

Suzanne M. Berger
Chair, Westchester County Democratic Committee
PO Box 590, White Plains NY 10602
Personal Cell: 917-882-7436

January 23, 2025

The Honorable Bill Cassidy
Chair
U.S. Senate Committee on Health, Education, Labor, and Pensions
428 Senate Dirksen Office Building
Washington, DC, 20510-6300

The Honorable Bernie Sanders
Ranking Member
U.S. Senate Committee on Health, Education, Labor, and Pensions
428 Senate Dirksen Office Building
Washington, DC, 20510-6300

The Honorable Mike Crapo
Chair
U.S. Senate Committee on Finance
219 Dirksen Senate Office Building
Washington, DC 20510-6200

The Honorable Ron Wyden
Ranking Member
U.S. Senate Committee on Finance
219 Dirksen Senate Office Building
Washington, DC 20510-6200

Re: Ongoing Investigations Into Robert F. Kennedy Jr.'s Illegal 2024 Vote

Dear Chairman Cassidy, Ranking Members Sanders, Chairman Crapo, and Ranking Member Wyden:

I am a resident of Westchester County, New York, and I am contacting you to express my grave concern over the nomination of Mr. Robert F. Kennedy Jr. for Secretary of the Department of Health and Human Services. In particular, I want to call your attention to the discovery that Mr. Kennedy likely committed a felony in New York by illegally voting in Westchester County in the 2024 general election after he was found by a court to have falsely claimed residence in Westchester, New York.

As publicly reported, in August 2024, Justice Christina Ryba of the Supreme Court of the State of New York found that Robert F. Kennedy Jr. was ineligible to appear on the ballot in the state of New York as a candidate for president of the United States because he had falsely claimed a New York residence on his filed nominating petitions. Justice Ryba concluded that the bedroom Kennedy claimed to be renting in Katonah, a hamlet in Westchester County, was not a "bona fide and legitimate residence, but merely a 'sham' address that he assumed for the purpose of maintaining his voter registration," while he has actually been residing in a home in Brentwood, California, with his wife, for over a decade.¹ Mr. Kennedy appealed the ruling to the New York Court of Appeals and the United States Supreme Court,

¹ "Judge Rules Against RFK Jr. In Fight To Be On New York's Ballot, Says He Is Not A State Resident," Associated Press, (August 12, 2024), <https://apnews.com/article/kennedy-rfk-jr-ballot-new-york-residency-faa0c8d7638cdfcdbe3c4eb7b542eef>.

which both declined to hear his appeal, leaving Justice Ryba's ruling in place as of September 2024.^{2,3} From that point on, Mr. Kennedy was and has been legally considered a California resident and he could have voted in that state. Indeed, the White House's nominating papers for Mr. Kennedy to be Secretary of Health and Human Services confirm this; those papers list him as a California resident.⁴

Notwithstanding this definitive 2024 legal ruling, Mr. Kennedy is recorded as having had a Westchester County absentee ballot completed during October 2024 and accepted for the 2024 general election in New York on November 2, 2024.⁵ Mr. Kennedy's vote in the 2024 general election – after the Supreme Court of the State of New York disqualified his listed address for the purpose of establishing residence in Westchester County, New York – was illegal, and is being investigated as a felony. Section 17-132 of the New York State Election law clearly states that any person who “knowingly votes or offers or attempts to vote in any election when not qualified” or “votes or offers or attempts to vote at an election, in an election district or from a place where he does not reside,” is “guilty of a felony.” By submitting an absentee ballot in November 2024 using this Westchester, New York address in blatant disregard of the ruling, Mr. Kennedy appears to have broken the law.

