

JULIE DENT  
PRESIDENT

JUAN CARLOS "J.C." POLANCO  
SECRETARY

JOSE MIGUEL ARAUJO  
NAOMI BARRERA  
JAMES J. SAMPSEL  
NANCY MOTTOLA-SCHACHER  
J.P. SIPP  
GREGORY C. SOUMAS  
JUDITH D. STUPP  
FREDERIC M. UMANE  
COMMISSIONERS

MARCUS CEDERQVIST  
EXECUTIVE DIRECTOR

GEORGE GONZALEZ  
DEPUTY EXECUTIVE DIRECTOR

PAMELA GREEN PERKINS  
ADMINISTRATIVE MANAGER

## **BOARD OF ELECTIONS**

IN  
THE CITY OF NEW YORK  
EXECUTIVE OFFICE, 32 BROADWAY  
NEW YORK, NY 10004-1609  
(212) 487-5300  
FAX (212) 487-5349  
[www.vote.nyc.ny.us](http://www.vote.nyc.ny.us)

### **AGENDA COMMISSIONERS' MEETING TUESDAY, JANUARY 12, 2010 AT 1:30 P.M.**

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1. Minutes
  - a) 12/15/09
  - b) 12/22/09
  - c) 12/29/09
2. Selection of Privacy Voting Booths for the City of New York
3. Marcus Cederqvist
  - a) HAVA Update
4. Steven H. Richman
  - a) Hearings for February 9, 2010 Special Election to Fill the Vacancy in the New York State Assembly in the 24<sup>th</sup> Assembly District – Queens County
5. Commissioner "J.C." Polanco
  - a) Report on Public Education Committee
6. John Ward
  - a) Comparative Expenditures
7. Executive Session
  - a) Personnel

## **For Your Information**

- HAVA Weekly Report – Week Ending January 8, 2010
- Calendar for Certificate of Nomination – February 9, 2010 special Election/Member of Assembly 24<sup>th</sup> Assembly Districts, Queens County
- Letter to Robert Brehm and Todd Valentine, Co-Executive Directors – New York State Board of Elections
- Special Election – 24<sup>th</sup> Assembly District
- Statement of Cost – Board of Elections – November 2009
- Transition from Levers to the Op-scan Systems

## ***News Items of Interest***

- *NY Post*: Vote of Confidence for Ballot Scanners
- *The New York Times*: Thunkless in the Name of Progress
- *The Seattle Times*: Washington State Felons Should Have Voting Rights, Federal Court Rules
- *The New York Times*: City Selects Company for New Voting Machines
- *The Daily News*: ES&S Wins Voting Machine Vote
- *NY1*: City Chooses New Voting Machines
- *The Journal News*: Company that Promised NY Jobs Doesn't Get Lucrative Contract
- *WNYC.org*: Electronic Voting: Officials Seek to Prevent Election Day Confusion
- *The New York Times*: Voting System to Finally Join Electronic Age
- *The New York Post*: New Device is 'Voted In'
- *Daily News City Hall Bureau*: City Pulls Lever on Past: Voting Will Go Hi-tech as Board of Elections Green-Lights New Machine
- *Yeshiva World News*: NYC Chooses New Voting Machines
- *Crain's New York Business*: NYC Picks New Electronic Voting Devices
- *1010wins.com*: New York City Picks New Electronic Voting Machines
- *Associated Press*: NYC Picks New Electronic Voting System
- *WNYC.org*: Electronic Voting: Officials Seek to Prevent Electronic Day Confusion
- *www.wcax.com Associated Press*: NYC Picks New Electronic Voting Machines
- *Gotham Gazette*: The Wonkster Blog – No More Levers
- *Gothamist.com*: For Voting Machines, It's Out With the Levers, In With The Ovals
- *NY1 News*: City Chooses New Voting Machines
- *The Daily Politics*: ES&S Wins Voting Machine Vote
- *Blogs.villagevoice.com*: Board of Elections Picks New Voting Machines; Scanners Go In This September
- *NYTimes.com*: City Selects Company for New Voting Machines
- *The Washington Post*: States in Play: An early look at 2011 redistricting
- *The New York Times*: City Finally Poised to Give Up Lever Voting Machines
- *The New York Post*: Vote-Machine Lobbyist was in 'Rig' Trouble
- *The New York Post*: Vote on Elex Machines
- *The Legislative Gazette*: Primary Runoffs Costly, Outdated Say NY Senators

