



HENRY F. ZWACK

Republican Commissioner

MARY E. SWEENEY

Democratic Commissioner

Rensselaer County Board of Elections

1600 Seventh Avenue

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By US Mail and email

November 10, 2025

Stephentown Memorial Library
Jennifer Peabody, President
472 NY 43
Stephentown, NY 12168

Dear Ms. Peabody:

Upon careful consideration of the request by the Stephentown Memorial Library --- for "a recount of all ballots voted in connection with the Proposition found on the Stephentown ballot on November 4, 2025" --- for the reasons that follow, the Board of Election (BOE) respectfully declines to conduct a manual recount.

During prior conversations with a Library Board member, and an attorney calling on behalf the Library, the BOE also advised that it would not conduct a manual recount.

Pursuant to Election Law 9-208.4(a) "The board of elections or a bipartisan committee appointed by the board shall conduct a full manual recount of all ballots for a particular contest: i. Where the margin of victory is twenty votes or less; or ii. Where the margin of victory is 0.5% or less..."

Through today, on the subject Proposition, there are 58 **yes** votes cast, and 527 **no** votes cast. Clearly the margin exceeds 20 votes, and is also well beyond the 0.5% margin of victory, either required for the BOE to conduct a manual.

Turning to the assertion "that there may have been a machine miscount of the in-person ballots cast" however viewed, the BOE cannot make any such finding.

The ballots cast in the vote on the subject Proposition were voted and tabulated on ten separate voting machines (two to canvass the absentee and early vote by mail ballots before election day; six during early voting at the three early voting polling locations; and two at Stephentown during election day). Throughout, there was no reported instance of a voting machine unable to process a Stephentown ballot.

Further, the BOE has completed the required audit of the voting machines used to canvass the pre-election absentee and early vote by mail ballots, which included Stephentown ballots, with the ballots being correctly tabulated.

As background, before being used for the November election, each voting machine went through logic and accuracy testing --- which includes each machine accurately processing a minimum of eight separate ballots (six test ballots provided by the firm printing the absentee/early vote by mail/election day ballots, two printed by the BOE and used for issuance of over the counter ballots, and at least one printed on demand at the early voting polling locations. All voting machines, including the two machines at



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Stephentown, successfully passed the required logic and accuracy testing, and the BOE certification to that effect was timely filed by the BOE prior to the election with the State Board of Elections.

Lastly, any further consideration of a recount would require a judicial proceeding pursuant to Election Law Article 16. As the BOE would be a respondent in such a proceeding, it respectfully declines to provide legal advice.

A handwritten signature in black ink, appearing to read "Henry F. Zwack", written over a horizontal line.

Henry F. Zwack, Commissioner

A handwritten signature in black ink, appearing to read "Kim Nielsen", written over a horizontal line.

Kim Nielsen, Deputy Commissioner