

**RESOLUTION NO. 3 - ADVOCATING CERTIFICATION OF HAVA-COMPLIANT
VOTING MACHINES AND RELATED ELECTION LAW
IMPROVEMENTS**

MOVED by Ms. Kiefer, seconded by Ms. Robertson.

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 replace antiquated and unreliable voting systems and make voting accessible to people with disabilities, 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, as it considers voting issues related to HAVA, the State Legislature should use the opportunity to consider additional election reform, and

WHEREAS, locally we have studied and gathered information that we believe can help inform our State Legislature in its deliberations on these issues, and

WHEREAS, optical scanners (paper ballot/election-district-based optical scan voting systems) are the most 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, on recommendation of the Consumer and Community Affairs Committee, That the Tompkins County Legislature urges the New York State Assembly, Senate, and Governor to certify optical scanning machines with full-face ballots as the HAVA-compliant machine of choice for New York State,

RESOLVED, further, That the Tompkins County Legislature urges the New York State Assembly, Senate, and Governor to incorporate the following:

- If other than optical scanning systems are certified, 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;
- If other than optical scanning systems are certified, all voting systems 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;
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RESOLVED, further, That our election process be further improved by:

- Allowing split shifts for election inspectors, to ease the difficulty of finding competent persons willing to do this important work. It should be perfectly possible to provide for secure switchover of personnel at the midpoint on Election Day without compromising the vote;
- 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).

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- Allowing absentee balloting without requiring an excuse (joining the twenty-five other states that do so).

RESOLVED, further, That this Legislature 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, Congressmen Boehlert and Hinchey, Governor George Pataki, HAVA Conference Committee members, State Senators Bruno, Winner, Seward and Nozzolio, State Assemblymembers Silver and Lifton, and Deputy Executive Director, New York State Board of Elections, Peter Kosinski.

SEQR ACTION: TYPE II-20

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cc: Administration - via Network
Finance
Public Works
Board of Elections
Senator C. Schumer
Senator H. Clinton
President G. Bush
Congressman S. Boehlert
Congressman M. Hinchey
Governor G. Pataki
HAVA Conference Committee (Assembly members Keith Wright, RoAnn Destito, Kevin Cahill, Helene Weinstein and William Barclay, and Senate members Thomas Morahan, Serphin Maltese, Nicholas Spano, George Maziarz and John Sabini)
Senator J. Bruno
Senator G. Winner
Senator J. Seward
Senator M. Nozzolio
Assemblyman S. Silver
Assemblywoman B. Lifton
Peter Kosinski
New York State Association of Counties

STATE OF NEW YORK)
) ss:
COUNTY OF TOMPKINS)

I hereby certify that the foregoing is a true and correct transcript of a resolution adopted by the Tompkins County Legislature on the 18th day of January, 2005.

IN WITNESS WHEREOF, I have hereunto set my hand and affixed the seal of the said Legislature at Ithaca, New York, this 19th day of January, 2005.

, Clerk
Tompkins County Legislature