

PRESS RELEASE

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Search for a Replacement Voting System

The United States Congress passed the Help America Vote Act of 2002 (HAVA) to modernize the administration of federal elections. Federal funds have been provided for the first time to purchase new voting systems, as long as these systems comply with the Act. HAVA established the US Election Assistance Commission (EAC) to administer the federal funding and to provide guidance to the States in their efforts to comply with HAVA administrative requirements. In addition to being in compliance with HAVA, the new voting system must meet the needs of all our voters and follow the EAC Voluntary Voting System Guidelines as well as New York State Election laws. Given these requirements, we have concluded that the only type of voting system that we can select for the voters in Onondaga County is a Direct Recording Electronic (Electronic) system.

Between us, we have over 40 years of election administration experience in Onondaga County and, as County Commissioners of Election, we have the responsibility to select a voting system to replace our lever voting machines. For over 3 years we have been reviewing the new HAVA requirements with fellow election administrators, public officials as well as advocacy groups such as the League of Women Voters and disabled advocates at the national, state, and local levels.

HAVA and New York State legislation adopted several guidelines that impact on choosing a voting system. Voting is a 2-step process – **mark** your ballot, then **cast** your ballot. HAVA established a new requirement that all voters, **especially persons with disabilities**, are to have a similar voting experience, namely an opportunity to **mark** and **cast** their ballot **in private** and **independently**. This is the **key new ingredient** that dictates whether a specific voting system is in compliance with HAVA. New York State laws further limit the available choices of voting equipment. New York set a standard for voting systems that requires a **full face ballot, certification** of the system at the federal and state levels, **a voter verifiable paper audit trail** and states that the **paper** from the audit trail in a court ordered **recanvass** of votes is the ballot.

Since there were voting systems standards passed by the Federal Election Commission prior to HAVA passage, the Election Assistance Commission put out an advisory to states and county election jurisdictions to explain how to determine if a voting system is compliant with HAVA. The advisory noted that compliance “must take into account the disability of the voter, the advancement of technology and its accessibility, and the efforts of the election officials to make the voting process accessible to disabled voters in a private and independent manner”. It went on to say that while future technological innovation may produce other voting systems with the same capacity of an electronic

voting system, the only **current** fully HAVA compliant disabled accessible voting system is Electronic. In addition, electronic voting technology is tested and proven in 3 New York State counties as well as throughout the country and will only come certified with HAVA mandated disabled accessibility features.

Ideally every voter would be able to vote independently and privately. As a practical matter, there may be a small number of voters whose disabilities are such that they will need personal assistance. Nonetheless, the requirements of HAVA section 301(a)(3) are meant to make the voting system directly accessible to as many voters as possible.

There is also a requirement that any voting system that we purchase must first be certified at the federal and state levels as to its capacity to do what the vendor says it can do without concerns as to its reliability, usability, security and accessibility. It is this certification process that should give us the comfort level that this voting system will routinely perform as advertised. Ultimately, the objectives of the **security** standards for voting systems are:

- To establish and maintain controls that can ensure that accidents, inadvertent mistakes, and errors are minimized,
- To protect the system from intentional manipulation and fraud, and from malicious mischief,
- To identify fraudulent or erroneous changes to the system and
- To protect secrecy in the voting process.

It is clear to us that any **current** paper based voting system **alone** does not achieve the HAVA mandate particularly as it refers to persons with disabilities such as the visually impaired. The issue with the Optical Scan voting system and why it is not compliant is that, after a visually impaired voter independently and in private **marks** his ballot on a separate voting machine such as the AutoMark, they are not provided the opportunity to independently and in private place that ballot in a security sleeve and **cast** that ballot in an optical scan voting machine. This is where the optical scan system breaks down. Optical Scan, like the lever machines, are not HAVA compliant because they are not accessible to the disabled. A ballot-marking device such as Automark does NOT, in itself, make the voting system accessible to disabled voters, particularly for the visually impaired. Automark, in conjunction with an optical scan machine, has a **casting** the ballot problem.

While an Optical Scan voting system can work for most voters, we would also need to have an Electronic system in each polling place to accommodate voters with certain disabilities. Since we are purchasing a totally new voting system, and since we have 300 polling places for 455 election districts, it would be extremely **costly** and unnecessary to implement a blended Electronic/Optical Scan system. An Electronic voting system for each election district is the most cost efficient and effective voting system replacement.

Even if the Optical Scan was HAVA compliant, our budget analysis reveals that both initial costs to purchase and the annual printing costs are higher for the Optical Scan system compared to the Electronic system. Optical Scan advocates state that Electronics are expensive to operate, can only be maintained by the vendor and are prone to errors and hacking. But the three counties in New York that have used Electronics for over 10 years have found them to be inexpensive to operate and maintain. The Electronic machines will be maintained and programmed by a bi-partisan team of Board of Elections employees with proper training and will be kept in a secure location. The Electronics are stand-alone machines. To cause the system to break down, a person would need to tamper with each voting machine.

While no system is absolutely perfect, both Electronic and Optical Scan voting systems are good systems. Problems attributed to these voting machines are usually due to errors by the people setting them up or using them. Effective security, training and accountability of election workers make the difference in the successful operation of any voting system. Once we have approval on a voting system that insures compliance with all election mandates, we can develop appropriate management policies and procedures with an emphasis on maintaining our voting system's usability, security and accessibility to all voters.

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