

# **ELECTION MODERNIZATION TASK FORCE PRESS STATEMENT**

*For Immediate Release*

## **Task Force Calls for State Legislature to Pass Much-Needed Legislation Allowing New York City to Access Almost \$220 Million in Federal Funding to Improve Voting Technology**

***TASK FORCE NOTES THAT NEW YORK IS LAST STATE IN THE NATION TO TAKE  
REQUIRED STEPS TO ACCESS THIS FUNDING  
AND EXPRESSES DEEP CONCERNS THAT 2006 ELECTION WILL BE MIRED IN  
CONFUSION WITHOUT IMMEDIATE LEGISLATIVE ACTION***

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New York, March 10, 2005 – The Election Modernization Task Force, a panel formed by Mayor Michael R. Bloomberg in November 2004 to address voting anomalies experienced during the City's last election, today called for the New York State Legislature to enact much-needed voting machine legislation immediately or risk losing almost \$220 million in Federal funding that the State is entitled to under the "Help America Vote Act" (HAVA). If the State does not shortly begin the process to replace its voting machines, the group warned, the City's elections in 2006 could be as chaotic as the 2000 elections in Florida.

"As this country defends the promise of democracy around the world, New York City – a global symbol of freedom – faces the potential shame of being unable to protect the basic democratic principle of the right to vote because of the State government's failure to enact required legislation," noted Corporation Counsel Michael A. Cardozo of the New York City Law Department, who is heading the Task Force. "This is not an issue of partisan politics. The Task Force, composed of Republicans and Democrats, cannot emphasize too strongly the need for the New York State Legislature to pass this needed legislation now."

Mayor Bloomberg has charged the Task Force with finding ways to improve elections in New York City. In view of the dire need to replace the City's obsolete voting machines and the approaching deadlines for meeting Federal requirements under HAVA, the Task Force urgently and unanimously recommended today in a press conference at City Hall that the New York State Legislature pass long-overdue legislation immediately that will allow the State to access approximately \$220 million in Federal HAVA funds.

"Because of this issue's urgency, the Task Force found it necessary to issue its preliminary finding right away calling on the State Legislature to act immediately," Cardozo noted. He added that the Task Force will release more detailed findings in the near future on this and other issues, including offering suggestions on how to improve the voting process.

The “Help America Vote Act” or HAVA, passed by the U. S. Congress in 2002, imposes a number of requirements on states and municipalities, including the use at each poll – starting with the Federal election in 2006 – of at least one voting machine that is handicapped-accessible, a feature the City’s current voting machines do not provide. (Other requirements include: creating a fund to manage how the HAVA money will be used, creating a statewide computerized voter registration database, creating an administrative complaint procedure, etc.) Moreover, New York City will shortly need to replace all of its voting machines, most of which are more than 40 years old and, as a consequence, are no longer manufactured, are obsolete and consistently breaking down, and are in need of increasingly unavailable spare parts.

“The Federal government will provide New York State with approximately \$220 million to purchase new voting machines and meet other federally-mandated elections requirements – but only if those machines are purchased in time for the 2006 election,” the Task Force advised at today’s press conference.

Before these new machines can be purchased, however, and in order to receive Federal funding, the State Legislature must enact legislation specifying which governmental entity shall decide the type of machine to be used and the type of machine then needs to be selected. “Those machines – probably at least 7,000 in New York City alone – will have to be purchased, manufactured and programmed to meet all of New York City’s voting requirements and be extensively tested prior to the next election,” the Task Force noted. Polling places will have to be reconfigured and, in some instances, new ones selected. About 30,000 election workers and over 4 million voters will need to be educated on how the new machines work.

“Because of the Legislature’s already two-year delay in enacting this needed legislation, there remains precious little time to make this major change in voting procedures in a responsible, carefully phased-in process that would ensure a minimum of problems. Further legislative delay will virtually ensure the loss of almost \$220 million in Federal funds that should mostly be used to buy new voting machines,” the Task Force advised. “If the Legislature waits any longer to pass the necessary laws, there will be insufficient time to properly prepare for the 2006 election, and it is very likely that the City’s voters will face a situation more chaotic than that experienced in the 2000 election in Florida.”

