



Legislation Text

File #: Res 2236-2009, **Version:** *

Res. No. 2236

Resolution calling upon the New York State Legislature, the New York Board of Elections, the New York United States Senators, the New York Congressional delegation, and the New York Governor, to take all appropriate actions that may be necessary to enable New York counties to continue using lever voting machines supplemented by accessible voting technology for people with disabilities.

By Council Members Foster, Mendez, Avella, Dilan, Felder, Gerson, Gonzalez, Jackson, James, Mark-Viverito, Palma, Recchia Jr., Stewart, Weprin and White Jr.

Whereas, New York City has successfully used its highly accurate lever voting machines for many decades with very few problems and wants to continue using them; and

Whereas, The New York City Council believes that continued use of lever voting machines is in the best interest of the public because they are secure, inexpensive to use, and built to last indefinitely with low-cost routine maintenance and replacement of worn parts with new parts that are readily available; and

Whereas, The federal Help America Vote Act (“HAVA”) requires every poll site to offer accessible equipment for voters with disabilities, and all counties in New York State have acquired and deployed accessible Ballot Marking Devices in order to comply with that mandate; and

Whereas, HAVA does not ban non-computerized voting technologies, such as systems that use hand-counted paper ballots or mechanical lever voting machines; and

Whereas, Under HAVA, lever voting machines may be used together with accessible Ballot Marking Devices; and

Whereas, The New York State Board of Elections agreed in federal court to replace lever voting machines in compliance with the New York State Election Reform and Modernization Act of 2005 (ERMA), but such agreement was not required in order to comply with HAVA; and

Whereas, Most parts needed to maintain lever voting machines are standard items that can be purchased in hardware stores, and the rest have always been made in machine shops and can continue to be so made; and

Whereas, Changes have occurred in recent years in the public's understanding of Direct Recording Electronic voting machines ("DREs"), also known as "touch screens" and DREs, with or without a paper trail, are now known to be insecure, failure-prone, difficult to use by voters, poll workers, and election administrators, as well as more expensive to use than non-computerized voting technologies; and

Whereas, In recent years, voting systems consisting of voter-marked paper ballots and optical scanners have also caused numerous problems and high costs in other jurisdictions; and

Whereas, No jurisdiction, including New York State, has rules requiring voted ballots to be in full public view from the close of polls until the certification of winners, which would prevent tampering, suspicion and unanswerable questions; nor has New York State established a legal requirement to perform audits that would provide confidence that the DREs are working accurately; nor do New York's counties have the money to pay the escalating costs of elections with paper ballots and optical scanners; and

Whereas, ERMA's requirement that counties replace their mechanical lever voting machines with either DREs or precinct-based optical scanners (supplemented by accessible voting technology for voters with disabilities) should be eliminated to reflect current knowledge and economic constraints, and counties should be allowed to keep their mechanical lever voting machines supplemented by accessible voting technology; and

Whereas, The cost of the acquisition of, transition to and use of optical scanners in New York, including the cost of post-election audits, has not yet been studied or estimated by any governmental agency, but studies by citizens and information from other jurisdictions show that computerization of voting technology dramatically raises the cost of holding elections; and

Whereas, The current economic crisis in our nation, state, and city is pitting community against community in competition for scarce financial resources, and is causing the actual or scheduled cutback of essential services; and

Whereas, In the current economic crisis it would be unwise to initiate a change of voting technology that would increase the cost of running elections, especially given that New York City already owns its mechanical lever voting machines as well as its accessible Ballot Marking Devices and New Yorkers are able to vote in a manner that is compliant with all federal requirements; and

Whereas, Available funds could then be spent to provide training for poll workers so they could better assist voters who wish to use the accessible voting equipment that New York now offers, as well as to develop voter communication materials in all accessible formats and to disseminate such materials multiple times prior to elections through a wide variety of outlets; now, therefore, be it

Resolved, That the Council of the City of New York calls upon the New York State Legislature, the New York Board of Elections, the New York United States Senators, the New York Congressional delegation, and the New York Governor, to take all appropriate actions that may be necessary to enable New York counties to continue using lever voting machines supplemented by accessible voting technology for people with disabilities.

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08/31/09
LS# 7775