



The League of Women Voters of New York State
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**THE LEAGUE
OF WOMEN VOTERS**
of New York State

November 14, 2014

New York State Board of Elections
Elections Operations Unit
40 North Pearl Street, Suite 5
Albany, NY 12207

Re: Report concerning the administration of elections by villages, school districts, fire districts, library districts and other municipal corporations required to hold elections required by Laws of New York 2014, chapter 273

The League of Women Voters of New York State, a multi-issue nonpartisan organization which works to promote political responsibility through the informed and active participation of citizens in government, is pleased to submit the follow comments regarding the use of lever voting machines in local and school district elections.

The League maintains that a uniform and standardized voting system, used for all classes of elections, promotes confidence in the reliability and efficiency of our elections and is important for public understanding of our election system.

With the mandate of the Help America Vote Act of 2002 (HAVA) and the New York State Election Reform Modernization Reform Act (ERMA) implementation in New York State, the League has advocated for a single statewide election system with all elections under the jurisdiction of the county boards of elections. Local and school board elections are equally as important to our democracy as statewide elections and, as such, should comply with the requirements advanced by HAVA and ERMA. The requirements of those acts for providing a permanent paper record, manual audit capacity, and accessible voting for persons with disabilities cannot be met by lever voting machines.

County boards have the professional expertise as well as the equipment and resources necessary to conduct all elections governed by the NYS Election Law and NYS Education Law (school elections).

- By permitting the continued use of lever voting machines administered by local governments, New York State sets up a separate parallel voting system for specific classes of elections, and sends a confusing message to voters and to elections personnel.
- Lever machines are vulnerable to undetectable tampering and unable to yield a record of each vote cast in instances where recounts are necessary.

- Lever machines are inaccessible to people with disabilities; for those with visual disabilities the lever machine ballot is unreadable and would require the voter to have assistance, thus compromising her privacy and independence. For those voters with physical disabilities, levers are difficult or impossible to operate and would also require assistance in voting.
- Private and independent voting for persons with disabilities is not possible with the lever voting machine.

Permitting the continued use of lever voting machines for use in certain municipal and school elections requires that those entities maintain the now outdated (and no longer manufactured) machines in working order on a regular basis, a function that these entities are not equipped to perform and which will have a fiscal impact. County boards of elections have performed these functions in the past which guarantees reliability, accuracy and efficiency for the administration of elections. Under the existing dual system, the local governments will be required to have the care, custody and control of the machines and process.

Requirements for voting systems used in NYS are established under *NYS Election Law, sec. 7-202, Voting machine or system; requirements of*. Lever voting machines do not meet the specific requirements of this law. By having an exception in the law permitting the continued use of lever voting machines in local and school district elections that do not meet these requirements, New York State is denying the full protection of secure, accurate, recountable and accessible voting to all voters in New York State.

The League of Women Voters urges the respective governmental bodies to work toward an immediate resolution of providing equality in voting to all New Yorkers, as required by the Help America Vote Act of 2002, the Americans with Disabilities Act, and Election Reform Modernization Reform Act.

Sally Robinson, President
League of Women Voters of New York State

cc: Anna Svizzero