



NEW YORK CITY LAW DEPARTMENT
OFFICE OF THE CORPORATION COUNSEL

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Press Release

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For Immediate Release

**MAYOR'S TASK FORCE CALLS ON STATE BOARD OF ELECTIONS
TO RAPIDLY CERTIFY NEW VOTING MACHINES**

***ALSO URGES CITY'S BOARD OF ELECTIONS TO INCREASE PREPARATIONS
TO SELECT AND THEN IMPLEMENT NEW VOTING MACHINES***

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New York, Nov. 21, 2005 – New York City Corporation Counsel Michael A. Cardozo, who is heading Mayor Bloomberg's Election Modernization Task Force, issued a letter today on behalf of the Task Force to the State Board of Elections strongly urging the rapid certification of new voting machines.

In addition, in testimony today before the City Council's Committee on Governmental Operations, Cardozo stated that the State Board of Elections' delay in certifying new voting machines is making it virtually impossible for the City and State to meet its obligations to replace the City's outdated lever voting machines under both State law and the federal Help America Vote Act (HAVA). According to Cardozo's testimony, the State's continued delay in taking steps to implement HAVA is "unconscionable."

In his testimony, Cardozo also urged the City's Board of Elections, now that its work on the 2005 elections is complete, to conduct promptly as much work as possible to evaluate the new voting machines that are likely to be certified by the State. As stated in Cardozo's testimony, if the Board does not make the necessary preparations now, then "the City will certainly experience even further delays before it finally can purchase and implement new voting machines."

The Corporation Counsel also took note in his testimony of concerns that the State Board of Elections may not be taking sufficient steps to ensure that the two major models of voting machines will be certified: direct recording electronic (DRE) and optical scan. (DRE operates by having voters make their selection on an electronic screen, which saves the results and produces a verifiable paper trail. In optical scanning, the voter, using a pen or pencil, fills out a bubble form on a paper ballot that is then fed through an optical scan machine, thus recording the vote.)

Cardozo urged the State Board to be sure that both forms of machines are certified, so that the City will have a meaningful choice from among several models of both DRE and optical scan machines.

In his letter to the State Board, Cardozo notes that the State legislation implementing HAVA requires every polling place in the State to have at least one new voting machine that is accessible to individuals with disabilities by the 2006 elections. However, the State Board of Elections has not yet issued final regulations in this area, let alone certified new voting machines that meet federal and State standards. Because it will take months for the City's Board of Elections to select and then implement new voting machines after the State completes its process, the State must certify machines promptly if there will be an opportunity to meet this deadline.

The letter therefore urges the State Board of Elections to do the following:

- Promptly finalize the regulations implementing the new State law on voting machines, including holding public hearings on the regulations.
- Work with voting machine manufacturers to encourage the rapid certification of eligible machines. In addition, the State Board of Elections should make every effort to see to it that manufacturers submit both direct recording electronic and optical scan voting machines for certification so that the City will have a meaningful choice from among several different machines.
- Undertake the initial State procurement process for voting machines at the same time as the machine certifications are completed.
- Respond promptly to the City's Board of Elections' requests for new voting equipment pursuant to the State procurement process outlined in the State HAVA law.

The Election Modernization Task Force was created by Mayor Michael R. Bloomberg following voting problems in New York City during the November 2004 elections. It is recommending ways to streamline the voting process. The Task Force is chaired by Corporation Counsel Cardozo and is composed of eight other members, including: 1) Preeti D. Bansal, of 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.

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