

VERIFIED HAVA COMPLAINT
Section 402 of the Help America Vote Act
52 U.S.C. § 21112

**Single-Issue Title III Complaint: Failure to Maintain and Use a Single,
Uniform, Official, Centralized Statewide Voter Registration List**
52 U.S.C. § 21083(a)(1)(A)-(B)

Filed with:

New York State Board of Elections
Office of Counsel
40 North Pearl Street, Suite 5
Albany, New York 12207

I. Parties

Complainants:

Marilyn M. Prutsman



The lead complainant is a registered voter in the State of New York and files this administrative complaint under Section 402 of the Help America Vote Act, 52 U.S.C. § 21112.

Additional complainants identified in the attached Additional Complainants — Section A sheet join in and support this complaint. The New York resident complainants allege that they are registered voters in the State of New York and future federal-election voters subject to New York’s statewide voter-registration system. To the extent any supporting complainant is not a New York resident, that complainant joins based on review of official-source election records, statewide data materials, EAVS materials, and related supporting records identified in this filing, and on information and belief with sources identified through the attached materials.

Respondents:

Kristen Zebrowski Stavisky and Raymond J. Riley III, in their official capacities as Co-Executive Directors of the New York State Board of Elections
40 North Pearl Street, Suite 5
Albany, New York 12207

Respondents are named in their official capacities as the state officials responsible for New York's election administration framework and statewide HAVA implementation, insofar as this complaint concerns the maintenance, reporting, reconciliation, certification, and use of New York's centralized statewide voter registration records for federal elections.

II. Jurisdiction and Authority

This is an administrative complaint under Section 402 of the Help America Vote Act of 2002, 52 U.S.C. § 21112, alleging a violation of Title III, specifically 52 U.S.C. § 21083(a)(1)(A)-(B).

New York's HAVA implementation materials reflect that New York implemented a centralized voter registration system and maintains HAVA complaint procedures, and the New York State HAVA Amended State Implementation Plan states that HAVA required a single, interactive computerized statewide voter registration list maintained by the state, together with voter-identification verification measures to help maintain complete and correct voter registration lists (Ex. 1).

III. Nature of Complaint

This complaint concerns one issue only:

Whether New York is maintaining and using the “single, uniform, official, centralized, interactive computerized statewide voter registration list” required by 52 U.S.C. § 21083(a)(1)(A), and whether that list is serving as the official statewide voter registration list for the conduct of federal elections as required by 52 U.S.C. § 21083(a)(1)(B).

This complaint does not ask the Board of Elections to decide every underlying anomaly reflected in the attached materials. It asks the narrower Title III question: whether New York's statewide official outputs and statewide voter history or data totals can be reconciled to one authoritative statewide record.

IV. Timeliness and Ongoing Nature of Violation

This complaint addresses an ongoing violation of Title III of the Help America Vote Act. The 2024 and 2022 federal general election materials, together with supporting 2020 materials, are offered as evidence of the present condition of New York's statewide voter registration system and of a recurring inability to identify and reconcile one authoritative statewide record. Because the same type of statewide mismatch appears across multiple federal election cycles, the issue is not limited to one past election date. It is a continuing statewide-list problem affecting present and future federal election administration unless corrected.

This complaint is based on the present maintenance, reporting, reconciliation, and use of New York's centralized statewide voter registration records for federal elections, and on the continuing inability to identify and reconcile one authoritative statewide record from the official statewide figures reflected in the attached 2022 and 2024 materials.

This complaint therefore alleges a violation of Title III of HAVA that has occurred in prior federal elections, is occurring in the present maintenance, reporting, reconciliation, and use of New York's centralized statewide voter registration records, and is about to occur in the administration of the 2026 elections unless corrected.

To the extent any state administrative filing deadline is construed to bar consideration of this complaint based solely on the dates of prior elections, Complainant objects and states that this

complaint is directed to a continuing Title III violation in the present maintenance, reporting, reconciliation, and use of New York's centralized statewide voter registration records, and to a violation that is about to occur in the administration of future federal elections unless corrected.

