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Citizens Union Calls on Board of Elections to Investigate Assemblymember Carmen Arroyo to Determine Whether Election Law Was Violated

*Photographs and Affidavits Submitted to
State Supreme Court and Appellate Division Raise Questions
about Election-Day Conduct Warranting an Investigation*

Citizens Union today issued a letter formally [calling on the City Board of Elections to conduct an investigation of Assemblymember Carmen Arroyo](#) regarding allegations that she violated state election law during the September 13th primary. The allegations have surfaced as part of a court case before the Appellate Division, First Department in which her primary election opponent, Maximino Rivera, has sought a new primary election.

Affidavits and photographs have been submitted as part of the case that appear to show Assemblymember Arroyo inside the poll site interacting with voters as they prepared to cast their ballots. Additional photos allegedly show a sample ballot marked for Assemblywoman Arroyo that was allegedly posted in a poll site, cars with campaign posters supporting the Assemblywoman stationed in front of poll sites, and other forms of electioneering within 100 feet of a poll site, in apparent violation of state election law.

“The documents submitted to the State Supreme Court and Appellate Division raise questions as to whether Assemblymember Arroyo and others violated election law,” said Dick Dadey, Executive Director for Citizens Union. “We call on the Board of Elections to investigate this matter to determine conclusively if there was any wrongdoing.”

Section 130 of Article 17 of State Election Law enumerates violations of the elective franchise. The law makes clear that watching over a voter who is preparing his or her ballot (except in rare circumstances), persuading or inducing a voter to cast a vote for a particular candidate, or electioneering within 100 feet of a poll site is a misdemeanor offense. Public officers, including elected officials and certain staff, can be found guilty of a felony if they attempt to prevent, hinder or delay election law from being carried out. All persons are forbidden from attempting to intimidate, threaten or coerce voters to interfere with their right to vote or cast their ballot for a particular candidate under Section 17-154 of State Election Law.

“The public must have full confidence that our elections are being carried out fairly,” said Alex Camarda, Director of Public Policy & Advocacy. “It is important that the integrity of our democracy does not come under question by the voters of New York.”

Citizens Union is calling on the Board of Elections in the City of New York to conduct the investigation but also supports an investigation being conducted by the State Board of Elections or a special investigator chosen by the State Board to ensure independence and remove any perceived or actual conflicts of interest. If the investigation finds a violation warranting criminal prosecution has taken place, either board is required to refer the matter and all related documents to the relevant district attorney.

The complaint also requests that the State Joint Commission on Public Ethics (JCOPE) investigate whether the Public Officers Law was violated by any of the alleged misconduct.

Citizens Union “preferred” the candidacy of Maximino Rivera during the Democratic primary in September as part of its larger process of evaluating candidates for office and issuing a Voters Directory to its members, something the organization has done for 110 years. Citizens Union does not engage in electioneering for any candidates it supports. Citizens Union has no position on the whether the lawsuit filed by Rivera rightly asks for a new primary, as was denied by the courts due to a procedural issue with his filing.

[Citizens Union's official complaint filed with the City Board of Elections, the State Board of Elections and the Joint Commission on Public Ethics can be found here.](#)

Photos relating to Citizens Union's complaint are below.



[Citizens Union](#) is a nonpartisan good government group dedicated to making democracy work for all New Yorkers. Citizens Union serves as a civic watchdog, combating corruption and fighting for political reform. We work to ensure fair and open elections, honest and efficient government, and a civically-engaged public.

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