

Resolution No. 80
SCHUYLER COUNTY LEGISLATURE

Regular Meeting
March 9, 2009

Intro. No. 16
Approved by Committee DAF
Approved by Co. Atty. DJM

Motion by Fagan
Seconded by Field
Vote: 6 Ayes to 0 Noes
Name of Noes _____

RE: RESOLUTION URGING THE NEW YORK STATE ASSEMBLY, SENATE AND GOVERNOR AND THE NEW YORK STATE BOARD OF ELECTIONS TO ENACT LAWS, RULES AND REGULATIONS THAT SPECIFICALLY AUTHORIZE THE CONTINUED USE OF LEVER STYLE VOTING MACHINES AS A SOLUTION TO UNWARRANTED EXPENSES TO THE CITIZENS OF SCHUYLER COUNTY RELATIVE TO HAVA – BOARD OF ELECTIONS – **AS AMENDED**

WHEREAS, for many decades Schuyler 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, said New York State legislation relating to voting machines far exceeds the federal requirements of Help America Vote Act (HAVA), and

WHEREAS, while Schuyler County has been the recipient of federal funds to implement HAVA, the state's additional requirements and method of allocating funds has created undue financial hardship with mandated expenses far exceeding formula based revenues, and

WHEREAS, said HAVA funding formula is not equitable to the smaller counties in that after purchasing the necessary voting machines and a minimal amount of training there are no funds left for the remainder of training and purchasing of the hardware and software necessary to operate the machines and the hiring of additional personnel to program machines, do the necessary quarterly testing, ballot definition, etc. as there is for the larger counties, and

WHEREAS, this inequitable formula is placing a severe burden on counties that have a smaller population and tax base with less ability to raise the funds necessary to purchase the hardware, software and additional training which in Schuyler County's case, are in excess of \$100,000, and

WHEREAS, both in terms of efficacy and cost efficiency, Schuyler County believes that the continued used 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, the State's statutorily required elimination of lever-style voting machines is unnecessary, inappropriate, and costly to Schuyler County taxpayers, and in these difficult economic times the cost to implement elections with these new machines will not be paid for by New York State and is an unfunded mandate.

NOW, THEREFORE, BE IT RESOLVED, that the Schuyler County Legislature hereby urges the New York State Assembly, Senate and Governor and the New York State Board of Elections to enact laws, rules, and regulations that specifically authorize the continued use of lever-style voting machines, as a solution to the unwarranted expenses to the citizens of Schuyler County relative to HAVA and ensuring New York State continued maintenance of a transparent, secure, accurate and reliable electoral system using lever-style voting machines, and

BE IT FURTHER RESOLVED, that the Clerk of the Schuyler County Legislature shall forward copies of this resolution to Governor David Paterson, New York State Comptroller's Office, Senate Majority Leader Dean O. Skelos, Senate Minority Leader Malcolm Smith, Assembly Speaker Sheldon Silver, Assembly Majority Leader Ron Canestrari, Senator George H. Winner, Jr., Assemblyman Thomas F. O'Mara, the New York Sate Association of Counties (NYSAC), and the Inter-County Association of Western New York.