- *The Legislative Gazette*: Russian Voters, Race Horses Aided by NY's New Laws
- *The New York Post*: New Device is 'Voted in'
- *The New York Times*: Voting System To Finally Join Electronic Age
- *NY Newsday*: New Voting Machines for NYC



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ADMINISTRATIVE MANAGER

STEVEN H. RICHMAN  
GENERAL COUNSEL  
Tel: (212) 487-5338  
Fax: (212) 487-5342  
E-Mail:  
[srichman@boe.nyc.ny.us](mailto:srichman@boe.nyc.ny.us)

January 11, 2010

TO: The Commissioners of Elections in the City of New York

FROM: Steven H. Richman, General Counsel 

COPIES: Marcus Cederqvist, George Gonzalez, Pamela Perkins, John Owens, Troy Johnson, Barbara Conacchio, Katherine James, Steven Denkberg & Charles Webb

RE: HEARINGS FOR FEBRUARY 9, 2010 SPECIAL ELECTION  
TO FILL THE VACANCY IN THE NEW YORK STATE  
ASSEMBLY IN THE 24<sup>th</sup> ASSEMBLY DISTRICT, QUEENS  
COUNTY

Attached for your information, files and appropriate action is a copy of the proclamation issued on Tuesday, January 5, 2010 by the Honorable David A. Paterson, Governor of the State of New York, pursuant to the provisions of Section 42 of the New York State Public Officers Law, proclaiming that a Special Election be held on Tuesday, February 9, 2010 to fill the vacancy in the New York State Assembly in the 24<sup>th</sup> Assembly District, Queens County, caused by the resignation of Mark Weprin.

In accordance with the provisions of the New York State Election Law and your prior actions, the Board issued the attached



***“ Calendars for Certificate of Nomination and Independent Nominating Petitions for the February 9, 2010 Special Election in the 24<sup>th</sup> Assembly District”.***

The respective Borough Office was sent copies of the Calendar and directed to post and distribute the same and the Calendars have been added to the website.

**SCHEDULING OF HEARINGS**

As you know, the Public Officers Law requires us to conduct the Election on the first Tuesday, at least 30 days after the issuance of the Proclamation by the Governor. This creates extremely tight time frames under the Election Law.

Please note that the **last day to file Certificates is Friday, January 15, 2010** and the **last day to file Independent Nominating Petitions is Tuesday, January 19, 2010.** General Objections must be received by January 19, 2010 for Certificates and January 22, 2010 for Independent Nominating Petitions. The last day to file Specifications of Objections for Certificates is Monday, January 25<sup>th</sup> while Thursday, January 28 is the last day to file Specifications of Objections for Independent Nominating Petitions.

In recommending the following schedule, it is anticipated that it will enable the staff to work over the weekend to set up the voting machines and BMDs in their final format prior to candidate inspection on February 2, 2010.

Accordingly, I recommend that in the event that **hearings** on challenges to said certificates and petitions are required to be held, you set **Friday, January 29, 2010 for said hearings** (either by the full Board or a committee thereof). In the event specifications are filed on Thursday night, then the hearings on those will have to be continued early in the day on Monday, February 1, 2010.

Thank you for your attention to this matter.

