

PUTNAM COUNTY LEGISLATURE

Resolution #91

Introduced by Legislator: Dan Birmingham on behalf of the Rules, Enactments & Intergovernmental Relations Committee, co-sponsored by Vincent Tamagna at the Regular Meeting on April 5, 2005.

Seconded by Legislator: Sam Oliverio, Jr.

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**APPROVAL/MEMORIALIZATION/RESOLUTION 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, in response to the election debacle in Florida, Congress passed the Help America Vote Act (HAVA) to help States improve the voting process and make voting accessible to people with disabilities, and

WHEREAS, New York State is in the process of adopting the provisions of HAVA, and

WHEREAS, as it considers voting issues related to HAVA, the State Legislature should use the opportunity to preserve and protect our democracy, and

WHEREAS, existing lever machines, properly maintained, and paper ballots counted by hand or on precinct-counted optical scanners are reliable, user-friendly and cost-effective voting systems, which can be supplemented with adaptive ballot marking devices that render these systems usable by people with disabilities, and

WHEREAS, Putnam County has eighty-five election districts, one hundred thirty-five voting machines and twenty-seven polling places, and that it is every residents' inalienable right to vote, now therefore be it

RESOLVED, that Putnam County urges the New York State Assembly, Senate, and Governor certify precinct-counted optical

Vote:

State Of New York

ss:

County of Putnam

I hereby certify that the above is a true and exact copy of a resolution passed by the Putnam County Legislature while in session on April 5, 2005.

Dated: April 6, 2005

Signed: _____

M. Chris Marrone
Clerk Of The Legislature Of Putnam County

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scanning machines with full-face paper ballots as the HAVA-compliant machine of choice for New York State, and be it further

RESOLVED, that Putnam County urges the New York State Assembly, Senate, and Governor to incorporate the following in any legislation enacted by the State:

- **Give County Boards of Elections the choice of voting systems, including:**
 - **Lever machines & accessible ballot-marking machines for voters with disabilities / non-English languages,**
 - **Paper ballots & accessible ballot-marking machines and precinct-based optical scanners, and**
 - **e-voting systems with voter-verified paper ballots and 100% professional-quality audits with 100% accuracy required.**
- **Counties' Board of Elections shall be responsible for all elections within their own counties including al equipment, procedures, processes and reporting of all elections on a Countywide basis**
- **Ban all communication capability in electronic voting or vote tabulating equipment**
- **Ban privatization of elections, even if e-voting is used, and require funding/training for Board of Elections staff**
- **Provide for all source code of software used for any electronic voting systems, including tabulators used with optical scanners, be posted on the web site of the state Board of Elections**
- **Provide for public counting of all votes, including multipartisan observation of all ballots after they are cast and of all vote-counting**

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- Establish legal standards for accuracy of vote tallies
- Provide for public posting of all reports of election voting machine failures
- Provide for full disclosure to the public of initial and continuing costs of voting systems adopted, including vendor contracts for all services after purchase, training and salaries for election staff, and estimated costs of audits, climate-controlled storage, etc.
- Include computer experts as well as financial auditors, CPAs, or computer auditors on the citizen's voting machine selection advisory committee
- All Tabulations and results of each race shall be posted by district on the official website of the Counties' Boards of Elections

And be it further

RESOLVED, that our election process be further improved by: Having the five 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, and be it further

RESOLVED, that Putnam County 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, and be it further

RESOLVED, that a copy of this resolution be sent to President George W. Bush, Senators Schumer and Clinton, Congresswoman Sue

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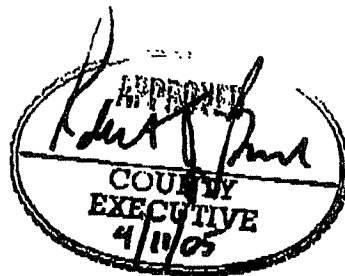
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Kelly, Governor George Pataki, State Senators Bruno, Flanagan and Leibell, State Assembly members Silver, Wright, Galef and Stephens and Deputy Executive Director, New York State Board of Elections, Peter Kosinski.

BY ROLL CALL VOTE: ALL AYES. CARRIED UNANIMOUSLY.



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