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Kristen Zebrowski Stavisky
Co-Executive Director

October 5, 2023

Dear County Board Commissioners, Directors, and Staff,

Earlier this year, the Board of Elections sent a letter to County Board Commissioners and staff addressing claims of voter fraud being made by a fringe organization in New York State about the 2020 General Election. Our letter provided reasonable explanations and hard truths about voter list maintenance in an effort to combat the group's misinformation campaign. More recently, the same group has issued a new report making similar accusations about the 2022 General Election. We again write to your offices with the hope of assisting you in your work to dispel inaccuracies about the state and county voter registration databases.

The importance of our correspondence is made further pressing after recent reports of individuals impersonating Board of Elections' employees, and confronting voters at their homes about the status of their registration. We are extremely alarmed by these actions. These individuals are impersonating government officials in an effort to intimidate voters based on inaccurate and/or misleading information. We continue to encourage you to collect as much information about these incidents as possible, and to communicate with your local law enforcement whenever necessary.

Our office has compiled explanations for a number of the group's new claims. We intend to do an even deeper dive of this new report and will issue additional guidance documents as necessary. As was noted in our previous letter, no one has seen the actual raw data used to create these allegations. Even members of the press have not been privy to the voter lists the group is using. Without seeing their "data", it is difficult to explain every supposed anomaly. In place of those explanations, we continue to provide a list of facts regarding your list maintenance processes.

We hope that you find these clarifications helpful as you continue to work to cull the spread of misinformation in your County. Please don't hesitate to contact us for further assistance.

Sincerely,

A handwritten signature in black ink, appearing to read "Kristen Zebrowski Stavisky".

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

A handwritten signature in black ink, appearing to read "Raymond J. Riley III".

Raymond J. Riley III
Co-Executive Director
New York State Board of Elections

False Claims Explained

1. Counterfeit Registrations

The Board of Elections has not seen the full dataset which the group claims to be using, however, the limited examples provided within the reports don't yield the unsavory outcomes claimed. The most recent report cites a voter registered eleven times and alleges that all registrations are active. The voter's last name and first initial are provided.

It is not a crime for a voter to register multiple times and it is up to the Board to ensure duplicate records are purged. In looking at the record of this voter, the New York City Board has done their due diligence and all duplicate records are marked as purged.

County County ID	Name	Status
Kings 413656593	PIAMENTA, A	A
Kings 413656594	PIAMENTA, A	P DUPLICATE
Kings 413656595	PIAMENTA, A	P DUPLICATE
Kings 413656596	PIAMENTA, A	P DUPLICATE
Kings 413656597	PIAMENTA, A	P DUPLICATE
Kings 413656598	PIAMENTA, A	P DUPLICATE
Kings 413656599	PIAMENTA, A	P DUPLICATE
Kings 413656600	PIAMENTA, A	P DUPLICATE
Kings 413657375	PIAMENTA, A	P DUPLICATE
Kings 413657376	PIAMENTA, A	P DUPLICATE
Kings 413657497	PIAMENTA, A	P DUPLICATE

While only one example was provided, it is likely that other supposed "counterfeit" registrations are also easily debunked. As has been explained in our previous letter, although the intent of the state database is to have a singular voter ID follow the voter through the state, instances can occur where a voter may have more than one state ID. One record would be active and the second would be purged. This does not signal that the voter is attempting to register more than once, it simply shows that they are completing a transfer process. Having more than one state ID is not a counterfeit registration.

2. Purged Records

A. Piamenta is not the only instance of election deniers misreading or misinterpreting purged records. Voters can be purged for several reasons – at the request of the voter, death, moving out of state, not voting in two federal election cycles, being judged mentally incompetent, or being incarcerated for a felony.

The group alleges that there are purged records in the voter rolls with no active date. The case of A. Piamenta's multiple purged registration is the perfect example to explain the anomaly of purged records that were never active. There are many opportunities for a voter to update their registration or register for the first time. Each time a person interacts with a designated National Voter Registration Act agency such as the DMV, Department of Social Services, or other state agency, they have the opportunity to register. They can also register in person at registration drives, or online through the DMV or State or City Boards' online portals. If a voter submits multiple registrations at once, the Board may document those prior registrations, as all voter registration forms are considered legal documents. The Board will use the most current form for the voter's registration and mark the others as purged duplicated, if entered into the state voter database.