Authorities with jurisdiction over this matter have already been notified. On December 13, 2024, I sent a letter to the Westchester County District Attorney and the Office of the New York State Attorney General, urgently requesting they immediately commence an investigation into Mr. Kennedy's actions. Last week (January 13, 2025), the District Attorney's office contacted me and confirmed that they are investigating the situation. The New York Attorney General's office had previously acknowledged receipt and referral to its Voting Rights division. Accountable.US, a nonpartisan watchdog organization, filed a separate complaint regarding the same matter with the New York State Board of Elections Division of Election Law Enforcement on January 6, 2025.⁶

For years, lawmakers have worked together to safeguard our elections from voter fraud, and have made election integrity a top legislative priority. Chairman Crapo, in January 2021 you issued a statement declaring, “Voters who provide false information, including information of voter qualification, should face severe penalties,” and called free and fair elections “the cornerstone of our democracy.”⁷ In July 2024, you signed a letter to former Attorney General Merrick Garland once again expressing concern about individuals unlawfully or fraudulently voting and registering to vote.⁸ Chairman Cassidy, in April 2021, you authored an op-ed calling on lawmakers to “work to make elections more safe and secure.”⁹

Mr. Kennedy's actions raise serious concerns about his candidacy for a cabinet-level position in the Executive Branch. I have no doubt that election integrity remains a top concern for you and your colleagues, and the prospect of elevating an

² “RFK Jr. remains off NY ballot after top court declines to hear case,” The Times Union, (September 10, 2024), <https://www.timesunion.com/capitol/article/top-n-y-court-won-t-hear-robert-f-kennedy-jr-19755068.php>.

³ “Supreme Court denied RFK Jr.'s request for spot on New York ballot,” SCOTUSblog, (September 27, 2024), <https://www.scotusblog.com/2024/09/supreme-court-denied-rfk-jr-s-request-for-spot-on-new-york-ballot/>.

⁴ “Watchdog group seeks investigation into RFK Jr. for voting from a ‘sham’ address,” Associated Press, (January 9, 2024), <https://apnews.com/article/kennedy-residence-election-health-a17900ceecfff33c51d9c7ac2515f758>.

⁵ “Re: Request for Investigation of Robert F. Kennedy Jr.- 2024 Non Resident Absentee Balloting,” Letter to the Honorable Miriam E. Rocah and the Honorable Letitia James, (December 13, 2024).

⁶ Letter to the NYS Board of Elections Division of Election Law Enforcement, Accountable.US, (January 6, 2025), https://accountable.us/wp-content/uploads/2025/01/A.US-Signed_NYS_Board_of_Election.pdf.

⁷ “Risch, Crapo Submit Idaho Committee's Recommended Standards for Fair and Honest Elections to Congressional Record,” Senator James E. Risch, (January 5, 2021), <https://www.risch.senate.gov/public/index.cfm/pressreleases?ID=34D276C9-F77B-410F-BB17-0607AB436EF7>.

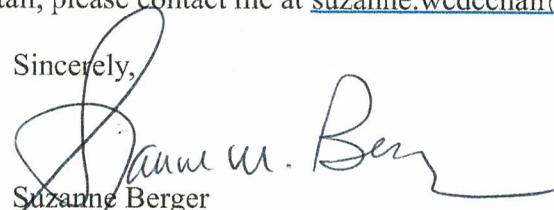
⁸ Letter to the Honorable Merrick Garland, (July 12, 2024), <https://www.hagerty.senate.gov/wp-content/uploads/2024/07/07.12.2024-DOJ-Garland-Non-citizens-Voting.pdf>.

⁹ “We all want fair elections, but Democrats' new bill doesn't get us there,” The Advocate, (April 16, 2021), https://www.theadvocate.com/baton_rouge/opinion/letters/article_ebef6918-9d31-11eb-9de9-2385f3b3dd12.html.

individual who would disregard New York election law so cavalierly just three months ago to such a powerful, high-ranking position should give you great pause.

Thank you for your leadership on the committee and for allowing me to share this critical information with you. If you or your staff would like to discuss this in further detail, please contact me at suzanne.wcdccchair@gmail.com.

Sincerely,


Suzanne Berger

Chair

Westchester County Democratic Committee
P.O. Box 590
White Plains NY 10602