

# **The Urgent Need For State Voting Machine/HAVA Legislation**

*A Report From The Mayor's Election Modernization Task Force*

**March 18, 2005**

## Preface

Four years ago, this nation was starkly reminded that a poorly run election on obsolete voting machines could threaten the legitimacy of our democratic processes. The fiasco in Florida during the 2000 election lit a fire of reform across the country and in the halls of Congress. To limit the possibility of a repeat of such a disaster, many states took the initiative to review their voting systems and replaced outdated lever and punch card voting machines. The United States Congress accelerated this process by passing the Help America Vote Act of 2002 (“HAVA”), 42 U.S.C. § 15301 *et seq.* HAVA establishes basic guidelines for voting machines used in federal elections, imposes requirements for other aspects of election administration, and provides federal funds to states to replace outdated voting machines and to meet the new federal requirements.

To ensure that these urgently needed changes would be made promptly, Congress directed that a significant portion of the federal funding accessible specifically for voting machines must be used so that the new machines are available to the voters by the 2004 general election. In order to give states a bit more time, HAVA provided a one-time waiver to extend the deadline to the first federal election in 2006. New York requested the waiver, and unless Congress changes the law, no more extensions of this deadline are available. At the same time, HAVA requires the states to implement new federal requirements, such as developing a statewide voter registration database, by 2006.

Because the New York State Legislature has failed to enact legislation to comply fully with HAVA – which would allow the State to access almost \$220 million in the available HAVA funds -- the State is poised to miss these deadlines. ***If such an event occurs, the State will lose millions of dollars in promised federal funding, but the State -- and its cities and***

*counties -- will still have to spend millions of dollars from their own budgets to meet federal HAVA requirements and eventually replace all of their obsolete voting machines. Additionally, if the State is in violation of HAVA, it could be subject to a lawsuit by the U.S. Department of Justice.*

Every day that the Legislature delays, the costs and risk of complications in implementing a new voting machine system are greatly increased. Although both the Assembly and Senate have passed voting machines legislation, the two houses have not been able to agree on a bill to send to the Governor for his signature. Additionally, the Legislature has failed to agree on several other HAVA-related bills necessary to receive full federal funding and to comply with the federal law. Today, New York State is the only state in the nation that has not passed most of the legislation necessary to begin compliance with HAVA and to replace its voting machines, and is one of only a handful of states not qualified to spend any federal funds.

Continued delay is unacceptable. Voters in the City, like most others in the State, use obsolete lever voting machines that consistently break down and are in need of increasingly unavailable spare parts. Additionally, HAVA requires the State to provide at least one voting machine accessible to persons with disabilities, a requirement that the City's lever voting machines do not currently meet.

New York State's time to receive federal funds to replace its machines and to comply with HAVA is almost up. And each day that goes by makes it even more difficult to implement all the necessary changes in time without creating chaos at the polls. Recognizing the extreme urgency for State legislation, the Election Modernization Task Force unanimously urges passage of State voting machines legislation *immediately*. Additionally, as explained more fully below, the Task Force recommends that such legislation include the following features:

- Allows for the rapid certification, selection and procurement of voting machines that are easy to use, secure, and cost-effective;
- Provides New York City the flexibility it requires to choose a voting machine that meets our special needs, including the large number of candidates on the New York City ballot, and accessibility to the disabled and those of language minorities;
- Directs the State to negotiate contracts with voting machine manufacturers that the City and other localities may utilize; and
- Ensures that the State's almost \$220 million in HAVA funds is distributed to localities in the manner that HAVA funds nationwide are disbursed -- in proportion to voting age population.

### **Background: The Need For New Machines And The Approaching Federal Deadlines**

The Election Modernization Task Force has been charged by Mayor Michael R. Bloomberg to develop recommendations to improve the system of elections in the City of New York. From the very beginning of its work, the Task Force has discussed the problems associated with the City's outdated lever voting machines, the federal requirements imposed on the states by HAVA, and the availability of federal monetary assistance to replace the City's voting machines and to meet HAVA requirements. Additionally, the Task Force researched the response by several other states to these issues. The Task Force also met with John Ravitz, the Executive Director of the Board of Elections in the City of New York, and George Gonzalez, the Board's Deputy Executive Director, to fully understand how the City will need to rapidly implement a new voting system in time for the 2006 elections and how further legislative delay already threatens this near-impossible task.

