



Congress of the United States
House of Representatives
Washington, DC 20515-3222

May 12, 2026

Todd Blanche
Acting Attorney General
U.S. Department of Justice
950 Pennsylvania Avenue, NW
Washington, DC 20530

Re: Concerns Regarding New York State Senate Bill S88A, Automatic Voter Registration for Medicaid Enrollees

Dear Acting Attorney General Blanche,

I write to bring to your attention potential election integrity concerns stemming from New York State Senate Bill S88A, which passed the New York State Senate and is currently under consideration in the Assembly. The bill would require New York's Medicaid program to automatically register Medicaid applicants and enrollees to vote, subject to an opt-out mechanism. While Albany Democrats characterize the measure as a voter access initiative, it creates significant and foreseeable risks of improper voter registration of individuals ineligible to vote under federal law. While federal law already prohibits noncitizens from being automatically registered to vote, I remain gravely concerned about the potential risks of such legislation given the well-documented, significant deficiencies in New York's Medicaid enrollment and residency verification infrastructure.

We respectfully request that the Department's Civil Rights Division evaluate whether S88A's implementation would create significantly higher risk of violations of 52 U.S.C. § 20507, which requires states to maintain accurate and current voter rolls, and 18 U.S.C. § 611, which prohibits voting by aliens in federal elections. We further request that the Division engage with the New York State Board of Elections and the New York State Department of Health regarding what screening mechanisms, if any, would be in place prior to any voter registration data transfer.

I. New York Medicaid Enrolls Large Populations of Noncitizens Ineligible to Vote

New York's Medicaid program and related state health coverage programs enroll a substantial number of noncitizens who are ineligible to vote in federal elections. This reflects deliberate state policy choices across multiple coverage categories.

New York currently provides Medicaid coverage to illegal immigrants aged 65 and older under its Expanded Medicaid program, as reflected in outreach materials published by NY State of Health and directed explicitly at illegal immigrants.¹ Prior to the establishment of the Essential Plan in 2015, New York covered hundreds of thousands of lawful noncitizens (hereafter referred to as the “Aliessa population”) through state-funded Medicaid at full state expense per the 2001 New York State Supreme Court decision in *Aliessa v. Novello*, 96 N.Y.2d 418 (2001). At the time of the court decision, the Aliessa population was ineligible for federal Medicaid funding during the first five years of U.S. residence, and in some cases permanently, because of the Personal Responsibility and Work Opportunity Act of 1996 (PRWORA), signed into law by President Clinton.

Upon Governor Cuomo’s establishment of the Essential Plan, a Basic Health Program authorized under Section 1331 of the Affordable Care Act (ACA, hereafter referred to as “Obamacare”), the Aliessa population was largely transitioned to the Essential Plan in order to take advantage of federal Obamacare funding provided to New York State through the Centers for Medicare and Medicaid Services (CMS). As of recent enrollment data, the Essential Plan covers approximately 1.7 million individuals, a significant share of whom are lawfully present noncitizens ineligible to vote.

Federal legislation enacted as part of H.R. 1 established parity for premium tax credit eligibility under Obamacare with that of Medicaid eligibility for lawful noncitizens. Because the Essential Plan was largely subsidized off of exorbitant taxpayer-funded Obamacare subsidies for noncitizens barred from Medicaid eligibility under long-standing policy enacted under President Clinton, the Hochul administration indicated it may seek to revert some or all of these individuals back into Medicaid coverage through state-funded mechanisms beginning in FY 2027. This could potentially restore a Medicaid-enrolled noncitizen population at a scale not seen since before 2015.² Should S88A be enacted and implemented during or after this transition, the pool of noncitizen Medicaid enrollees subject to automatic voter registration would be substantially greater than it is today.

II. New York Has a Documented Record of Deficient Medicaid Enrollment Verification

New York's own audit record since Governor Cuomo’s tenure demonstrates persistent and material failures in Medicaid enrollment data integrity that would directly undermine any voter registration screening mechanism that relies on Medicaid data as its foundation.

