



NEW YORK STATE SENATOR

Liz Krueger

Supports Statewide System that Learns from Problems Nationwide, Advocates Hack-Proof Technology

LIZ KRUEGER October 25, 2006

New York—State Senator Liz Krueger today called upon New York to learn from the mistakes of states who rushed into compliance with 2002 federal HAVA standards, including systems absent a verifiable paper-trail and inadequate facilities for voters with disabilities.

"Make no mistake – there are serious problems with the old lever machines – they do not allow many voters with disabilities to cast a private vote, and they break down all too frequently," Krueger said. "But they do have the critical advantage of being hack-proof. Unfortunately, that is not true of all the new voting machines under consideration, and I am extremely concerned that localities throughout New York State will make decisions on new voting technologies under the influence of highly paid lobbyists for voting machine companies."

New York, the last of states to comply with the federal legislation, is approaching the deadline for certification of machines that have been deemed acceptable by state standards. Soon, once the state Board of Elections certifies machines that meet New York's standards, localities will begin choosing from among those certified, which will be used in their voting precincts. The Legislature left this decision for localities to make.

"Many states immediately complied with the rushed 2002 HAVA standards, all because of residual concern stemming from the 2000 presidential election," Krueger explained. "In 2005, HAVA standards were again revised, and now voters in those states are left with machines that are not in compliance with the most recent standards. It is New York's responsibility to get it right, not rush to meet an arbitrary 2007 federal deadline."

The good news is that the legislation and regulations that New York State has adopted, are among the most stringent and accountable in the nation. They require a voter verified paper trail, prohibit the use of wireless technology and mandate that all vendors place their software programming in escrow with the Board of Elections.

Praising the state's regulations, Krueger cited a recent Brennan Center Task Force on Voting System Security report, which acknowledges that "all three of the nation's most commonly purchased electronic voting systems are vulnerable to software attacks that could threaten the integrity of a state or national election." The report also cites that despite the problems we know about electronic voting, the vast majority of states that rushed into compliance have not implemented election procedures or countermeasures to detect a software attack even though the most troubling vulnerabilities of each system can be substantially remedied.

Of the five machines that New York is considering, two include the highly controversial Direct Recording Electronic (DRE) machines. New York, unlike other states, requires all DRE machines under consideration to produce a "voter-verifiable paper trail" the voter can view before pressing "cast ballot." The other three machines are Paper Ballot Optical Scanners (PBOS), in which hand-marked ballots are fed into an Optical Scanner that reads the ballot and records the vote. The scanner checks each ballot for omitted or duplicate votes before accepting it.

"The biggest disadvantage to PBOS systems is that they do not offer as much accessibility for voters with disabilities as some other systems. This problem can be remedied by supplementing the PBOS system with an accessible machine in each polling place," Krueger said.

Douglas Kellner, Co-Chair of the New York State Board of Elections, recently advised during a new voting technology forum, that none of these machines may actually meet New York stringent standards. If that is the case, the State must then decide whether to certify those machines closest, or to go to court for an extension.

Krueger concluded, "New York has definitely benefited from being slow. We are still learning from others' mistakes. They did not get this right—for the credibility of our electoral system, we must."