



STATE OF NEW YORK
OFFICE OF THE ATTORNEY GENERAL

ERIC T. SCHNEIDERMAN

ATTORNEY GENERAL

February 22, 2017

Honorable Elijah E. Cummings
Ranking Member
Committee on Oversight and Government Reform
US House of Representatives
2163 Rayburn HOB
Washington, D.C. 20515

Honorable Robert Brady
Ranking Member
Committee on House Administration
US House of Representatives
2004 Rayburn HOB 20515
Washington, D.C. 20515

Honorable James E. Clyburn
Assistant Democratic Leader
US House of Representatives
242 Cannon House Office Building
Washington, D.C. 20515

Dear Ranking Member Cummings, Ranking Member Brady and Assistant Democratic Leader Clyburn:

I am writing in response to your recent inquiry into cases of confirmed voter fraud in New York State during the November general election. As you may be aware, the Office of the Attorney General (OAG) has operated a voter hotline during each statewide election since November 2012. Our office fielded over two thousand calls during the four elections New York State held last year—a presidential primary, a congressional primary, a state legislative primary, and the November general election. We did not receive a single substantiated claim of voter fraud. Out of the thousands of calls we received, only two callers made allegations of fraud. We investigated one claim and determined the allegation was unfounded. We were unable to investigate the second claim, as the voter did not provide sufficient information to allow for further investigation. Furthermore, the New York State Board of Elections has not referred a single allegation related to fraudulent voting during the 2016 elections to my office for investigation or prosecution. The lack of such complaints made directly to my office, as well as the absence of referrals from other agencies, leads me to conclude that voter fraud—the act of an ineligible individual casting a vote in an election—is a non-issue, at least in New York State.

New York's voting system faces many challenges, which were laid bare in 2016's elections. However, rather than reports of voter fraud, the record number of complaints received by our voter hotline during last year's elections were overwhelmingly related to problems voters had in exercising their right to vote. The OAG was able to provide immediate assistance to many of the voters who made complaints to our hotline, enabling them to exercise their most fundamental right. In many other cases, however, the issues raised by voters could not be addressed immediately, leaving them unable to participate in the election.

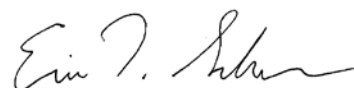
In December, my office issued a comprehensive report regarding the April 2016 primary. It found that thousands of potential voters were frustrated in their attempts to cast their ballots, including both those who were registered and eligible to vote in their party primaries and others who were registered but ineligible to vote because they were unaffiliated with either the Democratic or Republican Party. These voters encountered barriers to access erected by New York's restrictive voting laws, rules and procedures, as well as by the practices and administrative errors of state agencies and local boards of election.

To address these systemic issues to New York's election laws, I recently introduced the *New York Votes Act* in our state legislature. This legislation would dramatically update the state's voting systems by adding early voting, automatic and same-day voter registration, consolidated primaries, shortened party registration deadlines, and other much-needed reforms. New York has long been a bastion of democracy, but our state's current system of registration and voting is an affront to that legacy. The *New York Votes Act* will help our state become a national leader in protecting and expanding voting rights for New Yorkers. I have enclosed a copy of our report on the 2016 Presidential primary, which includes the comprehensive recommendations that underpin my *New York Votes Act* legislation.

As you know, voter participation rates in the United States are abysmal: an August 2016 report by the Pew Research Center ranked our country 27th of 35 developed countries. Our democracy is ailing, with too few eligible citizens registered to vote, too few of those who are registered exercising this fundamental right, and too many states devising methods to suppress the vote, rather than encourage participation in our nation's elections. We would be happy to work with Congress to solve these problems—many of which persist not only in New York but also in states across the country—rather than seek to address the imaginary problem of voter fraud.

Thank you for initiating this inquiry. If you have any further questions about complaints to the OAG or voter access in general, please do not hesitate to contact my office at (212) 416-8050.

Sincerely,

A handwritten signature in black ink, appearing to read "Eric T. Schneiderman". The signature is fluid and cursive, with a long horizontal stroke at the end.

Eric T. Schneiderman