A September 2025 state audit, conducted by New York State Comptroller Thomas DiNapoli, found that \$509 million in Medicaid managed care premiums were paid on behalf of

¹ NY State of Health, *Medicaid Fact Sheet for Undocumented Immigrants Age 65 and Over* (February 2024), <https://info.nystateofhealth.ny.gov/sites/default/files/Medicaid%20Fact%20Sheet%20for%20Undocumented%20Immigrants%20Age%2065%20and%20Over.pdf>.

² New York State Division of the Budget, *FY 2027 Executive Budget Briefing Book*, pg. 67 (January 2026), <https://www.budget.ny.gov/pubs/archive/fy27/ex/book/briefingbook.pdf>.

approximately 155,181 members who may have resided outside of New York State, based on data sources including U.S. Postal Service National Change of Address (NCOA) information.³

Per the report, the New York State Department of Health (NYSOH) does not routinely incorporate NCOA data or comparable residency verification tools into its enrollment maintenance processes, relying instead primarily on the federal Public Assistance Reporting Information System (PARIS) matching system, which auditors found to be insufficient.

The audit also found that 631,514 NYSOH-enrolled members were never submitted for federal matching through PARIS because their Social Security numbers were incorrectly logged as unverified, a glaring data integrity failure. The Department of Health agreed in its audit response to explore additional data sources, including NCOA, but corrective action has not been adequately completed.

The audit documented specific cases illustrating the severity of these failures. In one instance, a member appeared on a May 2020 NCOA report with a forwarding address in Florida. Despite having no Medicaid services after February 7, 2020, the state continued making 45 monthly premium payments totaling \$100,859 on that member's behalf from June 2020 through February 2024, and the member remained active and enrolled in managed care as of the close of the audit. If S88A was in effect, this individual and thousands of others that no longer reside in New York could have been automatically registered to vote.

These findings demonstrate that New York cannot reliably determine whether its Medicaid enrollees reside in New York State and therefore cannot reliably determine whether they are eligible to vote in New York State elections using the same underlying data. If automatic voter registration is built on this data infrastructure, then it would inherit and propagate these same deficiencies into the voter rolls and compromise the integrity of our elections.

The National Voter Registration Act, 52 U.S.C. § 20501 et seq., requires that voter registration procedures be accurate as well as accessible. A system that automatically generates voter registrations from a database with documented enrollment integrity deficiencies, and that includes large populations of individuals ineligible to vote, cannot satisfy that standard.

III. Request for Action

We respectfully request that the Civil Rights Division:

1. Review New York State Senate Bill S88A for compliance with federal voter roll maintenance requirements under the NVRA and federal prohibitions on noncitizen voting under 18 U.S.C. § 611;
2. Request information from the New York State Board of Elections and the New York State Department of Health about what specific safeguards, including citizenship

³ New York State Office of the State Comptroller, Division of State Government Accountability, *Medicaid Program: Improper Premium Payments Made on Behalf of Managed Care Members Residing Outside the State*, Report 2022-S-42 (September 2025), <https://www.osc.ny.gov/files/state-agencies/audits/pdf/sga-2025-22s42.pdf>.

verification, residency verification, and data-matching protocols, would be implemented prior to any voter registration data transfer under S88A;

3. Assess whether the documented deficiencies in New York's Medicaid enrollment verification, including the \$509 million in premiums paid to potentially out-of-state members, create conditions under which automatic voter registration would foreseeably result in the registration of ineligible individuals; and
4. Consider issuing proactive guidance to states contemplating similar automatic registration programs is warranted to establish minimum federal standards for data integrity prior to implementation of automatic voter registration through states' Medicaid programs.

I appreciate the Department's attention to this matter.

Sincerely,

A handwritten signature in black ink that reads "Claudia Tenney". The signature is written in a cursive style with a long, sweeping tail on the letter "y".

Claudia Tenney
Member of Congress

CC:

Harmeet K. Dhillon, Assistant Attorney General, Civil Rights Division, U.S. Department of Justice

Eric Neff, Acting Chief, Voting Section, Civil Rights Division, U.S. Department of Justice