3. Inexplicable Changes to the Voter Rolls

New York State currently has more than 13 million voters, 157,820 alterations to voter records represents changes to around 1% of records statewide over the course of a full year. 680 changes per day only proves one thing: Boards of Elections do their job in maintaining the voter rolls.

Voter registrations in New York State are logged manually, using bipartisan checks. With any system that requires both manual data entry and human verification, room for data entry error exists. Almost 50% of registrations are submitted on paper filled out by voters, a majority of which do so by hand. Not all voters boast perfect penmanship. While election clerks may be reading the form correctly, poor handwriting can result in a voter's name being misspelled or a date of birth being entered with the incorrect date.

Luckily, the Boards mail out confirmation notices upon registering a voter to confirm the information is true and correct. Additionally, all Boards undertake an annual mail check process. Amendments to the spelling of a voter's first or last name are not uncommon and not inexplicable by any stretch of the imagination. Marriages and divorces are also a common reason for a voter's name being updated. Unless the group researched every voter whose last name changed, there would be no way to prove whether the voter's name was changed because of a marriage or divorce, as submitting a marriage certificate to effectuate a name change is not required in New York State.

Additionally, the group cites a high number of changes happening between October and December. This is easily explainable as the election itself results in many changes to records. Voters may notice that their name or date of birth is incorrect when going to vote and request an amendment. A voter may vote by affidavit and reactivate their registration after being marked as inactive or purged. A voter may have been previously registered but voted by affidavit using a new name or address. This is also the period where the federal required list maintenance blackout period ends and voters who may have had mail returned without a forwarding address can be inactivated.

4. Registration Dates After Cut-Off Dates

Voter history, as compiled by the NYSVoter database, serves as a compilation of all elections a voter has participated in. This data is transmitted from the County Boards' voter registration systems to NYSVoter. When transmitting this compiled data to the public, the file does not specify the jurisdiction where a voter cast their ballot. This is due to the intended purpose of traditional voter history requests: to ascertain the likelihood of future voter participation for various Get-Out-The-Vote efforts. In order to facilitate this, when a record is purged from a particular county and activated in a new county, their voter history is

duplicated and travels with them. This does not indicate a voter participated twice in one election. It indicates that the voter has history for those elections on both the active (for past and present) county record and the purged county record.(for past elections).

Additionally, voters who move and were previously registered in another county in New York State may vote by affidavit ballot on Election Day. Voters also have the option of seeking a court order to vote. This process involves appearing in front of a judge to seek the right to vote on the election tabulator. Missing the registration cut-off is one reason an individual could seek a court order. He or she may wish to explain the extenuating circumstances related to the missed deadline. The affidavit ballot or court order would then serve to transfer their registration to the new county or effectuate a new registration. This would be processed after the vote was cast, but still be perfectly within existing law and procedures.

5. Missing and Blank Votes

A new focus in the report is on potential missing votes in New York City after the 2020 election. The lack of concrete examples makes this claim difficult to investigate. A simple explanation could be that these voters are not the same voter and just share the same name, or these voters do have voter history and the group is misreading the data – as they have done previously. Regardless of the explanation, a change to a voter's voter history would in no way disenfranchise them as the voter database and the voting machines which tally ballots are not connected.

When a voter casts a ballot, either at a poll site or via absentee ballot, it does not automatically trigger their voter record to update. The updating of records is a separate process based on who has signed in on a poll book, who has returned a valid absentee ballot, and who has submitted a valid affidavit ballot. Election results are extracted from the ballots themselves, not the state voter database which is why results and voter history may not always match.

A voter may sign-in on a poll pad but only partially complete their ballot or spoil their ballot by marking their ballot incorrectly. New York State voting machines that tally voters' hand-marked ballots can detect when a voter may have made a mistake on their ballot by marking more than one candidate when not applicable. In these instances, the ballot may be pushed back out, and a warning will display telling the voter to check the ballot. Voters can choose to submit that ballot and not have that particular race counted. Voters also have every right to skip certain races and not cast a vote.

6. Missing, Similar, or Improbable Dates of Birth

Prior to 1977, New York State Election Law did not require a specific date of birth from an individual when registering to vote. The applicant could simply provide a year of birth or state they were over the age required. Beginning in 1977, when voter registration forms began to require a specific date of birth from applicants, existing registrations were not affected. As such, voter rolls started to have voters with dates of birth and voters without dates of birth.

