



**New Yorkers for Verified Voting**  
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The New York State Board of Elections:  
Commissioners Douglas A Kellner and James A. Walsh, Co-Chairs  
Commissioners Evelyn J. Aquila and Gregory P. Peterson

Dear Commissioners:

New Yorkers for Verified Voting is concerned about the approach that the Co-Executive Directors of the New York State Board of Elections have communicated to the County Boards of Elections in their letter of February 26, 2009. That letter says the two vendors of voting systems to New York (ES&S and Sequoia/Dominion) have “requested a price increase supported by various rationales.” The letter also seems to accept this increase by urging counties to determine quickly their orders so that they might avoid the increased cost.

We urge the New York State Board of Elections to investigate the “various rationales” for price increases that the vendors are offering. We also ask that you communicate with the public about the nature of these “rationales.”

It seems obvious that New York provides the major remaining opportunity for these companies to sell large numbers of these machines to a state using HAVA funds. Once New York buys the basic number of machines needed for full deployment, equipment designed to meet New York’s specifications will be needed only for occasional replacements. Self-interest, therefore, dictates that the vendors offer “various rationales” for raising the prices now, although they earlier used somewhat lower prices to gain the contracts. New York State, however, should be in a good position to object to these additional charges.

Please keep in mind that many problems were reported when the ballot marking devices were deployed for elections in September and November 2008. For example, some counties were unable to start their Image-Cast BMDs, reported the problems, but received no help from Sequoia during the whole of Election Day. In addition, blatant design errors have been noted. If the vendors face extra costs to correct flaws in the machines, those costs should not be absorbed by federal and state taxpayers, but by the companies. The two vendors already have charged exorbitant prices for hardware, for software contracts, and for service-- as well as for peripheral equipment like memory cards and ballots.

New York counties that chose equipment from these companies should have been guaranteed the prices established at the outset of the contract for any additional machines needed for the first full deployment. The state and the counties already have invested a great deal in preparing to implement the particular machines they chose. It is unfair for the vendors to put the State

Board of Elections in the position of needing to ask the county Boards to make rushed judgments about numbers of machines, even prior to certification, in order to be guaranteed the price quoted to them with the initial contracts.

We urge the State Board of Elections not to accept the reasons being offered by the vendors, but to do your own investigation into why this equipment needs to be so expensive. New Yorkers for Verified Voting will be urging taxpayers to be vigilant about this.

Yours truly,

*Wanda Warren Berry*

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cc: Co-Executive Directors Zalen and Valentine  
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Thomas P. DiNapoli, New York State Comptroller