

**Statement to the New York State Senate Standing Committee on Elections  
October 5, 2009, Yonkers, New York**

**Virginia Martin, Democratic Commissioner, Columbia County Board of Elections**

**The Help America Vote Act and the New Voting Systems**

Thank you, Senator Addabbo, for this opportunity to be heard, which I take advantage of via proxy as I'm busy in Hudson preparing for the November election.

I entered the Columbia County Board of Elections as commissioner last December, and I did so with high hopes for implementing our Sequoia voting equipment, which included both the ballot-marking device, which our county had already deployed in two elections, and the optical scanner, which it had not—and has not yet.

It didn't take long for me to realize that I had a very difficult row to hoe. It didn't take long to realize that any and all efforts to help people with disabilities to vote were getting lost in the shuffle. Or that the resources this voting system would require were fantastically more than my county ever dreamed of spending on elections. Or that the equipment was shoddily made and poorly designed. Or that, given today's economic realities, my chances of getting the funds and the staff my board would need to successfully implement this system were somewhere south of zero. Or that, given the increasing number of optical-scan problems coming to light across the US and around the world, the chance of New York State giving me a system of regulations that would truly protect my voters, my candidates, and myself while also protecting my taxpayers was, yes, far south of zero.

Then I read HAVA, and I saw that, while the legislation does provide money to replace lever machines, it most certainly does not require that they be replaced.

And then my worldview shifted, and I started advocating to keep our lever voting machines which we could use alongside our ballot-marking devices. Because, clearly, the new machines—the opscans—are nothing if not a very expensive and insecure means of voting that demands that we institute a backup system of very expensive and insecure paper ballots.

When I made the decision to keep our lever machines, I also decided that I would redirect the energy my board otherwise would have put into making the opscans work toward what I thought HAVA was supposed to be about in the first place: helping people with disabilities to vote. Since then, our board has jumped in with both feet, so to speak, to help disabled people to know that we have ballot-marking devices, to make sure we have appropriately trained staff in charge of those BMDs at our poll sites, to make sure our poll sites are fully accessible, to help everyone all over the county understand the challenges that people with disabilities face, and to set up mechanisms by which all kinds

of voters can come to appreciate their many differences and welcome the participation of all in the democratic process of casting their votes.

I'm very proud of the modest strides we've made so far, and of the people who have stepped forward to assist us as we make the act of voting more democratic. I'm very proud that my county is solidly behind me and recognizes how illogical it is to transition from a voting system that works to one that, without throwing endless piles of money in its direction, would give us no more than a toss-up chance of doing what a voting system should do: account for every vote cast just as it was cast by the voter who cast it.

And my county knows that I won't certify a computer-counted election.

I have taken a proactive position against electronic voting. While it's not one that many other election commissioners will take publicly, it's a position that most are sympathetic to. I know it's what our voters, our poll workers, our staff, and our candidates want. It's certainly what the legislators who levy our taxes want.

Please, listen to the experts who say that, for electronic voting to be secure, election boards must conduct very thorough, and yes, expensive, auditing of the paper ballots of every race. Please, read the case studies that show how costly electronic voting will be for us. Please, acknowledge that optical scanners have very real limitations and vulnerabilities. Please, pay attention when yet another hack into an electronic voting machine is brought to light. Please, listen and believe when the two companies providing parts for lever machines tell you that they are ready and willing to continue providing all the parts we need—even manufacturing new lever machines if necessary. Please, think of the voters, the candidates, and the taxpayers. Please understand that, to maintain my own integrity, I have no choice but to refuse to certify a questionable election result. Please rethink the notion of electronic voting.

We're the Empire State, and we can be the first to take the courageous step of saying "no thank you" to electronic voting. If we do, others will follow. Because when it comes to voting, a simple mechanical system alongside a ballot-marking device is better.