Attachments

**CALENDAR FOR  
 CERTIFICATE OF NOMINATION  
 FEBRUARY 9, 2010 SPECIAL ELECTION  
 MEMBER OF ASSEMBLY  
 24<sup>th</sup> ASSEMBLY DISTRICTS, QUEENS COUNTY**

\*\*\*\*\*

Date of Proclamation.....January 5, 2010  
 Last day to file Certificate of Nomination.....9:00 AM–Midnight, January 15, 2010

**FOR CERTIFICATES FILED ON:**

**General Objections  
 Must Be Received By:\***

Tuesday, January 5 .....	Friday, January 8
Wednesday, January 6 .....	Monday, January 11
Thursday, January 7 .....	Monday, January 11
Friday, January 8.....	Monday, January 11
Monday, January 11 .....	Thursday, January 14
Tuesday, January 12 .....	Friday, January 15
Wednesday, January 13 .....	Tuesday, January 19
Thursday, January 14 .....	Tuesday, January 19
Friday, January 15 .....	Tuesday, January 19

**General Objections Filed On:**

**Specifications Must be Received By:\***

Friday, January 8 .....	Thursday, January 14
Monday, January 11 .....	Tuesday, January 19
Thursday, January 14.....	Wednesday, January 20
Friday, January 15 .....	Thursday, January 21
Tuesday, January 19.....	Monday, January 25

Last day to file Certificate of Acceptance or Declination of Nomination .....January 19  
 Last day to authorize nomination.....January 19  
 Last day to fill vacancy caused by declination of nomination.....January 19  
 Last day to authorize substitution.....January 25  
 Last day to institute court proceedings regarding Certificate of Nomination.....10 days after  
 filing of Certificate

Last day to submit proof of service of Specifications.....The day after Specifications are filed

Board of Elections hearings on Certificate of Nominations at Executive Office, 42 Broadway,  
 6<sup>th</sup> Floor Hearing Room–**TO BE DETERMINED BY COMMISSIONERS OF ELECTIONS IF  
 NECESSARY.**

\*Board of Elections is open for filing from 9 AM to 5 PM. The Board of Elections will remain open until Midnight  
only if a specified filing date for objection(s)/ specification(s)/certificate(s) is the last day to file said objection(s)/  
 specification(s)/certificate(s).

For information, call the Board of Elections at 212-487-5300.

Issued By: The Board of Elections in the City of New York on January 6, 2010

**CALENDAR FOR  
INDEPENDENT NOMINATING PETITIONS  
FEBRUARY 9, 2010 SPECIAL ELECTION  
MEMBER OF ASSEMBLY  
24<sup>th</sup> ASSEMBLY DISTRICT, QUEENS COUNTY**

\*\*\*\*\*  
Date of Proclamation & First Day to circulate Petitions.....January 5, 2010  
Last day to file petitions .....9 a.m. – Midnight, January 19, 2010

**FOR PETITIONS FILED ON:**

**General Objections Must  
Be Received By:\***

Tuesday, January 5 .....	Friday, January 8
Wednesday, January 6 .....	Monday, January 11
Thursday, January 7 .....	Monday, January 11
Friday, January 8 .....	Monday, January 11
Monday, January 11.....	Thursday, January 14
Tuesday, January 12.....	Friday, January 15
Wednesday, January 13 .....	Tuesday, January 19
Thursday, January 14.....	Tuesday, January 19
Friday, January 15.....	Tuesday, January 19
Tuesday, January 19.....	Friday, January 22

**General Objections Filed On:**

**Specifications Must be  
Received By:\***

Friday, January 8.....	Thursday, January 14
Monday, January 11.....	Tuesday, January 19
Thursday, January 14 .....	Wednesday, January 20
Friday, January 15.....	Thursday, January 21
Tuesday, January 19 .....	Monday, January 25
Friday, January 22.....	Thursday, January 28

Last day to file Certificate of Acceptance or Declination of Nomination .....January 19

Last day to fill vacancy caused by Declination of Nomination.....January 21

Last day to institute court proceedings with regard to independent nominating petitions.....  
.....February 2, 2010 or (3) three business days after hearing where petition is invalidated.

Last day to submit proof of service of Specifications..... The day after specifications are filed.

Board of Elections hearings on Independent Nominating Petitions at Executive Office,  
42 Broadway, 6<sup>th</sup> Floor Hearing Room—**TO BE DETERMINED BY THE COMMISIONERS OF  
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For information, call the Board of Elections at 212-487-5300.

