

## Retain Lever Machines



They Still Work

They are HAVA Compliant.

They are manageable.

They are paid for.

They are User Friendly

to

election staff, poll workers,  
&  
voters.

### The Federal law – HAVA and The NYS Law - ERMA

There is much confusion surrounding the implementation of the Federal “Help America Vote Act” or HAVA. One of the myths is that HAVA required the replacement of Lever Machines. It does not. In fact, HAVA refers to lever voting systems on a par with optical scanning or direct recording electronic systems.

The Federal Provision, **HAVA**, provides:

*Subtitle A—Requirements*

*SEC. 301. VOTING SYSTEMS STANDARDS. (a) REQUIREMENTS.—Each voting system used in an election for Federal office shall meet the following requirements: (1) IN GENERAL.—*

*(A) Except as provided in subparagraph ... (B), the voting system (including any lever voting system, optical scanning voting system, or direct recording electronic system) shall*

The Federal Act does provide for funding (but does not require) replacement of lever machines and states: *Lever Machine replacement .....(c) AMOUNT OF PAYMENT.—*

*(1) IN GENERAL.—....the amount of payment made to a State under the program under this section shall be equal to the product of—(A) the number of the qualifying precincts within the State; and (B) \$4,000.*

HAVA (continued)

As can be seen the funding is wholly inadequate. In short, if a state/county with a lever machine system wishes to replace them the Federal Government will reimburse \$ 4,000.00 each. Since the cost of the Sequoia Image Cast is over \$ 11,000.00 each, there is a huge loss to either the State, Town or County. That means an increase in the taxes and , most likely real estate taxes.

### NYS ERMA ( Election Reform & Modification Act)

The problem is not with the Federal Law, HAVA, but rather with ERMA, the NYS law passed in 2005, amended in 2007. It prohibits the use of lever machines:

*Effective September 1, 2007, all lever machines in New York state shall be replaced by voting machines or voting systems which meet the requirements of section 7-202 of the election law,...*

Without a change in the above NYS Election law or regulations by the NYS BOE, the Towns and Counties are being forced to proceed with uncertified machines – which have not demonstrated a history of working. The attached resolution asks our legislative bodies, as well as the NYS Board of Elections to remedy this very expensive problem which jeopardizes the legitimacy of our system of Elections.

## **Resolution for the DRC consideration and referral to the Full NYS Democratic Committee,**

WHEREAS, for many decades Rural New York, those areas represented by DRC has successfully used mechanical lever-style voting machines, with very few problems, and is desirous of continuing to do so, and

WHEREAS, New York State enacted the Election Reform and Modernization Act of 2005 (ERMA) and other laws that require all lever machines to be replaced and prohibit the use of any lever machines in any future elections in New York State, and

WHEREAS, DRC believes that the continued used of lever-style voting machines is in the best interest of the public and should be permitted to be used in future elections, and

WHEREAS, the New York State legislation relating to voting machines far exceeds the federal requirements of HAVA (Help America Vote Act), and

WHEREAS, the State's statutorily required elimination of lever-style voting machines is unnecessary, inappropriate, and costly to taxpayers,

### **Therefore be it**

**RESOLVED**, that the DRC hereby requests the New York State Legislature and the New York State Board of Elections to enact laws, rules, and regulations that specifically authorize the continued use of lever-style voting machines, and be it further

**RESOLVED** , that the DRC recommend adoption of this Resolution by the full NYS Democratic Committee;

**RESOLVED**, that a copy of this resolution be forwarded to Governor David Paterson, NYS Senate Majority Leader, Malcolm Smith and NYS Assembly Speaker Sheldon Silver , Co-Executive Directors of the New York State Board of Elections Todd Valentine and Stanley Zalen, and New York State Board of Elections Commissioners James Walsh, Douglas Kellner, Evelyn Aquila, and Gregory Peterson.

The following is a partial list of Officials and Groups that have adopted similar resolutions, most of which are members of DRC:

**Washington County**

**Warren County**

**Essex County**

**Greene County**

**Ulster County**

**Dutchess County**

(

**Association of Towns**

**(at its February 2009 Annual Meeting  
by Unanimous Vote)**

**Sponsored by:**

**Columbia County**

**Delegation**

May 29, 2009