V. Statutory Requirement

HAVA requires each state to implement, in a uniform and nondiscriminatory manner, a single, uniform, official, centralized, interactive computerized statewide voter registration list maintained at the state level. HAVA further requires that the statewide list serve as the official list for the conduct of federal elections.

The issue here is not whether New York has a statewide database in name. The issue is whether New York is in fact operating one authoritative statewide record that can support official statewide election reporting, reconciliation, and later review.

New York law reinforces the same requirement. Election Law § 5-614 provides that there shall be one official record of the registration of each voter, maintained in an interactive, statewide, computerized voter registration list, and that such statewide voter registration list shall constitute the official list of voters for the state of New York. Election Law § 5-614 further provides that the statewide voter registration list shall serve as the single system for storing and managing the official list of registered voters throughout the state and shall serve as the official voter registration list for the conduct of elections. See N.Y. Elec. Law § 5-614.

VI. Complainant's Interest and Injury

I am a registered voter in New York and participate in federal elections. HAVA gives me the right to a statewide voter registration system that functions as one official statewide record for federal election administration.

When statewide official counts and statewide voter history or data participation totals materially differ for the same election, I cannot determine which figure is the actual official statewide number, whether the election was administered from one authoritative statewide list, or whether later review can be performed against one stable statewide record.

That injury is not abstract disagreement with election administration. It is the denial of the ability, as a registered voter in New York federal elections, to know whether the official statewide list required by HAVA and New York law is functioning as the single authoritative statewide record it is supposed to be.

That is a concrete injury to my rights under Title III, and it recurs in each federal election unless corrected.

VII. Factual Basis

A. 2024 Federal General Election

The attached 2024 New York materials reflect materially different statewide figures for the same election: EAVS certified voter turnout of 8,389,626; NYSBOE official tabulated and certified results of 8,381,429; and NYSVoter database total voters who voted of 8,251,264, a difference of **130,165** more votes counted than voters who voted (Exs. 2, 3, 4).

B. 2022 Federal General Election

The attached 2022 New York materials likewise reflect materially different statewide figures for the same election: EAVS certified voter turnout of 5,886,371; NYSBOE official tabulated and certified results of 5,965,684; and NYSVoter database total voters who voted of 5,930,372, a difference of **35,312** more votes counted than voters who voted. The 2022 figures are included as

pattern evidence confirming that the statewide record mismatch reflected in 2024 is not isolated but also appeared in the prior federal election cycle (Exs. 5, 6, 7).

C. Supporting Indicators

The scorecard materials also report repeated categories of apparent irregularities in the statewide voter registration records, reinforcing the need to identify one authoritative statewide list and explain how it is maintained and reconciled. For 2024, the scorecard reports 1,558,302 illegal duplicates, 1,617,236 records purged with no purge date, 185,230 voter identity unverified records, and 44,379 blank addresses, with 5,878,770 total registration violations prohibited by law (Ex. 4).

For 2022, the scorecard reports 1,467,399 illegal duplicates, 1,545,258 records purged with no purge date, 178,333 voter identity unverified records, and 48,908 blank addresses, with 5,808,232 total apparent registration violations. These figures are offered only as supporting indicators that New York's statewide system may not be functioning as one stable and authoritative statewide record, not as separate claims for resolution in this complaint (Ex. 7).

The attached 2020/2022 scorecard also contains 2020 data reflecting a similar general pattern. Complainant relies principally on 2024 as the current federal cycle and on 2022 as the immediately preceding federal cycle (Ex. 7).

VIII. Why These Facts State a Title III Violation

Complainant does not assume that every statewide figure is defined identically. The complaint instead alleges that, if the figures are drawn from different categories or time points, the Board must still identify the one authoritative statewide record contemplated by HAVA and New York

Election Law § 5-614 and explain how each official statewide figure is derived from, related to, or reconciled against that record.

This is not merely a federal theory. New York's later election-law changes do not displace the continuing HAVA and New York-law requirement that there be one official statewide voter registration record. If anything, those changes make it more important for the Board to identify the current authoritative statewide record and explain how official statewide figures are derived, preserved, and reconciled. New York Election Law § 5-614 likewise requires one official statewide voter registration record and provides that the statewide computerized list constitutes the official list of voters for the state.