**NOTE:** *The Independent Nominating Petition Rules for 2009 (Adopted 5/12/09 & Precleared by the U.S. Attorney General on 7/8/09, per Section 5, Voting Rights Act) governs Independent Nominating Petitions filed for this Election.*

Issued By: The Board of Elections in the City of New York on January 6, 2010



James A. Walsh  
Co-Chair

Gregory P. Peterson  
Commissioner

Todd D. Valentine  
Co-Executive Director

40 STEUBEN STREET  
ALBANY, N.Y. 12207-2108  
Phone: 518/474-6220  
[www.elections.state.ny.us](http://www.elections.state.ny.us)

Douglas A. Kellner  
Co-Chair

Evelyn J. Aquila  
Commissioner

Robert A. Brehm  
Co-Executive Director

## **MEMORANDUM**

**TO:** Commissioners of Elections: Queens County (NYC)

**FROM:** Robert A. Brehm  
Co-Executive Director      Todd D. Valentine  
Co-Executive Director

**DATE:** January 5, 2010

**SUBJECT:** Special Election - 24<sup>th</sup> Assembly District

---

Please be advised that Governor David A. Paterson issued a proclamation for a special election for the:

24<sup>th</sup> Assembly District – due to the resignation of Hon. Mark S. Weprin.

The date of this special election has been set for February 9, 2010 and shall be conducted by you in a manner consistent with all special election provisions of the New York State Election Law and its rules and regulations.

Enclosed please find a copy of the Governor's proclamation and a calendar which sets forth all pertinent dates concerning this special election.

RAB/TDV/lis  
Enclosures

cc: NYS Party Chairs



STATE OF NEW YORK

DAVID A. PATERSON  
GOVERNOR

PETER J. KIERNAN  
COUNSEL TO THE GOVERNOR

January 5, 2010

Robert Brehm, Director  
Todd D. Valentine, Co-Executive Director  
New York State Board of Elections  
40 Steuben Street  
Albany, New York 12207-2108

Dear Messrs. Brehm and Valentine:

Enclosed please find a copy of a Proclamation that was executed by Governor Paterson, January 5, 2010, calling for four Special Assembly Elections on February 9, 2010. These special elections are necessary to fill vacancies in the 3<sup>rd</sup>, 15<sup>th</sup>, 24<sup>th</sup> and 89<sup>th</sup> Assembly Districts, including all or parts of Nassau, Suffolk, Westchester and Queen's counties, created by the resignations of Rob Walker, Patricia A. Eddington, Adam Bradley and Mark Weprin.

Please take the appropriate action required by your office with respect to this Proclamation.

Very truly yours,

A handwritten signature in black ink, appearing to read "Peter J. Kiernan".

Peter J. Kiernan  
Counsel to the Governor

Enclosures

**RECEIVED**  
JAN 05 2010  
NYS Board of Elections

RECEIVED  
JAN 05 2010  
NYS Board of Elections



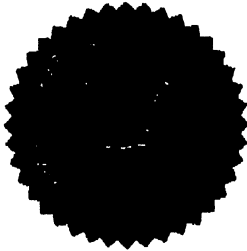
State of New York  
JAN 05 2010  
Department of State  
Secretary of State



PROCLAMATION

WHEREAS, vacancies exist in the offices of New York State Assembly in Districts in the Counties of Nassau, Suffolk, Queens and Westchester caused by the resignations of: Rob Walker, Patricia A. Eddington, Mark Weprin and Adam Bradley, Members of New York State Assembly from the said Districts;

NOW, THEREFORE, I, David A. Paterson, Governor of the State of New York, pursuant to Section 42 of the Public Officers Law, do hereby order and proclaim that an election for Members of New York State Assembly in the place and for the unexpired term of, Rob Walker, Patricia A. Eddington, Mark Weprin and Adam Bradley be held in the said Districts: Nassau, Suffolk, Queens and Westchester counties on the ninth day of February, two thousand ten, such election to be conducted in the manner prescribed by law for election of New York State Member of Assembly.



GIVEN under my hand and the Privy Seal  
of the State this fifth day of  
January in the year two thousand  
ten.