The Task Force is issuing this report to educate the public about the real risk that, absent quick action by the State Legislature, the 2006 elections in this City will be more chaotic

than the 2000 elections in Florida, and to urge the Legislature to enact this urgently needed legislation immediately. The Task Force, composed of Republicans and Democrats, emphasizes that the need to comply with federal law and to protect the right to vote is not a partisan issue. Future reports of the Task Force will address other issues concerning the implementation of HAVA and potential improvements to the administration of elections by the Board of Elections.

#### *The Need For New Voting Machines*

Voters in the City, like in almost all of the counties in New York State, currently use outdated mechanical lever voting machines. The machines owned by the City were manufactured by the Shoup Voting Machine Corporation more than 40 years ago and are no longer made. In order to ensure that there are sufficient voting machines for use at each election, the City has been forced to scavenge the country to find machines and parts no longer used by states that have replaced their obsolete machines. For example, in order to have enough working machines to comply with State law during the recent 2004 general election, the City Board of Elections had to purchase 400 machines from Georgia, a state that had replaced all of its old lever machines in the past few years.<sup>1</sup> Clearly, this process will not be able to continue forever and at some point in the near future, the City and other counties in the State, will not have enough working machines necessary to run an election, let alone comply with State law.

#### *The Role Of HAVA And Federal Funding*

Fortunately, if the Legislature passes legislation allowing the State to access federal HAVA funds, then the City and State would not need to bear this financial burden alone. The HAVA legislation promises New York State approximately \$220 million in federal funds to

---

<sup>1</sup> Section 7-203 of the State Election Law requires two voting machines in every election district that has more than 800 voters.

replace voting machines throughout the State and to improve the administration of elections.<sup>2</sup> However, New York is currently the only state in the nation that has not yet passed most of the legislation necessary to enable the transfer of these federal funds.

In order to fully access federal funds, the State must comply with a number of requirements specified in HAVA. Importantly, HAVA mandates that the State institute many of these requirements regardless of whether the State accepts federal funding. Therefore, as described more fully below, if the State fails to pass legislation necessary to comply with HAVA, it will lose up to \$220 million in assistance *and still be responsible* for the cost of complying with federal law and eventually replacing all of the State's voting machines. Additionally, if the State is not compliant with HAVA by certain deadlines, it could be subject to a civil enforcement lawsuit by the United States Department of Justice.<sup>3</sup>

---

<sup>2</sup> HAVA provides the states federal assistance through two main funding streams. First, Title I of HAVA appropriates federal funds specifically for the replacement of voting machines and the improvement of elections. The State has already received approximately \$66 million in federal funds under Title I, with \$50 million of this earmarked for new voting machines, but because the State has not passed the necessary voting machine legislation, it has not yet been able to spend it. Importantly, section 102 of HAVA specifies that if the State does not use all of the funds it received under this provision to replace its lever voting machines, it will need to return the unused money to the federal government. HAVA allowed the State to file a one-time waiver to extend the deadline for replacing voting machines from the November 2004 elections to the first federal election in 2006. Unless the federal law is amended, the State cannot request any more waivers.

Second, sections 251, 252, and 257 of HAVA provide payments to the states to meet the new federal requirements enumerated in Title III of HAVA, including the standards for voting machines and the creation of a statewide voter registration database. When the State complies with the procedures enumerated in section 253 of HAVA, which are summarized *infra*, it will be able to access approximately \$153 million in federal assistance.

<sup>3</sup> See HAVA § 401.

According to HAVA, to fully access federal funds the State must, among other things:

- (i) replace its lever voting machines with a new voting system that meets HAVA standards by the first federal election in 2006;
- (ii) develop a State plan on how to implement HAVA and meet federal requirements;<sup>4</sup>
- (iii) create a State fund to manage HAVA monies;
- (iv) certify that it is in compliance with a number of federal laws, including the Voting Rights Act and the Americans with Disabilities Act;
- (v) institute an administrative complaint procedure for voters who wish to make complaints of violations of Federal HAVA requirements; and
- (vi) contribute a 5 percent State match for funds received from the federal government.<sup>5</sup>

Furthermore, regardless of whether the State completes the above, HAVA nonetheless requires the State to use HAVA-compliant voting machines in the 2006 elections (as described below), develop a computerized statewide registration database, and implement certain basic voter identification and registration procedures.<sup>6</sup>

---

<sup>4</sup> In August 2003, New York released a HAVA State Implementation Plan, which was published in the Federal Register in March 2004. See New York State Help America Vote Act State Implementation Plan (August 2003), 69 Fed Reg. 14002 (March 24, 2004). The plan has been criticized for not providing sufficient information on how to implement HAVA. See New York State HAVA Implementation Task Force Minority Report In Response To State Implementation Plan (September 2003). Most of the important HAVA issues, such as the type of voting machine or machines to purchase, remain to be resolved by the State Legislature and/or, as directed by the Legislature, the State Boards of Elections or the localities.

