

STATE OF NEW YORK
NEW YORK STATE BOARD OF ELECTIONS

In the Matter of:

JULIE J. SPISAK,

Complainant,

HAVA Complaint No. 23-02
Determination

-v-

ENDWELL FIRE DISTRICT BOARD OF COMMISSIONERS,

Respondent.

Procedural Background

On January 9, 2023, the New York State Board of Elections (hereinafter “SBOE”) received a written, sworn, signed, and notarized Complaint (the “Complaint”) dated January 4, 2023, filed by Julie J. Spisak, alleging certain conduct that constitutes violations of Title III of the Help America Vote Act of 2002 (52 U.S.C. § 21081) (“HAVA”).

Generally, the Complaint alleges questionable and/or unprofessional conduct of members and staff of the Endwell Fire District Board of Commissioners (the “Board”) during the counting of ballots following the closing of the polls in the election held on December 13, 2022.

Jurisdiction

Section 402 of the Help America Vote Act of 2002 requires New York State to create a state based administrative complaint procedure to assure compliance with Title III of the Help America Vote Act of 2002 (HAVA). Title III has three substantive sections: 1) voting system standards; 2) provisional voting and voting information requirements; and 3) computerized statewide voter registration list requirements and requirements for voters who register by mail. Nothing in Title III discusses conduct during the counting of ballots post-election.

Determination

The Complaint has failed to allege a violation of Title III of HAVA. The allegations relate to the conduct of members and staff of the Board of Commissioners during the counting of ballots, which is not governed by the provisions of Title III.

For the reasons stated above, the Complaint is hereby dismissed. However, it will be forwarded to the Division of Election Law Enforcement for their review.

Dated: January 17, 2023

Kevin G. Murphy
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