

**New York State Senate
Elections Committee, Senator Joseph Addabbo, Jr., Chair
Hearing, Friday October 9, 2009**

Statement by Georgina Christ

Questions and Answers about Voting Equipment

Thank you for the opportunity to speak here today and to put information into the public record of this hearing.

Some questions have been asked repeatedly. No matter how often the answers are given, the questions just get asked again as if they had not been answered.

I would like to report some of the questions that I am aware of, and answers to them.

1. Why keep our lever voting machines? Why not switch to paper ballots, and use scanners to count the votes?

Lever machines have 100 years of proven service, ease of use, minimal cost, and simple visual inspection to ensure correct programming of the rods and gears. We perform 100% recanvass of the lever voting machines.

If we replace our lever machines with paper ballots and scanners, our law specifies:

- 3% “audit” of scanners, which is too little to find all innocent or malicious programming and scanning errors.
- 97% unverified computerized vote-counting by scanners.

Our law allows paper ballots to be out of observers’ view for up to 15 days between the end of election day and the 3% “audit,” creating temptation and opportunity for tampering as well as public suspicion of tampering.

2. Sometimes our lever machines have been broken. They can be jimmied to not work. That’s why we should use computers.

This is a false “sinners and saints” argument. Our lever machines are very simple to maintain. If they are broken or jimmied, it is because of people. Replacing the levers with computers won’t turn negligent or malicious election personnel into saints, but it will require more work to ensure that the computers are properly set up, and computer problems may not be noticeable or even detectable to computer technicians.

3. Why keep trying? That train has left the station. That ship has sailed.

In fact, the lever machines are alive and well in their warehouses. The only train or ship that has gone is the political will to avoid making an expensive mistake.

No optical scanners have passed their certification tests despite nearly 4 years of testing. No contracts have been signed except those required for the “pilot” in September and November, 2009.

4. It's 2009. Computers are modern. Our whole society uses computers.

Democracy is about government by the people, not about being modern. Government behind closed doors is easily corrupted, including elections. Computers are like closed doors that can't be opened -- they prevent election observers and ordinary people from witnessing the proper handling of votes, or understanding how their votes are (or should be) handled and counted.

In 2009, in professional use of computers, 100% of processing is verified at every processing step, but errors and fraud occur anyway. ATMs are widely used for fraud and identity theft. Google on "computer fraud cases" and "ATM fraud" gives over 12 million entries. The FBI says 87% of installations have security incidents in a year, 64% of which are serious and cause loss of money. 44% are caused by insiders!

Why risk our elections with this vulnerable technology—with a 3% scheme of verification and blind trust in 97% of the unobservable, computerized vote-counting?

5. All we need is some security device to protect the scanners.

There is no such a device.

7. Voters with disabilities don't want "separate but equal" treatment. They want to use the same machines as everyone else.

"Separate but equal" for Blacks was a sham—it was never equal, and always inferior. But voters using New York's new accessible Ballot Marking Devices have the "gold standard" of voting – voter-marked paper ballots with vote-counting immediately upon close of polls with all ballots under continuous observation.

At this time no vendor is offering a machine that gives us the same process for all voters, with and without disabilities, and also preserves the integrity of the vote.

The objective of election integrity advocates is for all voters to cast a private and independent "secret ballot" with votes that get counted as the voter intended.

8. Advocates for accessibility are not responsible for election security.

It is counter-productive to advocate the use of technology that is (1) known to be insecure with a history of errors and fraud, and that (2) undermines our democracy by preventing citizen oversight of our elections. Computerized voting and vote-counting do create a kind of equality—no one's votes are secure, and no one knows whether election results were created by innocent error, fraud, or the voters.

9. We need a paper record of each ballot, which lever machines don't have.

Paper records are needed for *software-independent verification* of software-created results. Scanners use invisible software to credit votes to the intended candidate and add up the votes in software counters. Scanners need software-independent verification that observers can witness—that means hand-counting the same votes that the scanner counted to prove the scanners were programmed correctly.

Lever machines don't have software at all, and don't need software-independent verification. Lever machines use mechanical components—metal rods and gears and counters. Lever machines need visual inspection and mechanical tests.