



## Legislation Text

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**File #:** Res 0809-2023, **Version:** \*

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### Res. No. 809

Resolution calling on the New York State Assembly to pass, and the Governor to sign, S.6169A/A.5934, the Voting Integrity and Verification Act of New York.

By Council Member Brewer

Whereas, The voting equipment currently in use in New York City is over 15 years old; and

Whereas, The expected life span of voting equipment is generally between 10 and 20 years; and

Whereas, The voting equipment currently being used in New York City is at or near the end of its expected lifespan; and

Whereas, The outdated voting equipment used in New York City frequently breaks down, causing long lines at polling sites; and

Whereas, As the outdated voting machines now being used in New York City break down, they will become increasingly difficult to fix or replace; and

Whereas, The New York City Board of Elections (“NYC BOE”) will need to purchase new voting equipment in the coming years; and

Whereas, Under New York State law, the NYC BOE may only purchase voting equipment that has been certified by the New York State Board of Elections (“NYS BOE”); and

Whereas, the NYS BOE has already certified one direct-recording voting machine, the ExpressVote XL and may potentially approve more; and

Whereas, Direct-recording voting machines allow a voter to mark their ballot directly on a screen; and

Whereas, Direct-recording voting machines utilize touch screens in lieu of hand marked paper ballots; and

Whereas, Electronic touch screens are prone to errors and malfunctions in ways that paper ballots are not; and

Whereas, The ExpressVote XL, like other direct-recording machines, not only marks the voters ballot, but also counts the selections; and

Whereas, Many direct-recording voting machines do not print out a human-readable paper ballot; and

Whereas, The ExpressVote XL does not print out a human readable paper ballot, and instead encodes the voter's selections in a QR code; and

Whereas, When a printed ballot only has a barcode or QR code, voters are unable to verify that their selections were correctly recorded; and

Whereas, A study done by the University of Michigan found that voters missed 93% of errors when using electronic ballot marking devices; and

Whereas, Voting machines that do not print out a voter verifiable paper ballot are considered more vulnerable to foreign interference than voting machines that leave a paper trail; and

Whereas, Paper ballots are required to conduct post-election audits to verify election results; and

Whereas, Election security experts agree that marked paper ballots are the most secure voting method; and

Whereas, Nontabulating ballot marking devices need to remain available to voters to who are unable to hand mark their ballots without assistance; and

Whereas, S.6169A, introduced in the New York State Senate by Senator Cordell Cleare, and passed by the State Senate on June 9, 2023, and companion bill A.5934A, introduced by Assembly Member Brian Cunningham and pending in the New York State Assembly (the "Voting Integrity and Verification Act of New York" or "VIVA NY"), would give all voters at every poll site in New York State the option to mark their ballot by hand or with a nontabulating ballot marking device that prints a human readable paper ballot; and

Whereas, VIVA NY would not prevent the New York City Board of Elections from purchasing the

ExpressVote XL, or another similar direct-recording voting equipment; and

Whereas, VIVA NY would ensure that if the New York City Board of Elections were to purchase ExpressVote XL machines, or any other direct-recording voting equipment, voters would still have the option to vote via a hand-marked ballot or on a non-tabulating voting ballot marking device that prints a human readable ballot; and

Whereas, The 2020 election has sown widespread distrust in election security;

Whereas, Human-readable printed ballots increase the public's trust that ballots are correctly cast and counted; and

Whereas, Every voter should have the option to mark their ballot by hand or by a nontabulating ballot marking device; and

Whereas, Every voter should have the opportunity to verify their ballot before it is cast; now, therefore, be it

Resolved, That the Council of the City of New York calls on the New York State Assembly to pass, and the Governor to sign, S.6169A/A.5934, the Voting Integrity and Verification Act of New York.

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EHC