The issue is not whether every later change to statewide records is necessarily unlawful. The issue is whether the Board can identify the authoritative statewide record that supported federal election administration, explain any later changes by lawful category, and produce the preserved records needed to test compliance with HAVA Title III.

If the official statewide figures are drawn from different categories, time points, or reporting processes, the Board should identify those distinctions in the record and explain how each figure relates to the authoritative statewide record required by HAVA and New York law.

The attached 2024 materials reflect statewide figures of 8,389,626 in the EAVS report, 8,381,429 in the NYSBOE count, and 8,251,264 in the NYSVoter database. The attached 2022 materials reflect 5,886,371 in the EAVS report, 5,965,684 in the NYSBOE figures, and 5,930,372 in the NYSVoter database (Exs. 2–7). The scorecard materials are not offered as independent adjudicated findings. They are offered as notice indicators that official-source outputs and statewide registration-related records require explanation, reconciliation, and identification of the authoritative statewide record.

These statewide mismatches indicate one of three things: either New York is not using one authoritative statewide record for federal election administration; or New York is using one authoritative statewide record but has not identified it and has not reconciled the other statewide figures to it; or New York's statewide official outputs are materially inconsistent in a way that defeats the statutory function of the statewide list HAVA requires.

Any of those possibilities raises the same Title III problem: New York is not demonstrating compliance with the requirement that the statewide computerized list serve as the single official statewide system for managing the official list of registered voters and for conducting federal elections.

Title III compliance requires more than a database in name; it requires a statewide record capable of showing, at a fixed point in time, what number was certified, which voters were credited with participation in that election, and how those figures can be reconciled through an auditable end-to-end record.

The question presented is simple: What is the one official statewide record that New York used, or should have used, for the federal elections at issue, and why do New York's own statewide figures not reconcile to it?

IX. Requested Relief

The following relief is requested not as merits relief detached from the complaint, but as the minimum record-based information necessary to determine whether New York is maintaining and using the official statewide record required by HAVA and New York law.

Complainant respectfully requests the following relief:

1. Acceptance of this formal complaint under New York's HAVA administrative complaint procedure.
2. A hearing on the record, as requested by Complainant, consistent with the New York HAVA complaint procedure.
3. A final written determination within 90 days of issuance of the Notice of Acceptance of Complaint, unless Complainant consents to an extension, consistent with the New York HAVA complaint procedure.
4. A written determination addressing whether New York's current statewide system complies with 52 U.S.C. § 21083(a)(1)(A)-(B).
5. Identification of the authoritative statewide record used, or that should have been used, as the official statewide voter registration list for the federal elections at issue.
6. A statewide reconciliation showing how the EAVS turnout figures, statewide official vote totals, and the statewide voter history or participation totals relate to one authoritative statewide record, with a written explanation of each discrepancy.
7. Preservation and production of the authoritative statewide records sufficient to evaluate Title III compliance and to test what was certified and what statewide record supported that certification for the federal elections at issue, including statewide voter registration snapshots, voter history files, participation records or their statewide equivalents, export files, reconciliation materials, records reflecting how statewide totals were derived and reported, and any point-in-time statewide record showing the voter list and voter participation data as they existed at or immediately after certification.

8. Identification and production of the audit logs, change-history records, access logs, and other records sufficient to show whether the statewide voter registration record, voter history record, participation record, or certification-supporting record was created, changed, supplemented, corrected, merged, or overwritten after the election and, if so, by what user or process, on what date, under what authority, and for what stated reason.

9. If a violation is found, appropriate corrective steps within the Board's authority, including measures sufficient to preserve for future federal elections an immutable, auditable, point-in-time statewide record capable of showing the number certified, the voters credited with participation for that election, and the end-to-end reconciliation between the statewide voter registration record, the participation record or voter history record, and the official certified election totals.

