

**TESTIMONY BY CHARLOTTE PHILLIPS, M.D.**

**New York State Assembly Standing Committee on Elections**

**October 22, 2009**

**I'm Charlotte Phillips, a resident of Brooklyn, in the 52<sup>nd</sup> State Assembly District. I'm proud to have Joan Millman as my representative in the State Assembly. I am submitting this testimony on my own behalf; however, for identification, I will mention that I am the Chairperson of Brooklyn For Peace. I am also a practicing pediatrician: I work in the Bushwick neighborhood in Brooklyn, with the New York City Health and Hospitals Corporation.**

**Brooklyn For Peace is a network of Brooklyn residents - parents, neighbors, and educators - alarmed by the growing militarism of our society and its effect on our lives and our children's future. We seek to inform ourselves and our community about issues of war and peace and to enable ourselves to respond effectively. We hope to give our children a role model of active response to problems which easily lead to hopelessness, cynicism, and despair. We are celebrating our 25<sup>th</sup> anniversary this year!**

**As a pediatrician, as well as a parent and grandparent, I frequently see young people in the challenging transition from adolescence to adult-hood. Registering to vote is an important landmark in the life of a young person. In encouraging my patients to do so, I can see how proud and happy they are to take this important step toward being contributing members of our democratic society. Also, as I see many immigrant families from other countries, I am continually inspired by how much they appreciate the opportunity to vote, and the importance of having their vote counted.**

**For these reasons, I am deeply concerned about the way in which the new options for voting technology are creating the serious danger that our right to vote may be stolen from us in a subtle but nevertheless very real way. Confirmed reports as well as suspicion of election fraud definitely lead to cynicism, despair, and discouragement with participating in the democratic process. If a person feels that their vote is literally not counted, what is to motivate them to vote?**

**Having studied the new technology, I am convinced that the use of computerized electronic voting and vote-counting systems can compromise the integrity of the electoral result, and opens the possibility of election fraud. Citizen oversight of the election process is crucial to assuring that tampering of the results does not occur. The fact that the software for electronic voting is secret, as well as the vendors' claim that this is a trade secret right, is definitely very alarming. How can we allow a trade secret to override the public's right to know how our election equipment works? Yet even if the software was open to the public, voters should not have to read software to discover how the votes are handled. It is essential that non-technical "ordinary people" should be able to observe our election procedures with votes sufficient to understand them and witness that the procedures are fair and honest.**

**And although computer literacy is highly desirable, the fact is that many in the community (especially senior citizens) are not computer literate.**

**Additionally, we all know that no computer system can be guaranteed 100% secure. Crucial computer systems of the Department of Defense, the FBI, and major financial institutions have been compromised.**

**With regard to the option of voter-marked paper ballots with optical scanners to count them, I am concerned that our state and city cannot implement proper security procedures to protect the ballots. County boards of elections have been notoriously reluctant to allow citizens to secure the ballots by continuous observation between the end of election day and the certification of results. In addition, our county boards of elections are reluctant to perform sufficient hand-count audits of scanners to confirm that election outcomes are correct or to discover fraud or even innocent errors.**

**This has led me to conclude that OLDEST IS BEST! Although not free of maintenance problems and technical issues, mechanical lever voting machines supplemented with accessible ballot-marking devices (BMDs) for voters with special needs provide a superior voting system technology with fewer problems. The lever system has stood the test of time! Lever machines and Ballot Marking Devices can be more reliably kept secure, and have not engendered the same level of suspicion of fraud that electronic voting and vote-counting equipment has engendered.**

**In addition, the lever voting machines are generally very well-built and require relatively inexpensive maintenance. In a time of economic crisis and cutbacks, why should we waste money on a new voting technology rather than choosing the cost-effective route of maintaining the technology we now have?**

**Therefore, I urge the New York State legislature to rescind the requirement for counties to replace their lever voting machines. I urge our state to return the federal funds which New York has accepted for replacement of lever voting machines, and I urge every county to retain, maintain, and continue to use our lever voting machines.**

**I will also urge the New York City Council to pass a resolution to support such action by our state legislature.**

**Thank you for the opportunity to present this testimony. I look forward to the outcome of these hearings, and to your committee's recommendation.**

**Charlotte Phillips, M.D.  
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