

STATE OF NEW YORK
NEW YORK STATE BOARD OF ELECTIONS

In the Matter of:

MARILYN M. PRUTSMAN et al.,

Complainants,

HAVA Complaint No. 26-01
Determination

-v-

KRISTEN ZEBROWSKI STAVISKY and
RAYMOND J. RILEY, III
(in their official capacities)

Respondents.

Procedural Background

On May 15, 2026, the New York State Board of Elections (“NYSBOE”) received a written, sworn, signed, and notarized Complaint (the “Complaint”) dated May 15, 2026, filed by Marilyn M. Prutsman and joined by Complainants June Myrtle Sorenson-Jenney, Kim Hermance, and Constance Kramer, alleging certain conduct violative of Title III of the Help America Vote Act of 2002 (52 U.S.C. § 21081 through 21102) (“HAVA”); specifically, the provisions of 52 U.S.C. § 21081(a)(1).

Generally, the Complaint alleges New York is not using a “uniform, official, centralized, interactive, computerized statewide voter registration list” as required by HAVA. Specifically, the Complaint points to purported discrepancies in the number of voters alleged to have participated in the 2022 and 2024 federal elections as the basis of the Complaint.

Jurisdiction

The provisions of 52 U.S.C. § 21112 require New York State to create a state-based administrative complaint procedure to ensure compliance with Title III of HAVA, Title III having three substantive sections: 1) Voting System Standards (52 U.S.C. § 21081); 2) Provisional Voting and Voting Information

Requirements (52 U.S.C. § 21082); and 3) Computerized Statewide Voter Registration List Requirements and Requirements for Voters Who Register by Mail (52 U.S.C. § 21083).

Determination

The Complaint fails to allege a *prima facie* violation of Title III of HAVA. Neither state nor federal law requires that the statewide voter registration list implemented under HAVA be used to certify the number of votes cast in any given election (i.e. voter turnout). *See, e.g.*, N.Y. Election Law Title 9 (regarding the canvass of election results).

Moreover, complaints filed pursuant to HAVA must be made within 120 days following the events upon which the complaint is based. *See* 9 NYCRR 6216.2(b)(5). All the allegations in the instant Complaint relate to the 2022 and 2024 federal elections, election events well beyond 120 days past. Accordingly, even if the Complaint properly set forth a violation of Title III of HAVA – which it does not – it would still be untimely.

For the reasons stated above, the Complaint is hereby dismissed.

Dated: June 3, 2026

Kevin G. Murphy
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Aaron Suggs
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