missing data such as a driver license number or social security number are not voting illegally. New York is compliant with the Help America Vote Act as implemented in New York in 2005. To describe the ID requirements of HAVA as required for all voters is incorrect. The ID requirements of Section 303 (b) of HAVA only apply to first time voters who registered after 2005 in New York. Voters registered before 2006 were not subject to the ID requirements of Section 303(b) of HAVA in New York. In addition, all Military and overseas voters are exempt from the ID requirements of Section 303(b) of HAVA.

New York Election Law mirrors the provisions of Section 303(b) for first-time voters who register by mail which asks for a DMV number or the last 4 digits of an SSN. If the voter does not have either of those, the law allows them to provide an alternative form of ID such as a valid photo ID, a current utility bill, bank statement, paycheck, government check or some other government document that shows the voter’s current name and address. If the voter does not provide the alternative ID with the registration form, the voter’s poll record is flagged so they must produce one of those pieces of ID before they can vote on a machine. If they don’t produce the ID, they must be allowed to vote a provisional ballot, which in New York is called an affidavit ballot, as required by Section 303(b) of HAVA.

There are no claims made by NYCA that are relevant to this. However, a state law allowing the use of a utility bill to identify an individual for voting purposes may be a 14th amendment violation. Utility companies do not require proof of identity or US Citizenship to obtain services. To obtain a US passport, however, which, like voting in federal elections, is a privilege extended only to citizens, a birth certificate or naturalization document is required, in addition to a secondary government issued ID. When was the last time you used your Con Edison bill to travel overseas?

6. More Voters than Current Population Size

The group has claimed that several counties have more than 100% registered voters based on voting age population. A simple search of New York’s enrollment data and data from the 2020 US Census would show this is not the case. While the report does not cite the statistics used, the census website shows the following:

County	Active Registered Voters (Per Nov 20 Enrollments[1])	Eligible Voting Age Population (Per 2020 Census)[2]	Percentage of Voters Registered
Allegany	26,197	36,886	71%
Erie	629,676	762,434	82%
Hamilton	4,321	4,443	97%
Westchester	624,871	782,472	80%
Wyoming	24,629	32,911	75%

NYCA did not use any published, downloadable spreadsheets to calculate the number of registered voters by county. NYCA referred exclusively to the raw data in NYSVoter, the “official record” under the law, to determine the number of registrants in each county of New York.

When NYCA applied the method of directly comparing published, downloadable spreadsheets prepared by the NYSBOE to NYSVoter, we discovered the massive deficit of 338,356 more votes counted than voters who voted. The source of the numbers NYSBOE publishes in these downloadable spreadsheets is unknown. We are expected to take their word for it.

The DOD Inspector General official document, “Comprehensive List of Fraud Indicators,” includes “Computer report totals that are not supported by source documentation” as a red flag that may indicate the need for auditing.

7. Voters Registered on Federal Holidays

Voters that are pre-registered to vote will have their record activated on the day of their 18th birthday regardless of whether that date is a holiday. Additionally, if records did not have a registration date stamp when entering the voter into the electronic system, counties may have used January 1st as a placeholder day.

The “placeholder date” excuse attempts to cover provably false data in the voter rolls. Registration dates are material to determining eligibility to vote. When dates are false, the true date is unknown, and eligibility cannot be certain.

Further, this does not explain why January 1st registration dates are assigned special ID numbers occupying key positions in the voter roll algorithms NYCA uncovered, creating a highly complex and deliberate geometric pattern.

Cyber-intelligence experts tell us that these algorithms, because they are complex, extremely well hidden, and unknown to the local commissioners responsible for local certification, represent a “Loss of Control” data breach. This is the most severe type of data breach recognized under federal law. The law says this renders NYSVoter completely untrustworthy.

This means the NYSBOE may not actually know what is happening in NYSVoter. Perhaps no one knows, yet our elections proceed regardless. NYCA has proven the presence of these algorithms in NYSVoter, and reverse engineered one in its entirety. This work was independently peer-reviewed by three cyber-intelligence experts who confirmed the finding and published it in the Journal of Information Warfare, May 2023 under the title, “The Caesar Cipher: Stacking the Deck in New York’s Voter Rolls.” The NYSBOE has arrogantly dismissed our effort, involving 2,000 citizens and tens of thousands of hours of volunteer work, and improperly excused millions of material violations of the law. Why?

Response to NYS board of elections “Truths About Voter Registration List Maintenance in New York State”

Additional Truths have been provided by NYCA in red.

1. **Registration records are maintained daily on a bipartisan basis.** Any change to a voter’s record undergoes a bipartisan review to ensure a greater level of oversight in any election transaction.

NYCA is a non-partisan 501c3 organization. No claims made by NYCA assert partisan bias.

