

**REFERRED TO: ADMINISTRATIVE SERVICES COMMITTEE**

**RESOLUTION NO. 179-09 URGING THE NEW YORK STATE LEGISLATURE 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**

**Adoption moved by Legislator Sullivan,  
seconded by Legislator Roberts.**

**WHEREAS: For many decades Tioga County has successfully used mechanical lever-style voting machines, with very few problems, and is desirous to continue 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 election in New York State, and**

**WHEREAS: New York State Legislation relating to voting machines far exceeds the federal requirements of the Help America Vote Act; and**

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

**WHEREAS: HAVA funding formula is not equitable to the smaller counties in that after purchasing the necessary voting machines there are no funds available for the necessary future operation of machines and the future hiring of personnel to program machines or to do the necessary quarterly testing, ballot definition, etc. as there is for larger counties, and**

**WHEREAS: These requirements place a severe burden on counties that have a smaller population and tax base with less ability to raise the funds necessary to maintain the demands of the optical scan voting machines, and**

**WHEREAS: Both in the terms of efficacy and the cost efficiency, Tioga County believes that the continued use of the lever-style machines is in the best interest of the Tioga County taxpayers, and in these difficult continuing unstable economic times, the cost to implement elections with these new machines will not be paid for by New York State and is a perpetual unfunded mandate; and**

**WHEREAS:** The State's statutorily required elimination of lever-style voting machines is unnecessary, inappropriate, and costly to Tioga County taxpayers; now therefore be it

**RESOLVED:** That the Tioga County Legislature hereby urges the New York State Assembly, Senate, Governor and the New York State Board of Elections to enact laws, rules, and regulations that specifically authorize the continued use of the lever-style voting machines with the ballot marking device as a solution to the unwarranted expense to citizens of Tioga 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 Tioga 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., Senator Thomas W. Libous, Assemblyman Gary D. Finch, Assemblyman Thomas F. O'Mara, the New York State Association of Counties (NYSAC), and Inter-County Association of Western New York.

**Roll Call:**  
Ayes 08  
Noes 00  
Absent 01  
**CARRIED**

**STATE OF NEW YORK)**

) ss.:

**COUNTY OF TIOGA )**

This is to certify that I, the undersigned, Clerk of the Tioga County Legislature, have compared the foregoing copy of the resolution with the original resolution now on file in the office, and which was passed by the Legislature of said County on the ninth of June, 2009, a majority of all the members elected to the Legislature voting in favor thereof, and that the same is a correct and true transcript of such original resolution and of the whole thereof.

**IN WITNESS WHEREOF,** I have hereunto set my hand and the official seal of the County Legislature this ninth of June, 2009.



*Margaret J. Dougherty*  
Clerk of the Tioga County Legislature