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Project CIVICA Files Second Circuit Amicus Brief Reporting Approximately 10,700 New York Voter-File Records Flagged as Non-citizens

NEW YORK, N.Y. — Project CIVICA today filed an amicus curiae brief in the U.S. Court of Appeals for the Second Circuit reporting that voter files from at least 14 New York counties contain approximately **10,700 records flagged as non-citizens**, including records that appear to reflect voting history in prior elections.

The filing comes in *United States v. Board of Elections of the State of New York*, No. 26-2060, an appeal concerning the U.S. Department of Justice’s request for access to New York’s statewide voter-registration system and related records.

Project CIVICA’s brief reports that New York’s statewide voter-registration database, NYSVoter, does not identify the individuals reflected in the county records as non-citizens. Instead, many of the corresponding statewide entries appear to be recorded as purged for “duplicate” status, without public explanation of the actual basis for removal or whether non-citizenship was considered.

“These are not abstract concerns about data architecture,” Project CIVICA stated in its filing. “Voter files from at least fourteen New York counties contain records for approximately 10,700 individuals flagged as non-citizens, and some of those individuals appear to have voted in past elections.”

The brief contends that the discrepancy underscores why federal authorities require access to the statewide voter registration list and the administrative records that explain how registrations are maintained, modified, merged, coded, and removed. According to Project CIVICA, public voter-file snapshots may reveal that a record changed but typically do not reveal why it changed, who authorized the change, what process was followed, or whether the action complied with federal election law.

Project CIVICA’s research relies on a multiyear review of official voter file snapshots, county voter rolls obtained through New York’s Freedom of Information Law, statewide data, interstate comparisons, National Change of Address data, and related election administration records. The organization reports finding apparent duplicate registrations, registrations associated with deceased individuals, voters appearing in multiple states, inconsistencies between county and statewide records, unexplained status changes, and voter history information that later disappeared from successive statewide datasets.

The amicus brief urges the Second Circuit to reverse the Northern District of New York’s dismissal of the DOJ’s action. The district court held that New York’s statewide voter

registration list was not a “record or paper” subject to federal inspection under Title III of the Civil Rights Act of 1960 and concluded that federal law did not require disclosure of the list under the National Voter Registration Act.

Project CIVICA argues that the ruling creates a serious enforcement gap: federal law requires statewide computerized voter-registration systems and authorizes federal enforcement of voter-registration and list-maintenance obligations, yet the ruling prevents federal officials from examining the core system and records necessary to determine whether those obligations are being followed.

“The public records identify the issue; the administrative records explain it,” the brief states. “Without access to the statewide administrative ledger and the records supporting it, meaningful evaluation of compliance becomes substantially more difficult, if not impossible.”

Project CIVICA urges the court to reaffirm that federal election law permits meaningful federal access to voter-registration records and the documentation necessary to assess whether statewide voter-registration systems are accurate, current, transparent, and lawfully administered.

Case: *United States v. Board of Elections of the State of New York*, No. 26-2060 (2d Cir.).

ABOUT PROJECT CIVICA

Project CIVICA is a New York-based, nonpartisan, tax-exempt social welfare organization dedicated to civic engagement, citizen oversight of government, and public confidence in lawful and verifiable elections. Its work includes research, public education, civic engagement, and advocacy concerning election administration, voter access, ballot handling, transparency, and procedural safeguards.

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The amicus brief states that Project CIVICA’s findings identify apparent anomalies requiring further examination; they are not a conclusive adjudication of any individual voter’s eligibility or conduct.