BY THE GOVERNOR

*David A. Paterson*

*James Schwab*  
Secretary to the Governor



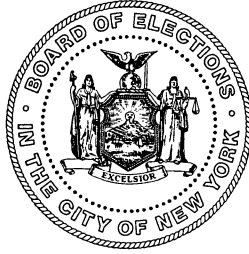
State of New York  
**STATE BOARD OF ELECTIONS**

40 STEUBEN STREET  
ALBANY, N.Y. 12207  
Phone: 518/474-6220 Fax: 518/486-4068

**OFFICIAL SPECIAL ELECTION POLITICAL CALENDAR**

**SPECIAL ELECTION: February 9, 2010**  
**Date of Proclamation: January 5, 2010**

<u>PARTY NOMINATIONS</u>		
January 15	Last day to file Certificate of Nomination	§6-158(6)
January 19	Last day to accept or decline nomination	§6-158(7)
January 19	Last day to authorize nomination	§6-120(3)
January 19	Last day to file Substitution to fill vacancy created by a declination	§6-158(8)
January 25	Last day to authorize substitution	§6-120(3)
<u>INDEPENDENT NOMINATING PETITIONS</u>		
January 5	First day to sign	§6-138(4)
January 19	Last day to file petition	§6-158(9)
January 19	Last day to accept or decline nomination	§6-158(11)
January 21	Last day to file substitution to fill vacancy created by a declination	§6-158(12)
<u>REGISTRATION CUT-OFF DATES</u>		
January 15	Last day to mail (postmark) registration form	§5-210(3)
January 20	Last day for Board of Elections to receive mail registration form	§5-210(3)
January 29	Last day to register in person at the Board of Elections	§5-210(3)
<u>ABSENTEE BALLOTS</u>		
February 2	Last day to postmark application by mail	§8-400(2)(c)
February 8	Last day to apply in person at board of elections for absentee ballot	§8-400(2)(c)
February 8	Last day to postmark absentee ballot	§8-412(1)
February 9	Last day to deliver absentee ballot in person to board of elections	§8-412(2)
February 16	Last day for the board of elections to receive absentee ballot by mail	§8-412(2)
<u>FINANCIAL DISCLOSURE FILING DATES</u>		
January 29	11 Day Pre-Election	19 NYCRR § 6200.2(a)
March 8	27 Day Post-Election	19 NYCRR § 6200.2(a)



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ADMINISTRATIVE MANAGER

JOHN J. WARD  
FINANCE OFFICER

**DATE:** January 12, 2010  
**TO:** Commissioners

**FROM:** John J. Ward  
Finance Officer

**RE:** Comparative Expenditures

FY10	P.S. Projection through 1/08/10 Payroll:	\$ 9,954,300
FY10	P.S. Actual through 1/08/10 Payroll:	<u>\$16,071,773</u>
	Difference	(\$ 6,117,473)

Overtime pays two weeks ending 12/25/09

### OVERTIME USAGE

General Office	17,669
Brooklyn	8,780
Queens	5,890
Bronx	2,212
New York	274
Staten Island	<u>610</u>
Total	\$35.435

Respectfully submitted,

Finance Officer





State of New York  
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Executive Director  
**Robert A. Brehm**  
Executive Director  
**Kimberly A. Galvin**  
Special Counsel  
**Paul M. Collins**  
Deputy Counsel

January 8, 2010

Honorable Gary L. Sharpe  
United States District Court  
for the Northern District of New York  
James T. Foley U.S. Courthouse  
445 Broadway, Room 441  
Albany, New York 12207

Re: *United States v. New York State Board of Elections, et al.*  
Civil Action No. 06-CV-0263 (GLS)

Dear Judge Sharpe,

We enclose herewith Status Report of the Defendant New York State Board of Elections for the week ending January 7, 2010.

Respectfully submitted,

s/ \_\_\_\_\_  
Kimberly A. Galvin (505011)  
Special Counsel

s/ \_\_\_\_\_  
Paul M. Collins (101384)  
Deputy Special Counsel

**HAVA COMPLIANCE UPDATE**  
**Activities & Progress for the Period of 1/01/10-1/07/10**

Following is a detailed report concerning the previous weeks progress in implementing the terms of the Court's Orders .

