

RESOLUTION # 430

**URGING THE JUSTICE DEPARTMENT TO WITHDRAW ITS MOTION REQUIRING NEW YORK STATE TO COMPLETE ITS CERTIFICATION PROCESS IN TIME FOR THE 2008 GENERAL ELECTION IN ORDER TO COMPLY WITH THE HELP AMERICA VOTE ACT**

**WHEREAS**, in order to comply with the Help America Vote Act (2002), the Election Reform and Modernization Act of the State of New York (2005) calls upon each county Board of Elections to choose between two voting systems described as (1) a Paper Ballot Optical Scan Voting System and (2) a Direct Recording Electronic Voting System; and

**WHEREAS**, in order to increase voter confidence as well as preserve the financial well-being of the County, the Madison County Board of Supervisors, favors the use of the paper ballot scanner system in order to provide accessibility for persons with special needs, to retain a secure record of the voters' choices, and to enable a rapid preliminary tabulation of election results; and

**WHEREAS**, on November 5, 2007, the Department of Justice filed a motion in its suit against New York State that calls for full compliance with HAVA by the General Election in 2008; and

**WHEREAS**, Madison County urges New York State to make an informed but speedy decision regarding certification of voting machines for use in New York State; and

**WHEREAS**, the action by the Justice Department may require Madison County as well as all other New York counties to purchase ballot marking machines that may not fit with Madison County's choice of voting systems; and

**WHEREAS**, Madison County favors use of lever machines for the 2008 election year with disabled accessible ballot marking devices located in several polling places around the county and prefers full HAVA implementation in compliance with state standards and regulations to be delayed until the 2009 election year;


**NOW, THEREFORE BE IT RESOLVED**, that if the lever machines must be replaced, the Madison County Board of Supervisors hereby favors the paper ballot optical scanner voting system; and be it further

**RESOLVED**, that if the lever machines must be replaced, the Madison County Board of Supervisors favors the purchase of paper ballot optical scan voting equipment and disabled accessible ballot marking devices as the voting machines of choice; and be it further

**RESOLVED**, the Madison County Board of Supervisors urge the Department of Justice to withdraw their motion thereby allowing New York State to make an informed rather than hasty decision on certification of voting machines; and be it further

**RESOLVED**, that if the current State Board of Election Commissioners are unable to resolve the certification issue by December 10, 2007, the Madison County Board of Supervisors urges the Governor and the State Legislature to replace those Commissioners with Election Commissioners who are able to make a decision in a timely manner; and be it further

**RESOLVED**, that a copy of this resolution be forwarded to State Assemblyman William Magee, State Senator David Valesky, Governor Eliot Spitzer, Senate Majority Leader Joseph Bruno, Assembly Speaker Sheldon Silver, members of the State Board of Elections, Congressman John McHugh and United State Senators Charles Schumer and Hillary Clinton, and the United States Department of Justice.

  
Russell Cary, Chairman  
Administration and Oversight Committee

Dated: Nov. 20, 2007