

UNITED STATES DISTRICT COURT FOR THE
NORTHERN DISTRICT OF NEW YORK

UNITED STATES OF AMERICA,

Plaintiff,

-vs.-

NEW YORK STATE BOARD OF ELECTIONS:
PETER S. KOSINSKI and STANLEY L. ZALEN,
Co-Executive Directors of the New York State
Board of Elections, in their official capacities; and
STATE OF NEW YORK,

Defendants.

**AMICUS CURIAE JOINT
DECLARATION OF
ROBIN ST. ANDREWS
AND DEBORAH PAHLER
AS MEMBERS OF THE
ELECTIONS
COMMISSIONERS
ASSOCIATION OF THE
STATE OF NEW YORK**

06 CV-0263 (GLS)

ROBIN ST. ANDREWS and DEBORAH PAHLER, individually and jointly declare pursuant to 28 U.S.C. §1746, and subject to the penalties of perjury, that the following statements are true:

1. We are Commissioners of Elections in and for the County of St. Lawrence Board of Elections and are also members of the Elections Commissioners Association of the State of New York.
2. We are making this joint declaration in support of the Declaration of Norman P. Green and support the position of the Elections Commissioners Association of the State of New York (ECA).
3. St. Lawrence County is a **rural** county which lies on the northern border with Canada. We are the 5th largest county east of the Mississippi River and consist of 2,822 square miles. We have a total population of 112,000 per the 2000 federal census. We have one City, 32 Towns, 13 Villages and 59,000 registered voters. We maintain 102 election districts at 68 different polling sites.
4. Our office is located in Canton, the County Seat. We have six (6) full time staff including the Commissioners. It takes 418 Election Inspectors to staff the polls on Election Day. Our typical election inspector is retired and an average age of 70 years. We have “lost” many of our recruits in the last two years and have been told by many more, they will “retire” when the new voting systems are implemented. Successful recruitment is very difficult given the long hours and amount of training required.

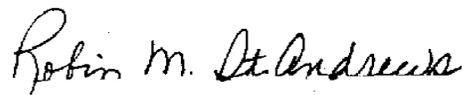
5. We employ two (2) County Voting System Custodians and nine (9) Local Custodians to prepare our 107 machines that we use at a general election. This number is also down from thirteen (13). Recruitment of individuals who have the type of “temporary” time available to provide such service is, to say the least, difficult.
6. Our vast geographic size, rural topography and small population continually cause us to face challenges that many counties do not encounter.
7. We further declare that, as Commissioners of the St. Lawrence County Board of Elections office, it is our desire to implement H.A.V.A. in a manner that is structured and allows for necessary and sufficient training of staff, election workers and voters as to eliminate confusion and unnecessary failure.
8. The possible decision of the Court to order that a ballot marking device be placed *in every polling site* in time for the September 2008 Primary Election would create an extreme burden on the operation of this office causing less than desirable results.
9. Additional, specially trained individuals would be needed to test, prepare, deliver and operate the systems. This would challenge our County’s “human resources” as the individual’s services would be required on an “as needed” basis with no opportunity for permanent employment thus limiting our “pool” of potential individuals.
 - Operation of the BMDs at the 68 polling sites alone would require a minimum of 136 (2 each) not including any “alternates”. These individuals would require not only training as to operation of the BMD but also in setting up and connecting the several pieces of electronic equipment.
10. Election Day support for this equipment would require a specially trained individual at the Board of Elections office to field BMD related phone calls as well as support in the field.
11. As we already have insufficient coverage by Voting Machine Custodians on Election Day, we cannot expect them to cover any more than they already do. Extra help would be needed for delivery purposes if a BMD malfunctioned. Because of travel time, it could take as long as 2 hours to get a replacement delivered and operational. In the meantime, a paper emergency ballot would have to be offered as currently is the procedure for machine breakdowns.
12. We currently have only one (1) such BMD available at the County Seat in Canton. Media advertising as well as communication with the local Independent Living Center has failed to generate any interest in use of this equipment by voters with disabilities. In 2006 a mere 13 individuals used the equipment, most of whom were county employees.
13. To place a BMD in every polling site by September 2008 would be a daunting task which

most likely would put us (St. Lawrence County) in a position for failure and with all due respect, that is not how we are accustomed to running this office. We reference each of the concerns as listed in the parent document, paragraph 13 as sound, valid reasons for not imposing **full** BMD compliance in every poll site for September 2008.

14. We have read the Declaration of Norman P. Green and concur with same.
15. For the foregoing reasons, we hereby oppose any additional requirements that BMDs be placed in every polling place until HAVA compliant voting systems are certified for use in the State of New York.

Dated: December 17, 2007

at Canton, New York.



ROBIN ST.ANDREWS

Dated: December 17, 2007

at Canton, New York.



DEBORAH PAHLER