X. Verification

I, [First Name Last Name], being duly sworn, state that I am the complainant in this matter, that I have read the foregoing complaint, and that the facts stated in it are true and correct to the best of my knowledge, information, and belief.

Marilyn Prutsman
[First Name Last Name]

State of New York)
County of Steuben) ss.: Marilyn Prutsman

Subscribed and sworn to before me on this 13th day of May, 2026, by [First Name Last Name].

Tonya L. Cornish
Notary Public

TONYA L. CORNISH
NOTARY PUBLIC, STATE OF NEW YORK
Registration No. 01CO6377331
Qualified in Steuben County
Commission Expires September 13, 2026

My Commission Expires: 9-13-26

XI. Exhibit List

Exhibit 1 – New York State HAVA Amended State Implementation Plan (2009), pages 1–3.

Exhibit 2 – 2024 EAVS page showing New York total voter turnout.

Exhibit 3 – New York State Board of Elections 2024 official results or turnout page.

Exhibit 4 – New York 2024 General Election Validity Scorecard.

Exhibit 5 – 2022 EAVS page showing New York total voter turnout.

Exhibit 6 – New York State Board of Elections 2022 official results or turnout page.

Exhibit 7 – New York’s 2020 & 2022 Election Validity Scorecard.

Exhibit 8 – Additional supporting statewide data materials enclosed on USB thumb drive and available by alternate electronic transfer on request.

HAVA FORMAL COMPLAINT FORM

For any allegation of a violation of Title III of the Help America Vote Act of 2002
(52 U.S.C. §§ 21081 --21085)

This Form may only be used to file a HAVA Formal Complaint.

HAVA Formal Complaints may only be filed with the State Board of Elections.

Purpose

Any person who believes that there is a violation of any provision of Title III of HAVA, which has occurred, is occurring, or is about to occur, may file a Formal Complaint with the State Board of Elections. Any person with a disability or otherwise may request assistance with the filing of a Formal Complaint by calling 1-800-458-3453.

Note:

- 1) This Form must be sworn to or affirmed under oath **and** notarized in order to initiate the Formal Complaint process.
- 2) All complaints shall be filed within one hundred and twenty (120) days of the occurrence of the actions or events that form the basis for the complaint.

Reasonable Accommodations

Upon request, reasonable accommodations will be made for persons who are unable to complete the complaint form due to disability. Please call 1-800-458-3453 for assistance.

Complaint Procedure

- Once the complaint is received, it will be assigned a complaint number and reviewed for completeness.
- If it is deemed appropriate, the complaint can be consolidated with other complaints that present common questions of law or fact, arise out of the same actions or events, or involve the same respondents.
- If the complaint is incomplete, the State Board will inform you to submit a completed or corrected complaint within thirty (30) days of being notified.
- If upon review the complaint is determined to be complete, it shall be deemed filed, and a Notice of Acceptance of Complaint (NAC) shall be issued to the complainant.
- A final decision shall be made by the State Board within ninety (90) days of issuance if the NAC, unless the Complainant agrees to an extension of the time for review by the State Board.
- If a determination is not made within 90 days of issuance of the NAC or any agreed upon extension of time, it shall be referred by the State Board to an independent Alternative Dispute Resolution (ADR) agency.
- The Complainant or the Respondent (the entity or person against whom the complaint is being brought) have the right to request a hearing on the record, as well as the right to purchase any transcripts of that hearing.
- The State Board may mandate a hearing even if one is not requested by the parties.
- Hearings will be held at the offices of the State Board of Elections at 40 Steuben Street, Albany, NY 12207 unless either party requests that the hearing be conducted by telephone or, where available, interactive video.
- The State Board shall be responsible for the costs of administering hearings. This shall not include any expenses of any Complainant or Respondent.

Note: The Rules and Regulations for the HAVA Administrative Complaint Procedure (Title 9, NYCRR § 6216 et. seq.), promulgated pursuant to Election Law Section 3-105, are fully incorporated herein by reference. To obtain a copy, which contains a complete description of the HAVA Administrative Complaint procedure, go to www.elections.state.nv.us or call 1-800-458-3453.

