



## Restoring Integrity and Trust in Elections

November 24, 2025

Kristen Zebrowski Stavisky, Co-Executive Director  
Raymond J. Riley III, Co-Executive Director  
New York State Board of Elections  
40 North Pearl Street  
Albany, NY 12207-2729

Dear Executive Directors Zebrowski and Riley:

I write on behalf of Restoring Integrity and Trust in Elections (RITE), a nonpartisan organization committed to promoting election integrity and ensuring compliance with federal and state election laws. RITE raises several concerns that New York's voter registration practices are in violation of the Help America Vote Act of 2002 ("HAVA") as well as New York law.

First, the current language used on the New York State Voter Registration Form ("Registration Form") conflicts with HAVA's requirements.<sup>1</sup> In the "Identification" section, the Registration Form instructs applicants that they must make a choice of providing either the last four digits of their Social Security Number ("SSN last four") or their New York driver's license number.<sup>2</sup> Additionally, the instructions on the top of the Registration Form fail to instruct applicants that they must provide their driver's license number if they have one.

This current structure violates HAVA and New York law. Specifically, HAVA provides that a state may not accept or process a voter registration application for a federal election unless the applicant includes:

- (I) in the case of an applicant who has been issued a current and valid driver's license, the applicant's driver's license number; or
- (II) in the case of any other applicant . . . , the last 4 digits of the applicant's social security number.<sup>3</sup>

This provision of HAVA establishes a clear order of priority (the "Driver's License Primacy Requirement"). It does not allow applicants to choose freely between providing a driver's license number or the SSN last four; rather, it requires the use of a driver's license number first, if one has been issued.

New York Election Law § 5-210(5) requires that the Registration Form "conform to the . . . federal Help America Vote Act."<sup>4</sup> Although § 5-210(5)(v)—which requires the Registration Form

---

<sup>1</sup> New York Voter Registration Form, available at <https://elections.ny.gov/system/files/documents/2025/04/2025-vr-form-english-fillable.pdf>.

<sup>2</sup> See *id.* at "Identification section" ("You must make 1 selection").

<sup>3</sup> 52 U.S.C. § 21083(a)(5)(A)(i). Additionally, § 21083(a)(5)(A)(ii) allows an applicant without either number to be exempt from this requirement.

<sup>4</sup> New York Election Law § 5-210(5).

include the driver’s license number/SSN last four fields—fails to specify the Driver’s License Primacy Requirement, § 5-210(5) is clear that the Registration Form must comply with HAVA, and it clearly does not. Thus, the current Registration Form also violates state law.

In addition, New York’s election regulations appear to violate HAVA by requiring a county to register applicants who provide neither their driver’s license number nor SSN last four, even when they fail to affirm that they possess neither. Specifically, 9 NY ADC § 6217.5(d)(5) states that “[w]hen the missing information is necessary to verify the applicant’s identity pursuant to Election Law, section 5-210, the application shall be processed, the applicant registered, and a notice of approval . . . shall be sent to the registrant . . . .”<sup>5</sup>

This cross reference to § 5-210 clearly refers to a missing driver’s license number or SSN last four because it is “information necessary to verify the applicant’s identity” according to § 5-210(9).<sup>6</sup> Subsection (9) specifically requires county boards of elections to “utilize the information provided in the application and . . . attempt to verify such information with the information provided by the department of motor vehicles, social security administration and any other lawful available information source.”<sup>7</sup> Officials, quite obviously, must use the driver’s license number or last four SSN to conduct such verification.

Although 9 NY ADC § 6217.5 does direct counties to send “a request for information so that such verification may be completed” along with the “notice of approval,” it does not require ultimate rejection if the individual fails to provide it. Instead, New York’s election statutes and regulations indicate these individuals are treated identically to those who provided one of the required identifiers officials were unable to verify.<sup>8</sup>

HAVA permits states to register this latter group of unverified applicants and subjects them to its first-time voter identification requirements.<sup>9</sup> But merely satisfying the HAVA ID requirement is insufficient for those who never included the required information on their applications. HAVA requires officials to reject those applications. *See* 52 U.S.C. § 21083(a)(5)(A)(i) (“an application for voter registration . . . may not be accepted or processed by a State unless it includes” one of the required identification numbers).<sup>10</sup> Thus, **9 NY ADC § 6217.5(d)(5) directly conflicts with HAVA by ordering counties to “register[,],” “process[,],” and “approv[e]” applications with the “missing information.”**

Because New York’s compliance issues stem from two independent HAVA violations, each requires its own corrective action.

---

<sup>5</sup> *Id.* at (d)(5).

<sup>6</sup> *Id.*

<sup>7</sup> New York Election Law § 5-210(9) (emphasis added).

<sup>8</sup> Though New York Election Law § 5-210(10) prescribes certain steps for election officials in the event they are unable to verify an applicant’s identity, the statute does not distinguish between applicants who provided an identifier and those who did not.

<sup>9</sup> *See* 52 U.S.C. § 21083(a)(5)(A)(iii), (b)(1), (b)(3)(B)(ii) (requiring those registering by mail and voting for the first time in the state to present qualifying identification unless officials match the driver’s license number or SSN last four).

<sup>10</sup> To be clear, HAVA permits an applicant to affirm they have neither number, *see* § 21083(a)(5)(A)(ii), but your regulation does not require that affirmation (i.e., an applicant checking the third box on section 13 of the Registration Form) as a prerequisite to approving the application and registering the individual.

To remedy the violation of the Driver’s License Primacy Requirement, RITE requests that you take immediate steps to amend the Registration Form to include language that states: “You must provide your New York driver’s license number if you have one. If you do not have a New York driver’s license, you must provide the last four digits of your Social Security Number. If you have neither, you must mark the appropriate box.”

To remedy the HAVA violation of accepting registration applications missing the required identifying information, RITE requests you take immediate steps to amend 9 NY ADC § 6217.5 to conform to HAVA’s requirements. In the interim, you should direct counties to reject Registration Forms that are missing the required identification numbers or an affirmation that the applicant has neither.

RITE further requests you conduct an audit to determine how many nonconforming Registration Forms New York has processed and accepted pursuant to NY ADC § 6217.5(d)(5) and how many of those applicants are currently registered to vote. Counties should also notify any voters who were registered without one of the required numbers and who failed to affirm they had neither to provide it immediately. Depending on the scope of the problem, New York may need to take additional remedial steps. We will await your determination on the full scope of noncompliance to determine what further action is required to resolve the identified problems.

Congress was deliberate in requiring applicants who possess a driver’s license number to provide it when registering. Unlike the SSN last four, it is a truly unique identifier that officials can use more effectively to verify an applicant’s identity and eligibility to vote, including their citizenship, and to prevent duplicate registrations. Congress was also deliberate in requiring applicants without a driver’s license to at least provide their SSN last four. Only registrations from applicants affirming they possess neither number – an exceedingly small percentage of American citizens – may be accepted.

RITE requests a response to this letter by December 8, 2025, that includes your plans for coming into compliance with these two HAVA violations. In the meantime, I am available at [JustinRiemer@riteusa.org](mailto:JustinRiemer@riteusa.org) if you would like to set up a time to discuss these matters further or if we can provide additional assistance. Thank you for your attention to this matter.

Sincerely,

A handwritten signature in black ink that reads "J. Justin Riemer". The signature is written in a cursive, flowing style.

J. Justin Riemer  
President

cc: Henry T. Berger Co-Chair, New York State Board of Elections  
Peter S. Kosinski, Co-Chair, New York State Board of Elections  
Essma Bagnuola, Commissioner  
Anthony J. Casale, Commissioner