

# **MAYOR'S ELECTION MODERNIZATION TASK FORCE PRESS RELEASE**

*For Immediate Release*

## **Mayor's Task Force Is Joined By Civic Groups to Repeat Call for State Legislature to Pass Much-Needed Legislation Allowing New York State to Access Almost \$220 Million in Federal Funding to Improve Voting Technology And Avoid 2006 Election Chaos**

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New York, April 19, 2005 – The Election Modernization Task Force, a panel formed by Mayor Michael R. Bloomberg, was joined by civic groups today to repeat the call for the New York State Legislature to enact much-needed voting machine legislation immediately or risk both confusion at the polls in 2006 and losing almost \$220 million in Federal funding that the State is entitled to under the “Help America Vote Act” (HAVA).

“The State and City are already facing a crisis as the deadline to implement HAVA and introduce new voting machines by the 2006 elections rapidly approaches. Should the State Legislature continue to fail to act, we will experience chaos at the polls that would overshadow that seen in Florida in 2000,” warned Corporation Counsel Michael A. Cardozo of the New York City Law Department, who is heading the Task Force.

“This is an issue that the Legislature must address immediately so that the City can adequately prepare for the transition to new voting machines,” noted Mary Lou Urban, the Co-President of the League of Women Voters of the City of New York.

“We need the Legislature to act quickly so that we can replace our voting machines with a system that will be fully accessible to every voter in the State and City,” stated Sharon Shapiro of the Center for the Independence of the Disabled in New York.

Also appearing with the Task Force and joining in the demand that the Legislature act immediately was Citizens Union of the City of New York, the Women's City Club of New York, the American Council of the Blind New York, Inc., and the Disabilities Network of New York City.

### *Background:*

On March 18, 2005, the Task Force released a report entitled, “The Urgent Need For State Voting Machine/HAVA Legislation,” outlining how the State must comply with HAVA and recommending steps for the State Legislature to take. 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 many of the key issues, including the most important -- the selection process for new voting machines and the allocation of funding to localities.

HAVA, which was 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.

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. 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. 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. 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. 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. 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.

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