



STATE OF NEW YORK
OFFICE OF THE ATTORNEY GENERAL

LETITIA JAMES
ATTORNEY GENERAL

DIVISION OF SOCIAL JUSTICE
CIVIL RIGHTS BUREAU

September 21, 2023

VIA Email and USPS

Marly Hornik
NY Citizens Audit Civic Fund, Inc.
227 S Plank Rd.
Newburgh, NY 12550-2570
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CEASE AND DESIST NOTIFICATION AND DOCUMENT REQUEST

Dear Ms. Hornik:

The New York State Office of the Attorney General (OAG) has reviewed reports alleging that volunteers from the NY Citizens Audit Civic Fund have confronted voters across the state at their homes, falsely claimed to be Board of Elections officials, and falsely accused voters of committing felony voter fraud. These allegations, if true, could constitute unlawful voter deception under New York state law and unlawful voter intimidation under both state and federal law. You are hereby instructed to cease and desist any ongoing or contemplated voter deception and intimidation efforts, including instructing or otherwise causing volunteers to falsely represent themselves as government officials or falsely accuse voters of voter fraud. Voter deception and intimidation have no place in New York, and the OAG will use every tool at its disposal to protect New York voters.

Voters across the state have reported that individuals have visited them at their homes and accused them of criminal voter fraud. Their reaction has ranged from outrage to worry that their voting activity has somehow broken the law. OAG has seen no evidence that any of the complainants committed voter fraud or any other crime. Voters reported that many of the canvassers misidentified themselves as government employees, and some even reported being shown false badges or other identification. The OAG has seen evidence that the canvassers carried form documents prepared by the NY Citizens Audit and has reviewed evidence that your organization does in fact deploy volunteers to canvass door to door.

The New York Voting Rights Act (NYVRA) prohibits “deceptive...communication” that would impede a voter from voting or registering to vote. N.Y. Elec. Law § 17-212(1)(b)(ii). The NYVRA, section 18(b) of the federal Voting Rights Act, and section 2 of the federal Ku Klux

Klan Act, each separately prohibit voter intimidation through threats—including false accusations that voting activity could lead to criminal consequences. The OAG is authorized to enforce those laws and seek remedies against those who violate them. N.Y. Elec. Law § 17-212(2). In addition, there may be criminal liability for individuals impersonating a public official. *See* N.Y. Penal Law § 190.25(3).

The OAG is committed to promoting free and fair elections in the State of New York, including by protecting New York voters from false allegations that they have committed voter fraud. You are therefore instructed to immediately cease and desist from any further voter intimidation in New York State and to inform your volunteers that they may not impersonate government officials or harass and intimidate voters. You are further directed to comply fully with the NYVRA and federal law.

Within the next **five business days**, please contact the undersigned to confirm your compliance. Your failure to comply with this directive may result in further action by this office.

Additionally, the OAG requests that, by **October 2, 2023**, you provide the undersigned with the following documents:

- Communications since September 20, 2022, between NY Citizens Audit or any of its representatives and volunteers or paid workers engaged in door-to-door canvassing, including emails and text messages;
- Documents sufficient to show any instructions or training NY Citizens Audit or its representatives have given since September 20, 2022, to volunteers or paid workers engaged in door-to-door canvassing;
- Documents sufficient to show any instructions or training NY Citizens Audit or its representatives have given since September 20, 2022, to any person regarding the verification of voter registration information; and
- Communications with any third parties since September 20, 2022, concerning NY Citizens Audit's door-to-door canvassing operation, including emails and text messages.

Sincerely,

Lindsay McKenzie

Section Chief, Voting Rights

Rick Sawyer

Section Chief, Hate Crimes and Bias Prevention

Civil Rights Bureau

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