2. **Any change is meticulously documented to ensure no record is altered without due process.** County Boards review correspondence from voters, agencies, and other states to ensure all records are up to date. Deceased notices from the Department of Health and local obituaries, notices of individuals incarcerated for felony offences from the Department of Corrections, and lists of new voters in other states who indicate holding a prior residence in New York, are processed, and documented routinely.

If true, this statement demonstrates the failure of the procedures described by the NYSBOE. If those procedures worked:

1. NYCA would not have uncovered millions of irregularities in the voter rolls.
2. County commissioners who have seen the data would not have been able to subsequently confirm NYCA’s findings.
3. NYCA’s findings would not have been a surprise to those commissioners.

If there is a systemic procedural violation of the law, it must be corrected to comply with the law. If there is misconduct, it must be rooted out. We never granted our election officials authority to disregard the law.

- 3. County Boards undertake a mandatory annual mail check process which requires notice to be sent to all active voters to ensure they have not moved.** The annual mail check process required in state law ensures that Boards can determine whether a voter may have moved based on whether their mail check card is returned undelivered.

This system does not function as designed. If it did, apparently fictitious voters with over a dozen SBOEID numbers each would not remain active on the rolls for more than a year, and yet they do.

- 4. County Boards annually compare voter addresses against the National Change of Address database.** In addition to the mail check process, Boards also check voter addresses against a list of individuals who may have moved according to the USPS. Using this list, the Board can make an informed decision in accordance with state law on whether to inactivate or purge a voter that may have moved.

The failures NYCA uncovered demonstrate that this process is not functioning correctly, and that violations of election law appear to have occurred as a direct consequence. If there is a systemic procedural violation of the law, it must be corrected to comply with the law. If there is misconduct, it must be rooted out. Those charged with the public trust are not allowed to excuse or ignore the law.

- 5. The law requires an affirmative notice to make changes to any voter's record.** Without a return mail check card (or other returned mail), signed letter from a voter indicating they've moved, or a copy of an official document or publication from an agency or state, boards of elections are prohibited from making registration record changes. These checks and balances are for the benefit of the voter and ensure that no voter is purged without cause.

NYCA has found evidence of changes made to voter records without any input from the voter, and confirmed it via canvass. Therefore the process is functioning contrary to law, by generating abundant false or falsified records that are accepted into our voting system.

"Purged" status as a remedy for ignoring the law is unacceptable, as there are tens of thousands of registrants that demonstrate voting after purge status has been assigned—an impossibility. If this represents a lag of some kind related to voters who move (and that cannot explain every case found by NYCA), then the records are false. The law does not allow false information in these official records.

When the law is broken, the responsible party is not the one who determines impact or remedy. Official denial of the presence of these apparent violations, extracted from their own database, does not inspire confidence among concerned citizens.

- 6. Counties undergo a biannual review of their internal record keeping process.** Every two years, the State Board of Elections audits all County Boards to ensure they are properly processing voters within their local registration system and the state's registration system. If a County is found to not be correctly processing voters, the state will make recommendations on how to amend their processes.

This review process has failed. If it worked, NYCA would not have found millions of irregular records in the NYSVoter database. If there is a systemic procedural violation of the law, it must be corrected to comply with the law. If there is misconduct, it must be rooted out.

In summary, ***the law requires our voting systems be accurate and provable.*** The NYSBOE would like you to:

1. Ignore that fact,
2. Join in their attack on an honest effort by dedicated citizens to investigate,
3. Keep taking their word for it.

“In America THE LAW IS KING.” —*Thomas Paine, “Common Sense”*

NEW YORK CITIZENS AUDIT

Response to Ontario County Board of Elections

- 1. The appropriate avenue for Citizens' Audit redress is via the court system and not the board of supervisors, or any other legislative body.**

In America, the chain of command is simple. We The People passed the first law when we ratified the US Constitution, creating our government. We choose our legislative, executive and judicial representatives via accurate, provable elections. These representatives swear an oath to serve us and uphold the law. An official assertion that it is not "appropriate" to bring our findings to these representatives, and we must file an expensive lawsuit to get redress for possible material violations of the law by election officials, is either disqualifying to further service, or deliberately deceptive.

- 2. There is misunderstanding of what the data is actually telling them.**

NY Citizens Audit has uncovered millions of ineligible registrations, and hundreds of thousands of apparent voting violations, within NYSVoter, the "official record" by law for our voting system. The NYSVoter database is proven to contain algorithmic patterning that is neither natural nor innocent. The law has been violated, at scale. An investigation is required to determine cause and impact. There is no misunderstanding.

- 3. The complexity of the voter enrollment databases combined with their very dynamic nature is poorly understood by nearly everyone except those who work closely with the information. That lack of understanding makes it very easy to exploit preconceived notions about the entire elections process.**

NY Citizens Audit's findings in the databases are true and accurate. Asserting that only a tiny handful of people are qualified to search databases, and We The People must therefore take their word for it, is not correct. It is a violation of their statutory duty to meet with citizens and investigate our findings.

