

**RESOLUTION NO. 146 of 2009**

**DATED: Fonda, New York, June 23, 2009**

**RECOMMENDATION: Move To Full Board With Positive  
Recommendation**

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**RESOLUTION TO JOIN THE NEW YORK STATE ASSOCIATION OF TOWNS AND  
OTHER COUNTIES IN SEEKING COUNTY LEADERSHIP AND SUPPORT FOR  
FISCAL RESPONSIBILITY BY STAYING WITH LEVER VOTING MACHINES  
(BOARD OF SUPERVISORS)**

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**Resolution by Strevy  
Supervisor:**

**Seconded by: Greco**

WHEREAS, for many decades Montgomery County 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, Montgomery County believes that the continued use 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, it is the opinion of this Board that if the State of New York replaces lever voting machines with optical scanner systems, the cost to the taxpayers of Montgomery County will be insurmountable not covered by HAVA funds and the payment thereof will severely strain and possibly break the budgets of all Counties in this time of economic crisis, and

WHEREAS, the expense of the computerized voting systems is exorbitant and will no doubt increase annually and there will be uncertain as to costs and expenses, none of which exists with the current lever machine and BMDs machines, and

WHEREAS, New York State now has, accurate and reliable electoral system using the lever-style voting machines, and

WHEREAS, the New York State legislation relating to voting

machines far exceeds the federal requirements of Help America Vote Act (HAVA), and

WHEREAS, the State's statutorily required elimination of lever-style voting machines is unnecessary, inappropriate and costly to Montgomery County taxpayers, and in these difficult economic times, the cost to implement elections with these new machines will not be paid for New York State and is an un-funded mandate,

RESOLVED that the Montgomery County Board of Supervisors hereby joins with the New York State Association of Towns and other Counties seeking and supporting the continuation of our lever voting machines together with Ballot Marking Devices (BMD) and rejecting the use of a computerized voting system as the computerized voting system will be a huge expense and undertaking in Montgomery County during this time of economic uncertainty, and

RESOLVED, that the Montgomery County Board of Supervisors hereby requests the New York State Legislature and the New York State Board of Elections to enact laws, rules and regulations as specifically authorized to continue the use of lever-style voting machines, and

RESOLVED, that a copy of this resolution be forwarded to the New York Association of Towns, Election Transparency Coalition, Governor David Paterson, New York Senate Majority Leader Malcolm A. Smith, Assembly Speaker Sheldon Silver, Assembly Minority Leader Brian Kolb, Senator Hugh Farley, Congressman Paul D. Tonko, Assemblyman George Amedore and Assemblyman Marc Butler, the Executive Directors of the New York State Board of Elections, Todd Valentine and Stanley Zalen, the New York State Board of Election Commissioners, James Walsh, Douglas Kellner, Evelyn Aquila and Gregory Patterson, United States Senators Charles Schumer and Kirsten Gillibrand.

MOTION TO TABLE by Supervisor Barone, Sr., seconded by Supervisor Dybas, was defeated with Aye(433). Supervisors Barone, Sr., Dybas and Quackenbush voted Aye. Supervisor Stagliano was absent. (6/23/2009)

MOTION TO AMEND to strike the first "Resolved" clause and replace it with the following: "RESOLVED, that the Montgomery County Board of Supervisors hereby joins with the New York State Associations of the Towns and other Counties seeking and supporting the continuation of our lever voting machines together with ballot marking devices (BMD), and" by Supervisor

DiMezza, seconded by Supervisor Barone, Sr., passed with Aye(1196). Supervisors Barone, Sr., McMahon and Quackenbush voted Nay. Supervisor Dybas abstained. Supervisor Stagliano was absent. (6/23/2009)

RESOLUTION ADOPTED with Aye(1636). Supervisor Dybas abstained. Supervisor Stagliano was absent. (6/23/2009).

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County Attorney

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**cc:** County Treasurer  
County Clerk  
Board of Elections