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**District Attorney McMahon Releases Grand Jury Report
Sharply Critical of the Vulnerability of New York's
Electoral Process to Criminal Interference, Urges Legislative
Fixes to Secure Future Elections**

***Grand Jury Convened to Consider Evidence in an Investigation of Forgery,
Illegal Voting, and Identity Theft Relating to a 2021 Staten Island Primary
Election - Issues Report Urging Significant Changes to New York City and State
Procedures for Absentee Ballot Applications, Signature Verification, and Voter
Identification***

STATEN ISLAND, NY— Today, Richmond County District Attorney Michael E. McMahon announced the release of a Grand Jury Report containing the findings and recommendations of a Special Grand Jury convened to consider evidence relating to forgery and other offenses committed during a 2021 Staten Island primary election. The report sharply criticizes the tactics and efforts of “Candidate 2” in their attempts to submit absentee ballot applications and actual ballots in violation of existing law. Further, the report calls out the insufficiency of signature verification to ensure voter identity, as well as gaps in New York election law that do not ensure all legally cast ballots are counted, that voters are not disenfranchised by fraud committed without their knowledge or consent, and that permit far too much participation by candidates’ campaigns in the absentee ballot process.

“This report should alarm all involved in the electoral process on Staten Island and across New York City and State, including the general voting public” **said District Attorney McMahon.** “While I fully support making voting as convenient as possible and applaud the efforts of candidates and their campaigns to inspire voters to express their constitutional right to vote, **the accuracy, security, and public confidence in our elections must never be sacrificed in pursuit of these goals. I personally do not believe the outcome of this particular primary was affected by the misconduct found by the Grand Jury. However, the report does provide an aperture to view many possible scenarios where the results could be tainted if action is not taken.**”

Under Sections 190.85 and 190.55 of the Criminal Procedure Law, a Grand Jury report is a mechanism available to a Grand Jury to state its findings after investigating alleged misconduct (for which criminal charges might or might not apply), nonfeasance, or neglect in public office by a public official, or for a Grand Jury to propose recommendations for legislative, executive, or administrative action in the public interest based on its factual findings after hearing evidence about crimes allegedly committed in the county where the Grand Jury is empaneled or about misconduct, nonfeasance, or neglect by a public official. This report makes such recommendations because the Grand Jury found criminality that could not be ascribed to any individual. It offers legislative and administrative fixes.

The report sharply criticizes the efforts of “Candidate 2” and their campaign staff in the primary to submit absentee ballots and related applications in the names of voters who were deceased, ineligible, or who never authorized an application to be made in their name. The report cites numerous examples of voters who by subsequent sworn affidavit affirmed they did not ask for an absentee ballot, yet such applications were received by the Board of Elections in advance of the contest. Further, a forensic examination of absentee ballot envelopes by a signature expert revealed that no fewer than one hundred of these envelopes had been signed by an individual who also signed one or more other absentee ballot envelopes in a different voter’s name, indicating forgery had taken place. For these same voters, cure affirmations, essentially lawful mechanisms to fix errors with voters’ absentee ballot envelopes, were submitted by Candidate 2’s campaign. These fraudulent attempts were ultimately properly rejected by the Board of Elections in the final vote count.

The report recognizes that while existing safeguards did prevent obvious forgeries from being counted in the results of this election, it cautions: “we do not know what we do not know” and “the abundant opportunities for unscrupulous candidates...to abuse the system without probable detection or criminal sanction cry out for remedy.” Those recommendations include:

- Strengthen the process by which applications to change voter information (name change, party registration change, address change, etc.) and applications for an absentee ballot are submitted by requiring proof of identity beyond publicly available information.

- Require absentee ballot applications be submitted on paper with ink signatures, and require those signatures match the signature on the corresponding voter’s registration form before an absentee ballot is issued.
- Mandate local boards of election retain the services of qualified experts in the field of forensic document examination to review absentee ballot envelope signatures for potential fraud.
- Prohibit absentee ballot applications and absentee ballots themselves from being sent to an address associated with a candidate’s campaign. Currently, this practice allows “vote harvesting.”
- Require absentee ballots be sent only to the requesting voter’s registered address or, at a minimum, prohibit absentee ballots from being sent to any address associated with an individual affiliated with a candidate’s campaign.
- Prohibit individuals associated with a candidate’s campaign from delivering voters’ absentee ballots to the local board of elections office, or, at minimum, require such individuals who do so to produce photographic identification.
- Require voters voting by absentee ballot to enclose proof of identification, or at minimum, require their absentee ballot envelope be witnessed by another.
- Prohibit individuals associated with a candidate’s campaign from handling absentee ballot cure letters and affirmations.
- Require voters to present some form of government-issued identification before voting, either physically at a poll site or by absentee ballot.

“While the report of this Grand Jury concerns only the actions of those involved in a particular primary election on Staten Island in 2021, this is surely not the only contest where efforts to illegally impact the outcome through ballot malfeasance have taken place” **said District Attorney McMahan**. “It is our sincere hope that through the release of this report and advocacy to policymakers and lawmakers, New York’s election system will be strengthened and secured to the level necessary to inspire total confidence in election outcomes. Staten Islanders deserve nothing less, and we look forward to the work ahead in urging these changes be adopted without delay.”

District Attorney McMahan also issued his sincere gratitude to Assistant District Attorney Jon Chananie, Chief of the Public Corruption Unit, for his diligent and dedicated work in this investigation and in presenting the evidence to the Grand Jury, as well as our Detective Investigators Thomas Donohue and Armand Tasca for their work in support of the investigation.

Further thanks are due to Marc Lindemann, former chief of the Public Integrity Bureau at the Suffolk County District Attorney’s Office and chairperson of the Public Integrity Subcommittee for the District Attorneys Association of the State of New York (DAASNY) for his invaluable assistance as well as to the New York City Board of Elections for their cooperation and work to safeguard the integrity of our elections.

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