- 4. Both our board and the state board of elections conduct extensive reviews of voter records on a regular and consistent basis, daily.**

It is critical that we understand why this effort is ineffective, as the law requires our voter records to be accurate and they are not.

- 5. All county Boards of Election as well as the NY State BoE are staffed with bi-partisan elections administrators who work together in a checks & balance method to ensure that every citizen's franchise is respected and their registrations are kept current.**

It is critical that we understand why this effort is ineffective, as the law requires our voter records to be accurate and they are not.

-
6. **It is likely that most anomalies this group claims to have uncovered are either a misunderstanding of the material being reviewed, or a misrepresentation of the information that has been provided to them via the FOIL process.**

A “likely...misunderstanding” does not equal certainty. An honest official must obey their statutory duty to meet with us and investigate, regardless of personal bias. 2,000 New York State Citizens have contributed tens of thousands of volunteer hours to this effort, and our civil servants assert the privilege to dismiss every one of us as ignorant, and excuse potential violations of the law.

7. **Information is often clouded by the fact that we do receive duplicate voter registration applications, mostly from DSS, DMV, and other state agencies with mandatory reporting requirements, and the state refers to these duplicate applications as “duplicate voters.” Multiple protocols are in place with each and every County Board of Elections, in concert with the State Board of Elections, to ensure “one person -one vote”, before, during, and after each election.**

It is critical that we understand why these “multiple protocols” are ineffective. The law requires our elections be provably accurate. Upon inspection, many votes are neither accurate nor provable. The law says the error rate for a federal election is one in 10,000,000 ballot positions. NYCA has discovered this was trampled in 2020, with over 900,000 apparent voting violations in that election alone according to NYSBOE raw data. We never granted our election officials authority to ignore the law.

8. **All data provided by this group has been debunked by our peers.**

NYCA audited NYSVoter, the “official record” under the law for our voting system. Is NYSVoter now debunked? There is ample reason to believe that is a true statement, though likely unintended here. Further, if the Ontario BOE asserts universal agreement with their conclusions among election officials and law enforcement, they are mistaken.

In summary, ***the law requires our voting systems be accurate and provable.***

The Ontario Co BOE would like you to:

1. Ignore the law,
2. Join in their attack on an honest effort by dedicated citizens to investigate,
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“In America THE LAW IS KING.” —Thomas Paine, “Common Sense”

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Co-Chair

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Douglas A. Kellner
Co-Chair

Andrew J. Spano
Commissioner

Kristen Zebrowski-Stavisky
Co-Executive Director

April 5, 2023

Dear County Board Commissioners, Directors, and Staff,

In recent months, we have been made aware of a group alleging that New York State's voter registration database contains unidentified or "cloned" voters that are casting ballots in elections. We know these claims are unequivocally false, but we recognize the immense pressure the spread of this misinformation places upon your crucial work in conducting elections in New York State.

We understand how tirelessly you work year round to ensure elections are safe and secure. These baseless claims insult your service to the people of New York and undermine the extensive record keeping processes we know you follow. We want to thank you for that work and remind you that you are an integral part of protecting our democracy from bad actors, including those who create malicious claims to feed a false narrative predicated on a fictional analysis of voter data.

In an effort to dispel this distortion of the truth, our office has compiled explanations for the majority of false claims. It should be noted that no one has seen the actual data used to create the false claims. Even members of the press have not been privy to the alleged voter list the group is using. Without seeing their "data", it is difficult to explain every supposed anomaly. In place of those explanations, we have also provided a list of facts regarding your list maintenance processes.

We hope that you find these clarifications helpful in your efforts to cull the spread of misinformation, and we again thank you wholeheartedly for all that you do to keep elections up and running in New York State.

Sincerely,

A handwritten signature in blue ink, appearing to read "Kristen Zebrowski Stavisky". The signature is fluid and cursive, with a long horizontal flourish extending to the right.

Kristen Zebrowski Stavisky
Co-Executive Director
New York State Board of Elections

False Claims Explained

1. Duplicated Voter IDs.

Each voter in New York is assigned both a state voter ID and a county ID. Although the state database is designed to have a single state ID follow a voter as they move from county to county, it is possible for multiple reasons that a voter may have multiple records with different state IDs. For example, if a voter registered more than once using the DMV's online portal creating a duplicate record, their duplicate record may be purged, which would show the same voter and name with two voter IDs. One record would be active and the second would be purged.

Likewise, it's possible for two different voters in two different counties to have the same county ID number since the county systems are independent of one another and the county number serves to differentiate voters within a county.

