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December 13, 2007

The Honorable Gary L. Sharpe
United States District Court
Northern District of New York
445 Broadway
Albany, NY 12207

Dear Honorable Judge Sharpe:

We would like you to consider the paper ballot precinct-based optical scan voting system with ballot markers for voters with special needs as you make your ruling regarding the U.S. Department of Justice Civil Action 06-CV-0263 Motion to Enforce June 2, 2006 Remedial Order. We further recommend that this system be implemented in two steps, with ballot markers available in the 2008 Elections and paper ballots/precinct-based optical scanners available for the 2009 Elections. We have been advocates of this type of voting system for several years, having introduced legislation to mandate it (A.5170-A).

As you may know, the Assembly, Senate, and Governor worked arduously in crafting and passing legislation to comply with the Help America Vote Act (HAVA) in 2005. We went beyond HAVA requirements by adding stringent criteria to ensure that every vote is counted in New York, and that all voters have confidence that their votes are counted accurately. This has resulted in a thorough and comprehensive voting machine certification process that contains requirements like the full-face paper ballot and an auditable paper trail. It is unfortunate that the process has yet to produce a state-certified voting machine. Until such a machine can satisfy our rigorous state criteria, however, it seems obvious that if one must replace the current lever machines as the United States Department of Justice is arguing in its Motion, then the paper ballot-precinct-based optical scan voting system with ballot marking devices (to be used with optical scanners) for voters with disabilities is the optimum one.

The paper ballot-precinct-based optical scan voting system is accessible, secure, countable, and transparent. The paper ballot is the authentic representation of the voter's intent, while the optical scanner provides the modern technology to count the vote in an expeditious manner. Ballot markers for use with optical scan machines represent the voting machine that best meets the needs of those voters with disabilities. It is important to note that there is no current voting machine that satisfies all the requirements of those voters with special needs.

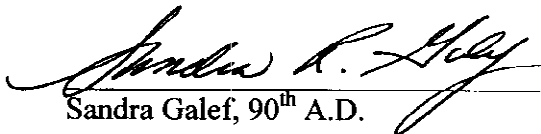
We have the hard data to support the paper-ballot precinct-based optical scan voting machine system. Just recently, over 100 computer and social science faculty from universities across New York released a statement favoring optical scan voting systems, declaring that electronic voting jeopardizes election integrity. Electronic voting machine vulnerability to hacking has been proven since computer scientists were able to hack into electronic voting machines in California and Texas. States such as Florida and Maryland are replacing expensive touch screen electronic voting machine systems with paper ballot-optical scan ones after encountering significant problems including vote miscounts, lost votes, and delayed voting because of machine malfunction and human error.

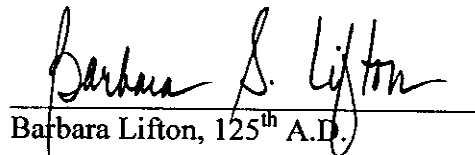
Paper ballots, optical scanners, and ballot marking devices have been used in thousands of elections throughout the United States. It seems relatively easy to select those optical scanners and ballot marking devices that have proven problem-free in those elections if deemed necessary to comply with HAVA requirements.

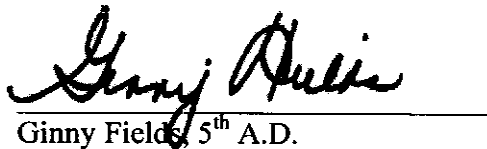
New York can implement our recommended system on a limited basis in 2008, and wholly in 2009. The ballot marking devices can be made available quite easily for the 2008 elections. Many counties have already made such machines available in 2007 elections and encountered no problems. The paper-ballot precinct-based optical scan system can be implemented completely for the 2009 Elections.

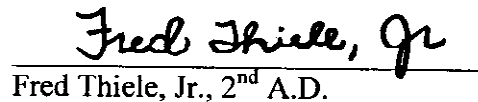
We believe that this is the best solution to the current quagmire. We hope that you will take our proposed solution into consideration as you make your ruling. Thank you.

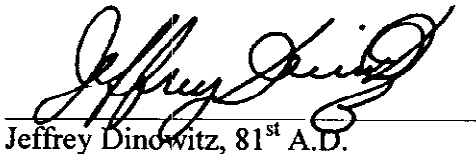
Sincerely,

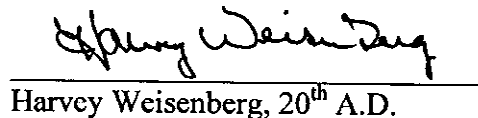

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