

**Statement to the New York State Senate Standing Committee on Elections  
October 9, 2009, New York, New York  
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**The Help America Vote Act and the New Voting Systems**

I provided testimony on Monday in Yonkers, Senator Addabbo, but I have more to say, and I appreciate you hearing me out again via proxy.

I want to talk about democracy, which relies on the active participation of its citizenry. Not enough people do participate, though, and that's because they don't feel that their voices are heard. We certainly see this in elections: easily a third don't exercise their democratic right.

As governments get bigger and more complex, and as ever-increasing layers of bureaucracy, resembling a big, amorphous and mostly inscrutable structure, come between us and our elected officials, we the people become less connected to our governments, we lose touch with the decision-makers, and we lose faith in the process. How and whether government works becomes a mystery, and so does whether our own voices are heard when we try to speak up.

We New Yorkers like to know the score and we don't like to be told what to do. That's why we're a home-rule state. We resist when the dynamic becomes too much of a top-down one, and a lot of us tune out at that point.

Election administration in New York, though, has so far retained much of its local control, especially since today's voting systems are still under the control of the people on the ground, are understood by them, and can be diagnosed and confidently repaired when problems arise. Election administration inspires a measure of confidence in voters when they can understand how the system works and why it is reliable—that is, they can if it is a simple, mechanical instrument in which the physical movement of one part can do nothing but cause the physical movement of another.

Our custodians and machine technicians have confidence in our lever machines. They understand them, and it's no surprise. The machines are simple.

Few people, on the other hand, understand how computers count. They probably don't even know that it is electrical charges manifest as zeroes and ones working within four different software programs that cause images that look like numbers to appear on a screen when we ask for the sum of one plus one. Can we, using our personal or office computers, be confident when we ask them to add figures? Yes. That's because it's in no one's interest to make calculators or computers add numbers any way but correctly. There is no contest—nobody is competing over the result.

But it's a very different story in elections. Can we have confidence in the calculators in computerized voting machines? No. There is terrific competition to get the larger

number, whether the contest is for who gets the local highway superintendent job or whether it's for who gets to lead the free world. And we don't really understand the processes involved. Miles of code in different programming languages would have to be interpreted. Few of us are capable of reading it, and no one at the poll site would have access to it. Only those at the election board who run the Election Management System—which is produced privately and sold to us at great cost by a for-profit corporation—even have access to it. Only that corporation knows how everything else about the tabulating function works.

Except for hackers, of course. They can figure it all out, and they have the motivation to, because the stakes can be sky-high.

So it requires our counties to provide an extraordinary amount of security and a very reliable auditing system.

We will lose the on-the-ground, of-the-people, by-the-people, for-the-people nature of our elections if the way they are programmed and counted is invisible, inscrutable, and centrally accomplished. Confidence in our democratic system will further plummet. Problems at the polls will require highly skilled technicians to come in and insert magical and mysterious cards holding invisible programs that have been who-knows-where into our voting machines.

Electronics are not the answer to every need. The equipment is certainly not long-lived; the business world assumes a computer to have a lifecycle of 2-4 years. Lever machines have been with us for 100 and if properly maintained will last another 100.

Yes, we do hear about them breaking down. That's because here in New York, after 2005 when the Election Reform and Modernization Act mandated the levers' doom, the machines haven't received all the care they would have if we had thought we could (or would want to) retain them. The companies that service lever machines are alive and more-than-willing to provide all the service and parts we could ever need—if only we provided the market. I have that on first-hand knowledge. Their demise is a myth. They've been warehousing machines cast off by other states, and they could replace much of our stock if we asked them to. The blueprints are available, and they'd be delighted to build new machines.

Our custodians, our inspectors, our technicians, and our voters love their lever machines. Yes, they grumble when they break down. But electronics break down, too, and more often. A simple, well-maintained mechanism that works via basic physics can continue doing its same job for generations. A computer will break down or become outdated in a few years if not months. Let's continue to use our lever machines and start giving them the care they deserve. Let's keep election control local. Let's not give the people another reason to lose confidence in their government. Thank you.