New York State is the only state in the nation that has not passed most of the legislation necessary to begin compliance with HAVA, the Task Force advised. It is also one of only two states (Alaska is the other) not yet qualified to spend any Federal funds – despite the fact that HAVA was enacted more than two years ago. (Editors’ Note: Alaska has notified the U.S. Election Assistance Commission, the Federal agency created by HAVA to manage implementation of the law, that it will shortly complete the necessary steps to access the Federal funding. New York State has not yet done so, because the State Legislature first needs to pass laws that will allow the state to comply fully with HAVA.)

“If New York State is not compliant with HAVA requirements in 2006, the State will not receive a large portion of – or even any – promised Federal assistance,” the Task Force members noted. At the same time, the State, and likely the City and other counties, would then need to spend

hundreds of millions of dollars from their own budgets to comply with HAVA and eventually replace all of the obsolete lever voting machines.

“If HAVA compliance is not achieved, not only will the State forfeit Federal assistance to replace its obsolete voting machines, but the State would be in violation of Federal law and subject to a lawsuit by the U.S. Department of Justice,” the Task Force advised. “Albany legislators must take action immediately to avert such a completely unacceptable outcome.”

Both houses of the State Legislature have separately passed voting machine legislation and other HAVA-related legislation, but have so far failed to reach agreement on any issue. “While we applaud the creation of a Conference Committee to work to propose a resolved package of bills, the Conference Committee must report out such proposed bills immediately, so needed legislation can finally be passed,” the Task Force noted.

That legislation must provide for:

- A process for the rapid selection and procurement of a cost-effective voting machines;
- New York City to have the flexibility it requires to choose a voting machine that meets its varied needs, including the large number of candidates on the New York City ballot, and accessibility to the disabled and those of language minorities;
- New York State to negotiate contracts with voting machine manufacturers that the City and other counties may utilize; and
- The portion of the almost \$220 million in HAVA funds to be distributed to localities like most Federal HAVA funds are disbursed – in proportion to voting age population.

Upon the passage of such legislation, the Task Forces recommends that the State Board of Elections work rapidly to certify HAVA-compliant voting machines and to commence the procurement process. “The sooner voting machines are in the hands of the City Board of Elections and those of other counties, the more likely the local boards can streamline and reduce the inevitable glitches that will accompany this new voting process, as well as prepare their workers and the voting public for the 2006 elections,” the Task Force noted.

The Election Modernization Task Force was created on Nov. 10, 2004, by Mayor Michael R. Bloomberg following widespread election and voter problems in New York City after the November 2004 elections. On that date, Corporation Counsel Michael A. Cardozo of the New York City Law Department was named the Task Force head.

On Feb. 8, 2005, the Mayor announced the other eight members of the Task Force, including: 1) Preeta D. Bansal, an appellate litigator at Skadden, Arps, Slate, Meagher and Flom LLP and the former Solicitor General of the State of New York, 2) Dr. David A. Caputo, President of Pace University; 3) Allan H. Dobrin, the Senior Vice Chancellor and Chief Operating Officer of The City University of New York (CUNY), 4) Stephen J. Fiala, the Richmond County Clerk and the Commissioner of Jurors for Richmond County, 5) Jerry Garcia, Vice President and Client

Executive at The Bank of New York, 6) Colvin W. Grannum, the President of the Bedford Stuyvesant Restoration Corporation, 7) Gail Hilson, a community and political activist, a former candidate for the New York State Assembly in the 73rd District and a member of the Board of Directors, Citizens Union, and 8) Peter Vallone, Sr., former Speaker of the City Council.

Also working with the Task Force as staff counsel is Tal Golomb, an Assistant Corporation Counsel in the New York City Law Department's Legal Counsel Division.

The Task Force has been charged with recommending ways to improve the City's voting efficiency. The Task Force is also examining ways to enhance the Board of Elections' administration in areas such as telecommunications, website preparation, procurement practices, and hiring and training of election workers. Finally, the Task Force is reviewing whether changes are needed to State law to make the Board of Elections more streamlined.

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