**PLAN A**

**Overall Compliance Status Summary**

Overall, activities and progress toward HAVA compliance are on schedule with the revised timeline.

**Contracting with Voting System Vendors**

Status of tasks in this category: on schedule

- OGS is working with NYSBOE and both vendors to finalize their most recent add requests.
- BOE is reviewing the SysTest invoices for November.

**Testing, Certification, and Selection of Voting Systems & Devices**

Status of tasks in this category: on schedule

- Overall progress of testing :
  - All counties have chosen a voting system vendor. Nassau county and NYC still need to forward their requisitions to OGS for processing.

**Delivery and Implementation of Voting Systems & Devices**

Status of tasks in this category: on schedule

- Acceptance testing continues at Building 3.
- Counties are being surveyed to ensure they have submitted requisitions for the election management software packages that enable implementation.
- Updates to certified versions are prepared, and SBOE is piloting the upgrade process in two counties, to ensure the process is a smooth and easy one for county boards. SBOE expects software upgrades will begin next week.

**HAVA COMPLAINT PROCESS**

**NYC HAVA Complaint**

NYCBOE responded to the SBOE inquiry. SBOE is formulating a strategy to move forward and has advised the Department of Justice of the City Board's response. A decision regarding what action will be taken will be made early this year.

**CALENDAR FOR  
 CERTIFICATE OF NOMINATION  
 FEBRUARY 9, 2010 SPECIAL ELECTION  
 MEMBER OF ASSEMBLY  
 24<sup>th</sup> ASSEMBLY DISTRICTS, QUEENS COUNTY**

\*\*\*\*\*

Date of Proclamation.....January 5, 2010  
 Last day to file Certificate of Nomination.....9:00 AM–Midnight, January 15, 2010

<u>FOR CERTIFICATES FILED ON:</u>	<u>General Objections Must Be Received By:*</u>
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Thursday, January 14 .....	Tuesday, January 19
Friday, January 15 .....	Tuesday, January 19

<u>General Objections Filed On:</u>	<u>Specifications Must be Received By:*</u>
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For information, call the Board of Elections at 212-487-5300.

Issued By: The Board of Elections in the City of New York on January 6, 2010

**CALENDAR FOR  
INDEPENDENT NOMINATING PETITIONS  
FEBRUARY 9, 2010 SPECIAL ELECTION  
MEMBER OF ASSEMBLY  
24<sup>th</sup> ASSEMBLY DISTRICT, QUEENS COUNTY**

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Date of Proclamation & First Day to circulate Petitions.....January 5, 2010  
Last day to file petitions .....9 a.m. – Midnight, January 19, 2010

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**General Objections Must  
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Wednesday, January 13 .....	Tuesday, January 19
Thursday, January 14.....	Tuesday, January 19
Friday, January 15.....	Tuesday, January 19
Tuesday, January 19.....	Friday, January 22

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**NOTE: The Independent Nominating Petition Rules for 2009 (Adopted 5/12/09 & Pre-cleared by the U.S. Attorney General on 7/8/09, per Section 5, Voting Rights Act) governs Independent Nominating Petitions filed for this Election.**



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Co-Executive Director

## CERTIFICATION OF VACANCY

To the Board of Elections of: **New York City (Queens County)**

*We, certify, under Section 4-106(4) of the Election Law, that a vacancy in the office of Member of Assembly from the 24<sup>th</sup> Assembly District occurred on December 31, 2009, due to the resignation of Assemblyman Mark S. Weprin.*

**GIVEN** under our hands and official seal of office of the State Board of Elections at the City of Albany, this 4<sup>th</sup> day of January, Two thousand ten.

