

Congress of the United States
House of Representatives
Washington, DC 20515

October 25, 2022

Mr. Peter Kosinski
Co-Chair
New York State Board of Elections
40 North Pearl Street, Suite 5
Albany, NY 12207-2729

Mr. Douglas Kellner
Co-Chair
New York State Board of Elections
40 North Pearl Street, Suite 5
Albany, NY 12207-2729

Dear Co-Chairs Kosinski and Kellner:

We write today with deep concern regarding the New York State Board of Elections non-compliance with Section 303(a) of the Help America Vote Act of 2002 (HAVA). As you know, §303(a) of HAVA prohibits states from accepting voter registrations without personally identifiable information (PII). However, a recent report from the Public Interest Legal Foundation (PILF) discovered that 3.1 million New York voter registrations were missing any form of PII.¹ As we approach the November elections, this is deeply concerning.

The PILF report also highlights that New York was among the worst states in the nation regarding compliance with Section 303(a). In New York, 23% of the voter roll was missing PII. Comparatively, the second state listed for noncompliance—Washington—was missing 469,000 PIIs, or just 10% of the state voter roll. This disparity is particularly curious because, in 2005, the New York State Board of Elections resolved to “use the voter registration system developed in the State of Washington as a model.”² But since 2005, Washington has continued to advance and improve its voter registration system, including through their membership to the Electronic Registration Information Center (ERIC), while it is clear New York is falling behind.³

Collecting PII from registrants is a critical practice for voter roll maintenance and election integrity. PII allows states to verify the identity of any given registrant. It also ensures states can accurately maintain voter rolls when individuals file duplicate registrations, move to different states, or pass away. Without PII, matching one John or Jane Doe to another is an incredibly difficult task that could lead to ineligible voters remaining on the rolls, voters registering in multiple states, or a voter receiving more than one opportunity to vote in a given election. With the increase of mail-in voting in New York, this could become particularly problematic, causing even greater chaos and dysfunction in the election process than already exists.

The state of Florida recently rectified an issue of missing PII on voter registrations by creating a process through which the state Department of Motor Vehicles (DMV) could share PII in order to fill out missing required information. Florida SB 524, which established this protocol, is just one model that the state of New York could choose to follow.

¹ Public Interest Legal Foundation, *3.1 million New York Voter Registrations Missing Critical Information*, REPORTS (Oct. 4, 2022), <https://publicinterestlegal.org/wp-content/uploads/2022/10/NY-Sans-PII-1P-Report.pdf>.

² New York State Board of Elections, *2009 Amended State Plan*, HAVA 9 (2009), https://www.elections.ny.gov/NYSBOE/hava/2009_Amended_State_Plan.pdf.

³ *Who We Are*, ELECTRONIC REGISTRATION INFORMATION CENTER, <https://ericstates.org/who-we-are/> (last visited Oct. 13, 2022).

It is critical that New York's voter registration rolls are brought into HAVA compliance as soon as possible. With the 2022 midterm elections rapidly approaching, we request a response no later than November 3, 2022, regarding your enforcement of HAVA §303(a) and how you will resolve New York's noncompliance. We appreciate your prompt attention to this critical matter.

Sincerely,

A handwritten signature in black ink that reads "Claudia Tenney". The signature is fluid and cursive, with the first name "Claudia" and last name "Tenney" clearly distinguishable.

CLAUDIA TENNEY
Member of Congress

A handwritten signature in blue ink that reads "Elise M. Stefanik". The signature is cursive and stylized, with the first name "Elise" and last name "Stefanik" clearly distinguishable.

Elise Stefanik
Member of Congress