

1 **2009 Fall Seminar**  
2 **Standing Committee on Intergovernmental Affairs and General Government**  
3 **Resolution #05**  
4

5 **RESOLUTION IN OPPOSITION TO THE NEW YORK STATE BOARD OF**  
6 **ELECTION'S PROPOSED 6210.18 REGULATIONS**  
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8 **WHEREAS**, the federal Help America Vote Act of 2002 (HAVA) established  
9 minimum, nationwide, election administration standards for state and local governments;  
10 and  
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12 **WHEREAS**, New York State exceeded these standards by enacting the Election  
13 Reform and Modernization Act of 2005 (ERMA) and gave more specific outlines for the  
14 transition to a more accessible voting process; and  
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16 **WHEREAS**, Section 9-211 of New York State Election law requires a bipartisan  
17 committee determined by each board of elections to manually audit three percent of the  
18 voting machines or systems within the jurisdiction of such board; and  
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20 **WHEREAS**, the New York State Board of Elections has proposed 6210.18  
21 regulations that would expand upon this audit by requiring that there be a manual count of  
22 at least one of each type of voting machine or system used therein for each public office  
23 and any questions or proposals appearing on the ballot; and  
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25 **WHEREAS**, the additional procedure required by 6210.18 would require an audit  
26 for every form of ballot produced that differed in position or proposal for any election  
27 district, increasing the original three percent audit exponentially; and  
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29 **WHEREAS**, the initial three percent audit was enacted to check the machine  
30 operating/programming with concern to functionality, not to test each candidate, race, and  
31 proposition; and  
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33 **WHEREAS**, this proposed regulation would be labor intensive for the appointed  
34 bipartisan committee conducting the audit and would be unnecessarily costly to county  
35 boards of elections;  
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37 **NOW THEREFORE BE IT RESOLVED**, that the New York State Association  
38 of Counties (NYSAC) opposes the draft regulation of 6210.18 that takes away flexibility  
39 from counties and provides unnecessary audit procedures that are daunting and serve no  
40 additional purpose in assuring the machines' accuracy; and  
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42 **BE IT FURTHER RESOLVED**, that the New York State Association of  
43 Counties shall forward copies of this Resolution to the New York State Board of  
44 Elections, the Election Commissioners' Association and all others deemed necessary and  
45 proper.