

Urging The New York State Board Of Elections To Promptly Certify Precinct Based/Optical Scan Voting Systems For Procurement By The Local Boards Of Elections And Urging The Ulster County Board Of Elections To Select A PB/OS System As The New Voting Technology For Ulster County

The Efficiency, Reform and Intergovernmental Affairs Committee (Chairman Bischoff and Legislators Bartels, Liepmann, Rodriguez, Shapiro, Busick and Cummings) and Legislators Berardi, Cahill, Dart, Distel, Donaldson, Gregorius, Kraft, Lomita, Loughran, R.A. Parete, R.S. Parete, Provenzano, Sheeley, Stoeckeler, Terpening and Zimet offer the following:

WHEREAS, honest, observable, and easily-verified public elections constitute the foundation of representative democracy, and

WHEREAS, public confidence in the outcome of elections depends on voting technology that is reliable, secure, and easy to use, and

WHEREAS, the Federal Help America Vote Act of 2002 (HAVA) was intended as a response to the concerns that surrounded the outcome of the Presidential Election of 2000, and

WHEREAS, the two main types of voting machine technologies currently available for implementing the Help America Vote Act (HAVA) compliance of our elections are optical scanning of paper ballots (PB/OS) and touch screen Direct Recording Electronic (DRE), and

WHEREAS, the New York State Board of Elections is accepting voting systems for certification testing, and has not yet mandated that the optical scanners be offered for certification testing, and

WHEREAS, voter and public confidence would be strengthened by the use of paper ballots which are marked directly by voters, as easily as a lottery ticket or multiple choice test, whether manually by a pen or by use of accessible ballot-marking devices by disabled voters or those for whom English is not their primary language, and

WHEREAS, paper ballots can be securely stored and handled, and enable election observers to meaningfully witness election procedures and vote-counting and thereby detect, prevent, and correct errors or tampering, and

WHEREAS, paper ballots facilitate easy and observable recounts, and

Resolution No. 139 April 11, 2006

Urging The New York State Board Of Elections To Promptly Certify Precinct Based/Optical Scan Voting Systems For Procurement By The Local Boards Of Elections And Urging The Ulster County Board Of Elections To Select A PB/OS System As The New Voting Technology For Ulster County

WHEREAS, optical scanners in the polling site would detect errors in ballot-marking such as overvotes, undervotes, and stray marks, and enable voters to correct such errors before their ballot is cast, and

WHEREAS, optical scanners have proven their reliability by being successfully used in elections nationwide, and

WHEREAS, precinct-based optical scanners can provide the advantages of quick election-day results and accessibility without the risks associated with electronic voting, and

WHEREAS, voter and public confidence would be lowered by the use of electronic ballots which are recorded in a way that no voter or observer can actually witness; and

WHEREAS, computer security is notoriously difficult to achieve, and

WHEREAS, DRE voting systems make errors and tampering difficult, if not impossible to detect, prevent, or correct, and

WHEREAS, PB/OS voting machines are less costly than DRE machines for ongoing support including moving, storage, upgrades, repairs, maintenance and technical support, and

WHEREAS, the Efficiency, Reform and Intergovernmental Affairs Committee has met and reviewed said request with a majority of the members voting approval.

RESOLVED, that the Ulster County Legislature urges the New York State Board of Elections to promptly certify precinct based/optical scan voting systems for procurement by the local Boards of Elections and urges the Ulster County Board of Elections to select a PB/OS system as the new voting technology for Ulster County, and,

FURTHER RESOLVED, that the Clerk of the Ulster County Legislature shall forward copies of this resolution to Governor George E. Pataki, Comptroller Alan Hevesi, Senate Majority Leader Joseph Bruno, Senate Minority Leader David A.

Resolution No. 139 April 11, 2006

Urging The New York State Board Of Elections To Promptly Certify Precinct Based/Optical Scan Voting Systems For Procurement By The Local Boards Of Elections And Urging The Ulster County Board Of Elections To Select A PB/OS System As The New Voting Technology For Ulster County

Paterson, Assembly Speaker Sheldon Silver, Assembly Majority Leader Paul A. Tokasz, Assembly Minority Leader Charles Nesbitt, New York State Senators John J. Bonacic and William J. Larkin, Jr., New York State Assemblymen Kevin Cahill, Clifford Crouch, Daniel Hooker and Thomas Kirwan, the New York State Association of Counties, New York State Election Commissioners Neil W. Kelleher, Evelyn J. Aquila, Helena Moses Donohue, and Doug Kellner, the Board of Elections Co-Executive Directors Peter Kosinski and Stanley Zalen, and Ulster County Election Commissioners John Parete and Thomas Turco,

and moves its adoption.

ADOPTED BY THE FOLLOWING VOTE:

AYES: 23 NOES: 8
(NOES: Legislators Alfonso, Busick, Cummings,
Felicello, Gerentine, Harris, McAfee and Noonan)
(Absent: Legislators Aiello and Sheeley)

FINANCIAL IMPACT:
UNKNOWN

0401