<sup>5</sup> See HAVA §§ 102, 251, 253, 254, 257, 301, and 402.

<sup>6</sup> See HAVA §§ 302 and 303. The State was required to comply with some of HAVA's requirements, including the identification standards, by January 1, 2004. To achieve compliance, Continued...

Specifically, beginning in the first federal election in 2006, HAVA requires that the State's voting machines have the following features: (i) permit the voter to verify her votes before the ballot is cast; (ii) provide the voter an opportunity to change her ballot or correct an error before the vote is cast; (iii) notify the voter when she selects more than one candidate for a single office; (iv) preserve voter privacy; (v) produce an official, auditable paper record; (vi) be accessible to the disabled;<sup>7</sup> (vii) comply with the language requirements of the Voting Rights Act; and (viii) have an error rate not higher than the standard issued by the Federal Elections Commission.<sup>8</sup> Although an argument may be made that New York's lever voting machines comply with most of these standards, it is indisputable that the State will need to have at least one handicapped-accessible voting machine at each polling place. Thus, regardless of whether the State chooses to replace *all* of its voting machines now or later, it will nonetheless need to replace a significant portion of those machines by 2006 to comply with HAVA's accessibility requirement.

---

the State enacted two laws. First, chapter 263 of the laws of 2003 amended Election Law § 8-104 to require the posting of certain voting information at polling places as required by HAVA § 302(b). Second, chapter 420 of the laws of 2004 added a new section 8-303 to the Election Law to incorporate the identification requirements set forth in section 303(b) of HAVA. This law expires, however, on July 1, 2005, and therefore the Legislature must agree on a permanent identification system.

Additionally, section 302(a) of HAVA requires the State to provide provisional ballots to voters who do not appear on the registration rolls but claim to be registered. The State already has a provisional ballot system, referred to as "affidavit ballots." See Election Law § 8-302. However, the State will still need to institute certain additional procedures as required by HAVA § 302(a)(5) to allow voters who cast provisional or affidavit ballots to find out whether their vote was counted or not.

<sup>7</sup> This requirement may be fulfilled by having at least one voting machine at each polling place accessible to the disabled (rather than mandating that *all* voting machines have such features). See HAVA § 301(a)(3)(B).

To summarize:

- If the State replaces its voting machines to conform to HAVA and implements certain other federal requirements, it will receive approximately \$220 million, with most of the money being available to replace existing voting machines.
- In any event, effective in the 2006 elections, the State must meet HAVA requirements even if it has not qualified to receive federal HAVA monies. If the State fails to obtain federal funding, it will need to spend its own funds to replace its voting machines and comply with HAVA. Additionally, the State could be subject to a civil enforcement action by the U.S. Department of Justice if out of compliance.

*State Legislative Action To Date*

At the beginning of this legislative session, the State Assembly and Senate each reintroduced and passed a series of bills that would allow the State to purchase new voting machines, make the State compliant with HAVA, and pave the way for federal funding.<sup>9</sup> These bills are slightly different from the legislation passed in each house last term, and thus are hopefully indicative of progress towards a resolution. Additionally, the Legislature recently agreed to convene again a Conference Committee to reach final agreement on a proposed HAVA legislative package. (A similar Conference Committee was formed last spring, but was unable to agree on a final package of bills.) While the Task Force applauds the creation of another

---

<sup>8</sup> See HAVA § 301.

<sup>9</sup> The Assembly passed the following bills: A5-A (voting machines and creation of State HAVA fund); A119-A (administrative complaint procedure); A120 (accessibility of polling places); A121 (Statewide voter registration database, voter identification procedures, verification of registered voters); and A122 (county control of voting equipment; poll worker training). The Senate passed the following bills: S1809 (voting machines); S1810 (verification of registered voters); S1811 (administrative complaint procedure); S1812 (State HAVA fund); S1813 (Statewide voter registration database); S1814 (voter identification procedures).

Conference Committee, we emphasize that time is not on our side and the State must pass the long-overdue legislation immediately.