As an example, below is a registration form from a voter. She registered to vote in 1964 and listed her date of birth simply as "21+". At the time, this was acceptable, and this voter remains an active registered voter in New York State to date. Since there was no date of birth on the original voter registration, her date of birth is listed in the database as January 1, 1900, only as a placeholder.

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 offenses 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 recordkeeping 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 Board will make recommendations on how to amend their processes.
- 7. NYSVoter is a repository for County Board data.** Prior to 2007, no central system of aggregating voter registration data existed in New York State. When NYSVoter was brought online in 2007, its purpose was, and is, to act as a central repository for the 62 counties' registration databases. When this initial upload took place, voter data for both active and inactive (and in some cases, purged) voters, were uploaded in an initial upload county by county.
- 8. Voters can, and will, have multiple state IDs.** Several factors can explain why a voter would have multiple state IDs. If a voter moves out of state, their New York State record is purged. If they then move back into the state, a new record would be created, as required by existing procedure. The County Boards of Elections do not reactivate a properly purged record. This is done to ensure that the gap in registration is properly documented. Moving out of state is one example of this. There are several other valid reasons why a voter would have more than one state ID.

PRINT # [redacted]

1. DO YOU RESIDE IN NY STATE? YES NO

2. SURNAME [redacted] GIVEN NAME [redacted] INITIAL S, E, C, A, D. A. [redacted]

3. SEX M F

4. LENGTH OF RESIDENCE IN NY STATE: MO. [redacted] DAYS [redacted]

5. DATE OF BIRTH: MO. [redacted] DAY. [redacted] YR. [redacted]

6. DATE OF YOUR PRESENT REG. MO. [redacted] DAY. [redacted] YR. [redacted]

7. DATE OF BIRTH: MO. [redacted] DAY. [redacted] YR. [redacted]

8. HEIGHT: IN. [redacted] FT. [redacted]

9. WEIGHT: LB. [redacted]

10. HAIR: [redacted] EYES: [redacted]

11. COLORED OF HAIR: YES NO

12. COLORED OF EYES: YES NO

13. MARRIED: SINGLE MARRIED

14. WAS APPLICANT CHALLENGED: YES NO

15. CHECK CARD EXECUTED: YES NO

16. YES: NO:

17. IN THE LAST 12 MONTHS, HAS ANYONE CONTACTED YOU BY MAIL TO REGISTER TO VOTE? YES NO

18. YES: NO:

19. FILL IN ONLY IF APPLICANT DID PREVIOUSLY VOTE AT A GENERAL ELECTION IN THIS STATE

IN WHAT YEAR DID YOU LAST VOTE AT A GENERAL ELECTION IN THIS STATE? 1963

DID YOU REGISTER UNDER YOUR PRESENT NAME? YES NO

IF NOT, UNDER WHAT NAME DID YOU REGISTER? [redacted]

IF NOT, FROM WHAT ADDRESS DID YOU VOTE? [redacted]

TO BOARD OF ELECTIONS: 909 815

20. FILL IN ONLY IF APPLICANT DID NOT PREVIOUSLY VOTE AT A GENERAL ELECTION IN THIS STATE

ST. ADDRESS: [redacted] CITY/TOWN: [redacted] COUNTY: [redacted] STATE: [redacted] COUNTRY: [redacted]

PROOF OF RESIDENCY: [redacted]

NAME AND ADDRESS OF EMPLOYER: [redacted]

21. TO BE FILLED IN WHERE APPLICANT OBTAINS NATURALIZATION PAPERS

PAPERS: OWN FATHER'S MOTHER'S HUSBAND'S

NUMBER OF PAPERS: [redacted] DATE OF PAPERS: [redacted] COPY: [redacted]

22. AT THE FOLLOWING STATEMENT, I AM TRUE: [redacted]

23. IF NATURALIZED THROUGH MARRIAGE, HAD APPLICANT BEEN MARRIED FOR NINETY DAYS?

24. SIGNATURE: [redacted]

25. CANCELLATION DATE: [redacted]

26. REASON: (V)

27. OTHER REMARKS: ~~DEMOCRAT~~ new 7/48 NEW 28 10-14-10 DEMOCRAT

A cursory look at the data shows that of all voters with a January 1st date of birth, 0.20% of those were new registrations since the creation of NYSVoter in 2007. The remaining voters were either born on January 1st or were given a placeholder date (as is the case with the voter above). This shows that almost 99.8% of voters – active, inactive, and purged – with a January 1st date of birth were registered prior to the creation of NYSVoter. This isn't a data anomaly. It's a misconstruing of basic facts.