HAVA FORMAL COMPLAINT FORM

For any allegation of a violation of Title III of the Help America Vote Act of 2002 (52 U.S.C. §§ 21081 --21085)

OFFICIAL USE ONLY
<input checked="" type="checkbox"/> SBOE / <input type="checkbox"/> CBOE (circle one)
CBOE Name:
Processed By:
Date:
SBOE ONLY: HAVA CMP #
Assigned To:

A.) NAME(S) OF ENTITY OR PERSON BRINGING COMPLAINT		
Name of Entity/Person Marilyn M. Prutsman		
If filing on behalf of Entity include: Representative's Name: _____ Title: _____		
Street Address (If filing on behalf of Entity use Entity's address) [REDACTED]		
City, State, County, Zip [REDACTED]		
Primary Number (Incl. Area Code) [REDACTED]	Secondary Number (Incl. Area Code)	Email Address (Optional) prutsmanm@outlook.com

Check here if you have attached additional sheets: _____
Number of additional sheets: _____

B.) NAME(S) OF ENTITY OR PERSON AGAINST WHOM YOU ARE BRINGING THE COMPLAINT		
Name of Entity and/or Person Kristen Zebrowski Stavisky and Raymond J. Riley III, in their official capacities as Co-Executive Directors of the New York State Board of Elections		
Street Address 40 North Pearl Street, Suite 5		
City, State, County, Zip Albany, NY 12207		
Telephone Number (Incl. Area Code) (518) 474-8100 and (518) 474-6236		

Check here if you have attached additional sheets: _____
Number of additional sheets: _____

HAVA FORMAL COMPLAINT FORM

For any allegation of a violation of Title III of the
Help America Vote Act of 2002 (52 U.S.C. §§ 21081 --21085)

OFFICIAL USE ONLY
SBOE ONLY: HAVA CMP #

C.) NAME OF YOUR ATTORNEY (If you have one)		
Last Name	First Name	Middle Initial
Street Address		
City, State, County, Zip		
Telephone Number (Incl. Area Code)		Name of Firm

D.) DESCRIPTION OF COMPLAINT
Describe the complaint in the box below. To the best of your ability, please include: <ol style="list-style-type: none">1) The facts of the alleged violation(s).2) Relevant dates and times specific to the violation(s).3) Location of the violation(s).4) Who you believe is responsible for the violation(s).5) Any witnesses to the violation(s) (Please include contact information if you have it).6) Any documents that are relevant to the complaint. (If you believe anything should be kept confidential, you may request that the Board deem it confidential. Please identify it and explain the basis for your request).

<i>Description of complaint:</i> This complaint alleges a Title III violation that has occurred, is occurring, and is about to occur, concerning New York's failure to maintain and use the single, uniform, official, centralized statewide voter registration list required by 52 U.S.C. § 21083(a)(1)(A)-(B); see attached narrative complaint and supporting materials.
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HAVA FORMAL COMPLAINT FORM

For any allegation of a violation of Title III of the
Help America Vote Act of 2002 (52 U.S.C. §§ 21081 --21085)

OFFICIAL USE ONLY

SBOE ONLY: HAVA CMP #

D.) DESCRIPTION OF COMPLAINT (continued)

[Empty box for description of complaint]

Check here if you have attached additional sheets:
Number of additional sheets:

E.) RELIEF SOUGHT (Describe in the box below)

Note: Remedies can not include

- award of damages or payment of costs
- penalties or attorneys fees
- the invalidation of any election or a determination of the validity of any ballot or vote

Description of relief being sought: (What would you like to see happen?)

Complainant requests acceptance of this formal complaint, a hearing on the record, and a final written determination within the time provided by the New York HAVA complaint procedure.

Complainant further requests a written determination of compliance with 52 U.S.C. § 21083(a)(1) (A)-(B), identification of the authoritative statewide record for the federal elections at issue, a statewide reconciliation of the official figures to that record, preservation of relevant statewide records and any existing audit logs or change-history records, and appropriate corrective action within the Board's authority if a violation is found.

See attached narrative complaint.

