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Election Auditors Win Round Against NY AG James, First Amendment Case Moves Forward

NY Federal Judge Rules Letitia James & the NYS Board Of Elections Must Answer For First Amendment Retaliation Against Election Auditors, Stripped Of Their Titles

WHAT TO KNOW: In a huge step for election validity and constitutional rights, a federal case against New York Attorney General Letitia James and the New York State Board Of Elections has survived standing and is moving forward. (NY Citizens Audit Civic Fund et al v. Letitia James et al, Case 1:25-cv-01447-MAD-MJK)

SUMMARY: Letitia James and the NYS Board Of Elections are accused of conspiring to protect their election failures and/or fraud by retaliating against citizens asking for massive election irregularities to be investigated and explained.

RESPONSE: Marly Hornik, CEO of RealAmerica.Vote, on the ruling: “Hopefully this is a signal that the era of ad hominem ‘election denier’ attacks on American citizens seeking to vindicate their first, grand right of choosing representatives is coming to a close. Letitia James and the NYS board of elections are being called in front of a federal judge to answer for their heinous participation in a bald-faced attempt to usurp the right to choose representatives by failing to meet minimum legal requirements for elections and retaliating against the messengers who found them out.”

CASE BACKGROUND: In October of 2025, NY Citizens Audit (NYCA), NYCA founder and Executive Director Marly Hornik, US Senate candidate Diane Sare, and various individual NYCA volunteers sued Letitia James and the NYS Board Of Elections for violating their First Amendment rights regarding NYCA’s expert audit reports of extensive errors, omissions, and likely fraud found in the official records of New York’s 2020, 2022 and 2024 elections.

Claims include over 5 million registered voters whose records fail to demonstrate legal qualification; over 2 million votes counted from legally unqualified records; 435,000 votes counted with no corresponding voter; and the scientifically verified presence of illegal algorithms assigning registration numbers in suspicious patterns.

Defendants sent letters accusing NYCA of being “malicious actors” spreading “misinformation and disinformation” whose reports were “unequivocally false” even though “no one has seen

their data” to the NYS Associations of Counties, Sheriffs, District Attorneys, and members of the State Legislature. Defendant Letitia James opened a criminal investigation into NYCA conduct, alleging violations of the Ku Klux Klan Act, which NYCA learned about by reading it on the front page of Newsday, the Times Union, and other major media outlets nationwide.

The Judge, Mae D’Agostino has ruled that the defendants must answer in their personal capacity for “smearing plaintiffs in front of their representatives,” meaning they are stripped of the protection of their official titles.

WHAT’S NEXT: Discovery could include communications between agencies and officials, between officials and journalists, the alleged complaints leading to the KKK subpoenas—which were returned with “no responsive document” when requested by NYCA using NY’s FOIL process, and internal communications exposing coordinated efforts to go “on the offensive” against NYCA, as stated by New York’s chief election officer Kristen Zebrowski Stavisky in official NYS board of elections proceedings.

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