*The Problems With Further Delay*

Aside from the problems of obsolete machines, the loss of federal funds, and the prospect of being in violation of federal law, each day that the State Legislature delays in passing the necessary legislation, the risk of chaos at the polls in the 2006 elections is greatly increased. Consider the statistics: In the November 2004 general election, 2,281,476 New York City voters used one of 7,694 voting machines at 1,360 poll sites administered by more than 30,000 poll workers. Therefore, upon the passage of long-overdue State legislation: (i) the State Board of Elections will need to certify new voting systems;<sup>10</sup> (ii) at least 7,000 voting machines (depending on the voting system chosen) will need to be selected, procured, and tested; (iii) millions of New Yorkers will need to be educated on how to use the new voting machines; (iv) over 1,360 poll sites will need to be reconfigured and in some instances (particularly because of space, electrical and accessibility requirements) new ones selected; and (v) more than 30,000 poll workers will need to be trained on how to effectively assist voters on Election Day.

That is just the beginning. The City Board of Elections, and local boards in other counties must, among other things, hire employees capable of managing the computer programming associated with new voting systems, ensure that the voting machines properly interface with the Board's existing computer systems, and upgrade warehouse space to store sensitive electronic equipment. Depending on the type of machine selected, increases in the

---

<sup>10</sup> State law requires that the City purchase and use voting machines certified by the State Board of Elections that are compliant with the Election Law. See Election Law §§ 7-104, 7-200, and 7-202; 9 N.Y.C.C.R. § 6209.2.

personal services budget may be required for hiring qualified computer technicians. Finally, it is important to recognize that most of these activities can only occur after a voting system has been selected and the manufacturer indicates how it will support the implementation process. This is obviously a job of monumental proportions, most of which cannot effectively begin until the State passes legislation.

Because of the Legislature's two-year delay in enacting this needed legislation, there is already too little time to make this major change in voting procedures in a responsible three-year phased-in process that would ensure a minimum of problems. Further legislative delay will virtually ensure the loss of \$220 million in federal funds, and will allow insufficient time to properly prepare for the 2006 elections with the machines that will have to be purchased in any event.

### **Recommendations For Voting Machines Legislation**

In view of the rapidly approaching federal deadlines, the need for new voting machines in the State and the City, and the rising risk of dire complications of introducing new voting machines in an ever-shortening period of time, the Task Force urges, in the most emphatic way possible, that the State Legislature pass voting machine and other HAVA legislation now. Additionally, the Task Force recommends that such legislation include the following features:

#### **1. Allows For The Rapid Selection Of A Cost-Effective Voting System**

For all the reasons discussed above, the most important thing at this late hour is that the State Legislature pass legislation that will allow for the rapid selection of a new voting system.<sup>11</sup> Unless HAVA is amended by Congress, the State may seek no more waivers to extend

---

<sup>11</sup> It is important to recognize that the City cannot embark on its own to purchase new machines at this time because the Legislature must pass new legislation to allow for the purchase of voting  
Continued...

the deadlines to comply with the law and receive federal funding, absent an amendment of the federal law. Although it would be preferable to have more time to phase in new voting machines over a few elections, the fixed deadlines in HAVA and the Legislature's delay has made that option seem impossible. The City Board of Elections should therefore assume that it will have to fully implement HAVA and new voting machines in the 2006 elections.

In view of the short time frame available, the final legislation must direct the State Board of Elections to quickly certify HAVA-compliant voting systems, subject to recommendations made by the citizens' commissions proposed in both the Assembly's (A5-A) and Senate's (S1809) bills. While we would certainly hope to have more time to publicly vet all of the issues involved in the selection of a new voting system, speed is now a paramount consideration. Therefore, the Task Force supports the 30-day deadline for recommendations by the citizens' commission in the Assembly's bill and suggests adding a similar short deadline, no more than 20 days after the commission releases its findings, for the State Board of Elections to issue a Request for Proposals and then commence negotiations with voting machine manufacturers. We also urge that the final legislation provide for broad representation -- reflecting the racial, ethnic, geographical, and language diversity of the voting public, including groups representing the disabled -- to be meaningfully involved, on an on-going basis, in the machine selection process with the State Board of Elections and localities.

Although speed is critical, the State Legislature, State Board of Elections, and localities must consider the usability and cost-effectiveness of various voting machine systems.

---

machines and the City may only purchase voting machines that comply with federal and State law and have been certified by the State Board of Elections. If the City purchased new machines and the Legislature or the State Board subsequently changed the standards of voting machines, the City would be stuck with unusable equipment and would have wasted millions of dollars.