2. More Votes than Registered Voters.

The statewide registration database reflects voter information as of the moment the data is extracted. The group requested data in October of 2021 and compared it to election results from November of 2020, nearly a year earlier. Any voter that moved would not be accurately represented as voting at the location where they had been registered at the time of the election. A more accurate representation would be to compare the Board's November 2020 enrollment data against the 2020 election results which would show an accurate 13.5 million eligible voters and 8.6 million votes cast.

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As noted, the data in the statewide database is continually changing. When a voter moves from one county to another, a transfer process will occur so that the voter's registration moves with them throughout the state. This is required by state law. The examples listed in the group's report showed voters moving through the normal transfer process. Most were purged in one county and active in another. As the transfer happens, the voter is inactive so that the new county can take the data. There were many examples given where the same voter was listed in multiple counties. Again, the group failed to look at the voter's status. There will always be some overlap as a voter moves from one jurisdiction and registers in another. It is a crime to attempt to vote or vote in two places.

4. Voters Missing Date of Birth or Having Date of Birth that Seems Implausible

Voters in New York were not always required to give a date of birth. Prior to 1960, voters registered in person at a Board of Elections office. They did not have the ability to mail their registrations or register online. These voters would give their age but not their date of birth. When electronic registration systems were introduced, some counties used "placeholder dates" for voters who were not legally required to provide this information.

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Voters missing data such as a driver license number or social security number are not voting illegally. New York is compliant with the Help America Vote Act as implemented in New York in 2005. To describe the ID requirements of HAVA as required for all voters is incorrect. The ID requirements of Section 303 (b) of HAVA only apply to first time voters who registered after 2005 in New York. Voters

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¹ <https://www.elections.ny.gov/EnrollmentCounty.html>

² <https://www.census.gov/quickfacts/fact/table/US/PST045222>

Truths About Voter Registration List Maintenance in New York State

- 1. Registration records are maintained daily on a bipartisan basis.** Any change to a voter's record undergoes a bipartisan review to ensure a greater level of oversight in any election transaction.
- 2. Any change is meticulously documented to ensure no record is altered without due process.** County Boards review correspondence from voters, agencies, and other states to ensure all records are up to date. Deceased notices from the Department of Health and local obituaries, notices of individuals incarcerated for felony offences from the Department of Corrections, and lists of new voters in other states who indicate holding a prior residence in New York, are processed, and documented routinely.
- 3. County Boards undertake a mandatory annual mail check process which requires notice to be sent to all active voters to ensure they have not moved.** The annual mail check process required in state law ensures that Boards can determine whether a voter may have moved based on whether their mail check card is returned undelivered.
- 4. County Boards annually compare voter addresses against the National Change of Address database.** In addition to the mail check process, Boards also check voter addresses against a list of individuals who may have moved according to the USPS. Using this list, the Board can make an informed decision in accordance with state law on whether to inactivate or purge a voter that may have moved.
- 5. The law requires an affirmative notice to make changes to any voter's record.** Without a return mail check card (or other returned mail), signed letter from a voter indicating they've moved, or a copy of an official document or publication from an agency or state, boards of elections are prohibited from making registration record changes. These checks and balances are for the benefit of the voter and ensure that no voter is purged without cause.
- 6. Counties undergo a biannual review of their internal record keeping process.** Every two years, the State Board of Elections audits all County Boards to ensure they are properly processing voters within their local registration system and the state's registration system. If a County is found to not be correctly processing voters, the state will make recommendations on how to amend their processes.



Ontario County Board of Elections

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Rebuttal to Citizen's Audit

- 1) The appropriate avenue for Citizens' Audit redress is via the court system and not the Board of Supervisors, or any other legislative body.
- 2) There is misunderstanding of what the data is actually telling them.
- 3) The complexity of the voter enrollment database(s) combined with their very dynamic nature is poorly understood by nearly everyone except those who work closely with the information. That lack of understanding makes it very easy to exploit preconceived notions about the entire elections process.
- 4) Both our Board and the State Board of Elections conduct extensive reviews of voter records on a regular and consistent basis, daily.
- 5) All county Boards of Election as well as the NY State BoE are staffed with bi-partisan elections administrators who work together in a checks & balance method to ensure that every citizen's franchise is respected and their registrations are kept current.
- 6) It is likely that most anomalies this group claims to have uncovered are either a misunderstanding of the material being reviewed, or a misrepresentation of the information that has been provided to them via the FOIL process.
- 7) Information is often clouded by the fact that we do receive duplicate voter registration applications, mostly from DSS, DMV, and other state agencies with mandatory reporting requirements, and the state refers to these duplicate applications as "duplicate voters." Multiple protocols are in place with each and every County Board of Elections, in concert with the State Board of Elections, to ensure "one person - one vote", before, during, and after each election.
- 8) All data provided by this group has been debunked by our peers.