

**Assemblymember Joan Millman, Chair, Committee On Election Law**  
**Assemblymember Catherine Nolan, Chair, Committee On Education**  
**Assemblymember Barbara Lifton, Chair, Committee On Libraries And Education**  
**Technology**  
**Assemblymember Brian Kavanagh, Chair, Subcommittee on Election Day Operations and**  
**Voter Disenfranchisement**

**Statement by Catherine Skopic**

**Oct 22, 2009**

Thank you for conducting this hearing and giving us an opportunity to speak.

I am a citizen of these United States, resident of New York State, and an educator for 35 years. I have been concerned about electronic voting and vote counting for several years, and have spoken at other hearings about the need for fair, observable, and honest elections. In my opinion, the lever voting machine is the most reliable, transparent, and tamper-proof voting mechanism that we have.

**Book: Keep the Levers**

This morning I am proud to present you with copies of this book, Keep the Levers, that contains many different expressions of support for keeping the lever voting machines.

There are several sections separated by sheets of blue paper.

1. The first section contains resolutions passed by 19 New York counties: Chenango, Columbia, Cortland, Delaware, Dutchess, Essex, Fulton, Greene, Herkimer, Montgomery, Rensselaer, Schoharie, Schuyler, Sullivan, Tioga, Ulster, Warren, Washington, and Wyoming.
2. Next is the June 11, 2009 letter from the Westchester County Board of Legislators to Governor Paterson, signed by the legislators.
3. Next are three town resolutions from Shandaken, Greenburgh, and Copake.
4. Next are resolutions from
  - a. The Intercounty Legislative Committee of the Adirondaks which includes the counties of Clinton, Essex, Fulton, Hamilton, Herkimer, Lewis, St. Lawrence, Saratoga, Warren, and Washington.
  - b. The Association of Towns of the State of New York, which represents 8.1 million New Yorkers who live in towns.
  - c. The Democratic Rural Council.
5. Next are resolutions adopted by organizations, including

- a. District Council 37, American Federation of State, County, and Municipal Employees, AFI-CIO.
- b. United Hebrew Trades, a Division of the Jewish Labor Committee.
- c. JPAC, the Joint Public Affairs Committee, sponsored by the Jewish Association for Services for the Aged, JASA.
- d. Brooklyn-Queens Chapter of the National Organization for Women, NOW.
- e. The New York City Chapter of the New York StateWide Senior Action Council, Inc.
- f. OWL, The Older Women's League, Brooklyn Chapter.
- g. The 504 Democratic Club, which is the northern Manhattan chapter of the 504 Democratic Club and which focuses on bringing disabled people of color into the political process to advocate for change.
- h. The Village Independent Democrats of New York City.
- i. The Independent Neighborhood Democrats of Brooklyn.

6. The last section in the book is the largest. It contains copies of petitions, or the transcribed names and addresses of over 3000 New Yorkers from different parts of our state who have signed petitions, to keep the lever voting machines.

#### **Testimony of Dr. Charlotte Phillips, MD**

In addition to the Keep the Levers book I would also like to submit into the official record ten copies of this very personal testimony prepared by Dr. Charlotte Phillips, MD, who is a practicing pediatrician, the Chairperson of Brooklyn for Peace, and a constituent of Chairwoman Millman.

#### **Testimony of Ellen Theisen, Director of VotersUnite.org**

Concern for New York's election equipment is nationwide, and this is appropriate because, until the pilot use of scanners in some upstate counties, we have been one of the few states that have not yet computerized our vote-casting or vote-counting. Many election integrity activists nationwide are hoping that New York can lead a movement away from the use of computers to handle votes, for the many reasons that will be cited by other witnesses here today.

I would like to submit into the official record five copies of this 118-page testimony by Ellen Theisen entitled "A National Perspective on the Use of Electronic Ballot Scanners and the Dependence on Voting System Vendors." Ellen Theisen is the founder and director of VotersUnite.org, and has spent the last six years documenting the experiences of counties and states nationwide with their electronic voting and vote-counting equipment. She has published more than 20 major studies since 2003, including

.. "Voting System Companies Fail to Meet New York State's Requirements for "Responsible Contractors," a 2007 report providing documented evidence revealing that the four voting system companies then under consideration in New York fail to meet New York State's criteria for responsible contractors. <http://www.votersunite.org/info/IrresponsibleVendors.pdf>

.. "Vendors are Undermining the Structure of U.S. Elections." Featured in an August 2008 "Lou Dobbs Tonight" segment, this report focuses on eight case studies that demonstrate the pervasive control voting system vendors have over election administration in almost every state and the consequences jurisdictions experience. <http://www.votersunite.org/info/ReclaimElections.pdf>

Ellen Theisen's testimony offers us a national perspective on the problems many states and counties have had when using optical scanners in their elections, with summaries of 186 failures of such systems. She also is providing her report on the consequences many jurisdictions have experienced when relying on private corporations for assistance in administering elections. She hopes that New York State will be able to use this information to learn from the experiences of other states and avoid the problems that plague other jurisdictions.

### **Testimony of Bruce Funk, Former Emery County Utah Clerk**

The last item that I am submitting today is a brief personal testimony by Bruce Funk. He is the former county clerk in Emery County, Utah. After he inspected his electronic voting equipment and found illegal software, he was immediately fired by the state of Utah. He describes his experience, and draws the conclusion that

*If you can avoid switching your elections to electronic equipment, you will avoid this entire problem [of loss of transparency and public oversight of all election functions] that electronic machines create.*

### **Conclusion**

Thank you very much for accepting these materials. I hope that by working together we can find some way to avoid computerizing our vote-handling and vote-counting.