There are essentially two major types of modern voting systems: direct recording electronic (“DRE”) machines and optical scanning systems. DRE machines may be viewed as electronic or “ATM” versions of our current mechanical lever voting machines, whereby the voter makes her vote by pushing a button or touching a screen and the vote is recorded electronically within the machine. DRE machines have advantages over the current lever machines, including the capacity to produce a voter verifiable paper trail if mandated, to display a ballot in multiple languages, and to be modified for use by the disabled and the visually impaired. Additionally, because the machine records the voter’s choice electronically, the boards of elections would not need to infer the voter’s intent on a marked ballot during a recount. However, concern has been expressed that DRE machines can be subject to security flaws in the software and may malfunction. Implementing a voter verified paper trail requirement, although adding to the cost of the machine, provides the ability to manually audit the results counted by the DRE system.

Optical scanning machines, by contrast, require voters to mark their choice on a paper ballot by filling in a circle or completing an arrow that points to a particular candidate. Optical scanners are then used to read the ballot and record the vote according to the marks made on the ballot by the voter. This type of machine is currently used by the City Board of Elections to record and count absentee ballots, but a version usable by the voters has not been introduced at the polling places. An advantage of the optical scanning system is that it is relatively simple for the average voter to understand, and a complete record of the paper ballots actually cast by the voter is preserved and may be used to conduct a manual recount. Yet, optical scanning systems present potential additional problems, including the need to purchase certain types of paper for the ballots, restructure polling places to allow for the use of optical scanning equipment, buy tables and screens to ensure voter privacy, and purchase additional technology to effectively

allow disabled and visually impaired persons to independently vote on a paper ballot. Additionally, if there is a recount, the board of elections will be required to discern the voter's intent on improperly marked ballots, an imperfect process that can be subject to controversy and potential litigation.

While a complete analysis of the pros and cons of these types of voting systems is beyond the scope of this report, we recommend that the entity that is charged by the State Legislature to select new machines for the City (either the State Board of Elections or the City Board of Elections)<sup>12</sup> consider the following, at minimum:

- (i) The usability of the voting machine to the average voter;
- (ii) The accessibility of the voting system to persons with disabilities and those from language minorities;
- (iii) The security of the new voting systems and the development of procedures that must be implemented to ensure the confidence of the voters that their vote will be counted, including the use of voter-verifiable paper trails and random manual auditing;
- (iv) The ability of the voting system to handle a ballot large enough to accommodate the large number of candidates in City elections;<sup>13</sup>

---

<sup>12</sup> The City Board of Elections, under the auspices of its Electronic Voting Systems Department, has completed a very preliminary but wide-ranging analysis of the potential costs to the City to purchase and implement different types of voting machines. See City Board of Elections, Electronic Voting Systems Department, New Voting Machines – Report on Costs (Draft, Mar. 11, 2005). We understand that the Board and its staff will continue to develop these findings, taking into account the experience of other jurisdictions in order to refine cost estimates.

<sup>13</sup> The State Legislature should also seriously consider whether to remove the State's so-called "Full Face Ballot" requirement, which mandates that all of the elections appear on a single-page ballot. This requirement has been criticized on the ground that it prevents the consideration of voting machines displaying elections on multiple electronic pages that may be easier to use by all voters and particularly by voters with cognitive disabilities. We are concerned that this requirement will unreasonably limit the types of voting machines the State may consider.

- (v) The cost of operating the system on a long-term basis (including the cost of printing ballots if using an optical scan system);
- (vi) The number of new machines of either type that will need to be purchased to sufficiently serve the voters and limit waiting time;
- (vii) The need to hire highly-skilled technicians;
- (viii) The cost of modifications to the voting machine software system so that it will properly interface with the City Board of Election's computer systems.
- (ix) The cost of upgrading warehousing space and transportation to the poll sites to protect sensitive electronic voting equipment;
- (x) The ability of existing polling places to support the spatial and electricity needs of the new system; and
- (xi) The amount of training and education the voting public and poll workers will need to become comfortable with the new system.

Importantly, these costs must be analyzed over a long-term basis, taking into account the life-cycle of the voting system. This is because federal funding for HAVA ends this year and the State, and in particular the City and other localities, will be forced to bear all residual costs. In measuring these costs, care must be taken to ensure that a voting system is not selected that would put excessive financial burdens on the City if there is insufficient federal funds to purchase all the machines the City will need.

