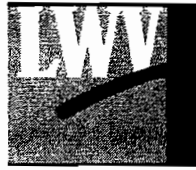


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**TESTIMONY ON DEVELOPMENTS WITH NEW YORK'S COMPLIANCE WITH
THE HELP AMERICA VOTE ACT
AND RESOLUTIONS 131 AND 228
Before the
CITY COUNCIL COMMITTEE ON GOVERNMENTAL OPERATIONS
MONDAY, APRIL 24, 2006**

Good Morning. Mr. Chairman and members of the committee, my name is Adrienne Kivelson and I am the Elections Specialist for the League of Women Voters of the City of New York. On behalf of the League I want to thank you for this opportunity to address issues involved with New York's compliance with the Help America Vote Act and two proposed resolutions, 131 and 228, currently under consideration in the Council relating to HAVA implementation.

As we meet here this morning we await a decision from the United States Department of Justice and the federal court as to whether New York State will be permitted to implement an interim plan for 2006 providing for local boards of elections to secure very limited numbers of federally certified ballot markers, or as an alternative a telephone system, all of which allow disabled voters to independently cast their votes in polling places without having to rely on poll worker assistance or on absentee ballots. The State Board of Elections response to the Justice Department lawsuit proposed this temporary solution for 2006 and with statewide full compliance for the 2007 elections. The State Board has yet to promulgate criteria and regulations for testing and certification.

The League of Women Voters opposes the Justice Department's attempt, through its March 1st lawsuit, to force New York to overhaul its entire voting system before the September 2006 Primary. It is our position that using untested voting systems acquired in haste is a recipe for disaster. Regardless of the reasons for the inordinate delays in achieving HAVA compliance, the voters will not be served by having to use an unfamiliar and potentially unreliable and insecure voting system in less six months when a United States Senator, all three statewide elected officers and the entire state legislature will be elected, to say nothing of judges and other local officials.

Reliability and security are two of the most important prerequisites for any voting system to be certified by the New York State Board of Elections and purchased by the New York City Board of Elections. That is why we are very pleased to be here today to support these two resolutions, 131 and 228, which directly address these crucial issues.

The League of Women Voters supports a paper ballot, precinct-based optical scan voting system with accessible ballot marking devices.

Our primary reason for endorsing this type of voting system is that we have become convinced that it is the only voting system among those under consideration that can engender widespread voter confidence. Direct Recording Electronic machines (DREs) may be on the cutting edge of the new technology but they are also fraught with problems. Each week we receive more reports of over-counts, under-counts, paper trail malfunctions, mistakes in coding which cannot be detected, or if detected in a count or recount, cannot be corrected.

Optical scan voting systems have been in use for more than 20 years in the United States. According to Election Data Services, in 2004 they were used in 46% of the counties, 36% of precincts and by 35% of registered voters. The ballot markers make it possible for the disabled and persons with language difficulties to cast their votes in person and in private and have their ballots scanned with all other ballots. Optical scanners are cheaper to buy, easier to operate and maintain and have the best of all voter verified paper trails – a paper ballot.

In addition to a thoroughly transparent selection process with a series of public hearings and vendor demonstrations of equipment, the League strongly supports a rigorous security regimen and chain of custody procedures to safeguard our votes. Our recommendations include: uniform public testing of machines; tracking and documentation of all procedures from the testing of machines to the handling of ballots; verification that the electronic and optical scan machines used are the same as the systems that were certified and that the maintenance and operation of voting systems is in isolation from networks and the Internet. We appreciate that these conditions are included in Resolution 228, and urge its passage.

We know that it is the ten New York City Elections Commissioners who will decide what type of voting system our voters will use. However, we believe that it is appropriate and essential for the City Council to weigh in on this decision. Once the initial purchase is made by the Board of Elections with federally appropriated HAVA funds, it is the Council which will have to address future budget requests for maintenance and replacement of voting machines and on-going training of election workers.

As public officials, candidates, and as citizens you have a vital interest in assuring that New York City has the best possible voting system. We urge you to pass Resolutions 131 and 228 and remain vigilant as HAVA implementation proceeds.

Thank you.