

**RESOLUTION NO. \_\_\_\_\_**  
**ADVOCATING CERTIFICATION OF HAVA-COMPLIANT**  
**VOTING MACHINES AND RELATED ELECTION LAW**  
**IMPROVEMENTS**

**WHEREAS**, free and fair elections provide the backbone of our democracy, and public confidence in the election system is crucial, and

**WHEREAS**, in October 2002, Congress passed the Help America Vote Act (HAVA) to require states to replace antiquated or unreliable voting systems and make voting accessible to people with disabilities, resulting in making the current election machines in the Town of Lebanon uncertified for use as of 2006, and

**WHEREAS**, New York State has yet to specify the details of its compliance with HAVA, but must act expeditiously or risk losing federal funding, and

**WHEREAS**, the New York State Senate and Assembly have approved legislation, S 1809 and A 0005, that will now require the convening of a Conference Committee to finalize how HAVA will be complied with in New York State, and

**WHEREAS**, as it considers voting issues related to HAVA, the State Legislature should use the opportunity to consider additional election reform and,

**WHEREAS**, there has been considerable concern voiced by Madison County residents and officials about how HAVA will be implemented and what kinds of voting machines will be eligible for use and funding reimbursement, and

**WHEREAS**, optical scanners (paper ballot/election-district-based optical scan voting systems) are a highly reliable, user-friendly and cost-effective technology, and can be supplemented with adaptive ballot marking devices that render this system usable by people with disabilities,

**NOW THEREFORE BE IT RESOLVED**, that the Town of Lebanon Town Board urges the New York State Assembly, State Senate and Governor to certify optical scanning machines with full-face ballots as HAVA-compliant and one of the machines of choice for New York State, and

**BE IT FURTHER RESOLVED**, that the Town of Lebanon Town Board urges the New York State Assembly, State Senate and Governor to incorporate the following into HAVA legislation:

- To include language that clarifies that optical scanning systems are certified as HAVA-compliant in New York State and can be used by counties with a ballot marking device as the disabled accessible voting system in all election districts.
- All voting systems must produce a voter-verified permanent paper record for use in manual audits and recounts. This requirement means that any system must include a

ballot that each voter would verify as accurate and that would be reserved in a secure manner for later use in a recount.

- All voting machines must be equipped with adaptive devices, so persons with visual and other disabilities can use the same system that will still provide a voter-verified paper ballot.
- Ban the use of undisclosed software and wireless communications devices in systems for voting and the tabulation of vote totals.
- Require election-district-level tabulation and public posting of each election-district's results at each polling place when the polls close
- Require mandatory, random surprise audits in not less than 3.0 percent of election districts in each county.

RESOLVED, further, that our election process be improved by:

- Having the five (5) percent cost not covered by Federal HAVA funds be paid by New York State rather than its individual counties (so as not to create a hardship on counties with fewer local resources and because the source of funds at the state level is more broad-based)
- Allowing absentee balloting without requiring an excuse (joining the 25 other states that do so)
- Allowing split shifts for election inspectors, to ease the difficulty of finding competent persons willing to do this important work and to allow for the secure switchover of personnel at the midpoint on Election Day without compromising the vote.

RESOLVED, further, that the Town of Lebanon Town Board requests that New York State's HAVA implementation plan be amended in accordance with the above-bulleted list in a timely manner so that New York State will have sufficient time to receive Federal monies and purchase appropriate equipment,

RESOLVED, further, that a copy of this resolution be sent to President George W. Bush, Senators Schumer and Clinton, Congressman McHugh, Governor George Pataki, HAVA Conference Committee members, State Senators Bruno, Winner, Seward, Nozzolio and Valesky, State Assembly members Silver, Lifton and Magee and Deputy Executive Director, New York State Board of Elections, Peter Kosinski.

On Motion Of \_\_\_\_\_

James Goldstein, Supervisor, Government Operations Chair

Seconded by \_\_\_\_\_

Vote: Hartshorn \_\_\_ King \_\_\_ Morgan \_\_\_ Niles \_\_\_ Goldstein \_\_\_

Approved \_\_\_\_\_ Defeated \_\_\_\_\_

Dated: March 7, 2005