## **2. Provides The City Sufficient Flexibility To Choose A System That Meets Its Special Needs**

The City has specific needs in serving a large and diverse population that requires it to have flexibility in its selection of a voting system. Any new voting system must also be able to accommodate the large number of candidates on the typical City ballot. Additionally, the City Board of Elections must ensure that the voting system selected is compatible with its existing computer systems, can be properly transported and stored, and will work in the many polling

places that may have space and/or electricity limitations. Further, the City Board of Elections will need to work directly with the manufacturer on an implementation and training program. Therefore, while the Task Force recommends that either the State Legislature or State Board of Elections takes the lead in identifying the best systems for the State and conducting primary negotiations with machine manufacturers, the State Legislature must nonetheless ensure that the City Board of Elections has the flexibility to deal with manufacturers of certified machines to meet the City's unique needs.

**3. Directs the State To Negotiate Contracts With Voting Machine Manufacturers That Localities May Utilize**

Using its economy of scale, the State has the ability to negotiate with voting machines manufacturers a better deal for the City and other localities. Additionally, under State law, the State has greater flexibility than the City would to conduct the procurement process. In view of the need to rapidly select and procure a new voting system, the Task Force believes that it would be most advantageous for the State to take the lead by negotiating general contracts with one or more voting machine manufacturers, which the City and other localities may utilize. However, as discussed above, the City Board of Elections must retain the flexibility to negotiate specific terms with the selected manufacturers.

**4. Ensures That The City Receives Its Fair Share of Federal Funding**

As the largest jurisdiction in the State, the City deserves its fair share of federal HAVA funds. Because of the City's large and diverse voting population, the City Board of Elections is forced to bear significant costs that other jurisdictions in the State are not. To that end, the City should receive funding according to the same formula that the majority of federal HAVA funds are distributed to the states. Section 252 of HAVA specifies that the funds provided by the federal government to meet HAVA's requirements are to be disbursed according

to the voting age population of the State as reported in the most recent decennial census. The City, in turn, should receive its fair share of these funds according to its percentage of voting age population within the State, which is approximately 42 percent. This formula for disbursing funds should be specified by the State Legislature in its final bills.

### **Conclusion**

Unless the State Legislature acts quickly, and the State and City Boards of Elections are prepared to move upon passage of final voting machines and other HAVA legislation, the State is facing three horrible potential scenarios. First, the State would be forced to forego almost \$220 million in federal funds, but still be responsible out of its own budget and that of the State's localities for replacing voting machines and complying with HAVA. Second, the State could be subject to a lawsuit by the United States Department of Justice to enforce the federal HAVA requirements. Third, if new machines are introduced too hastily and poorly, the State could face a Florida-like disaster in 2006 as election officials, voters, and poll workers face long lines and confusion at the polls.

The State and City need not face any of these scenarios. But as each day passes, the risks grow exponentially. The Task Force therefore strongly urges that the State Legislature pass the necessary legislation immediately so that the State and City can take all the steps to avoid these terrible outcomes.

\* \* \* \*

Just a few weeks ago, the world witnessed the people of Iraq brave violence to embrace the first real election held in that country in half a century. Indeed, many Iraqis waited for hours in line to feel, for the first time, the power of participating in their country's future. Their courage reminds us that our right to vote is a precious cornerstone of democracy and must

be protected. Unfortunately, New York City, a global symbol of freedom, now 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. This is not an issue of partisan politics. There is no excuse for further delay.

Respectfully submitted,

**The Election Modernization Task Force**

- **Michael A. Cardozo (Chair)**, the Corporation Counsel of the City of New York.
- **Preeti D. Bansal**, an appellate litigator at Skadden, Arps, Slate, Meagher and Flom LLP and the former Solicitor General of the State of New York.
- **Dr. David A. Caputo**, President of Pace University.
- **Allan H. Dobrin**, the Senior Vice Chancellor and Chief Operating Officer of The City University of New York (CUNY).
- **Stephen J. Fiala**, the Richmond County Clerk and the Commissioner of Jurors for Richmond County.
- **Jerry Garcia**, Vice President and Client Executive at The Bank of New York.
- **Colvin W. Grannum**, the President of the Bedford Stuyvesant Restoration Corporation.
- **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.
- **Peter Vallone, Sr.**, former Speaker of the City Council.

Staff Counsel: Tal Golomb, Assistant Corporation Counsel, New York City Law Department.

March 18, 2005