Robert A. Brehm  
Co-Executive Director

Todd D. Valentine  
Co-Executive Director

RAB/TDV/lis  
Enclosure

2010 JAN -6 PM 5:56

RECEIVED  
STATE BOARD OF ELECTIONS  
ALBANY, NY



THE ASSEMBLY  
STATE OF NEW YORK  
ALBANY

COMMITTEE  
On  
Education  
Assembly  
1999-2000

MEMBER  
New York State Assembly  
Fourth District  
Albany, New York

MARK S. WEPRIN  
24<sup>th</sup> District  
Queens County

LEADER  
Local Business Development

December 2, 2009

Speaker Sheldon Silver  
New York State Assembly  
Legislative Office Building-Rm 932  
Albany, New York 12247

FILED  
STATE RECORDS

DEC 07 2009

DEPARTMENT OF STATE

Dear Speaker Silver:

At this time I would like to withdraw my letter of resignation dated November 23, 2009 and resubmit my resignation dated December 2, 2009 effective midnight December 31, 2009.

Please be advised that I hereby resign the public office of Member of Assembly, 24<sup>th</sup> Assembly district effective midnight, December 31, 2009.

Sincerely,

  
MARK S. WEPRIN

RECEIVED  
STATE RECORDS  
DEC 07 2009  
10 11 00 AM

FILED

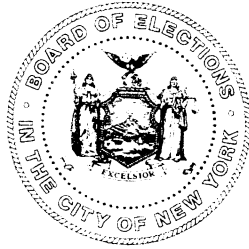
State of New York

DEC 07 2009

Department of State  
Secretary of State

2010 JAN -6 PM 5:57

STATE OF NEW YORK  
ELECTIONS



JULIE DENT  
PRESIDENT  
JUAN CARLOS "J.C." POLANCO  
SECRETARY

JOSE MIGUEL ARAUJO  
NAOMI BARRERA  
JAMES J. SAMPEL  
NANCY MOTTOLA-SCHACHER  
J.P. SIPP  
GREGORY C. SOUMAS  
JUDITH D. STUPP  
FREDERIC M. UMANE  
COMMISSIONERS

**BOARD OF ELECTIONS**

IN  
THE CITY OF NEW YORK  
EXECUTIVE OFFICE, 32 BROADWAY  
NEW YORK, NY 10004-1609  
(212) 487-5300  
FAX (212) 487-5349  
www.vote.nyc.ny.us

COMM. FYI  
MARCUS CEDERQVIST  
EXECUTIVE DIRECTOR  
GEORGE GONZALEZ  
DEPUTY EXECUTIVE DIRECTOR  
PAMELA GREEN PERKINS  
ADMINISTRATIVE MANAGER

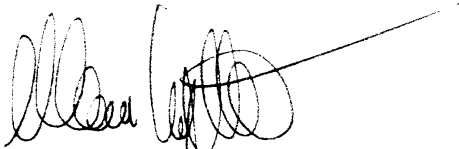
January 8, 2010

Robert Brehm, Co-Executive Director  
Todd Valentine, Co-Executive Director  
New York State Board of Elections  
40 Steuben Street  
Albany, NY 12207-2108

Dear Co-Executive Director Brehm & Valentine,

This is to inform you that the Commissioners of Elections, at their meeting held on Tuesday, January 5, 2010, selected the E S & S Automark as the permanent voting system for the City of New York.

If you have any questions or need anything else, please feel free to contact us at 212.487.5412.

  
Marcus Cederqvist  
Executive Director

Sincerely,

  
George Gonzalez  
Deputy Executive Director

cc: ✓ Commissioners of Elections  
Pamela Perkins, Administrative Manager  
Steven H. Richman, General Counsel  
Lucille Grimaldi, Manager – EVS  
Anna Svizzero, Director – Election Day Operations, NYSBOE  
Joe Burns, Deputy Director – Election Day Operations, NYSBOE





James A. Walsh  
Co-Chair

Gregory P. Peterson  
Commissioner

Todd D. Valentine  
Co-Executive Director

40 STEUBEN STREET  
ALBANY, N.Y. 12207-2108  
Phone: 518/474-6220  
www.elections.state.ny.us

Douglas A. Kellner  
Co-Chair

Evelyn J. Aquila  
Commissioner

Robert A. Brehm  
Co-Executive Director

## **MEMORANDUM**

**TO:** Commissioners of Elections: Queens County (NYC)

**FROM:** Robert A. Brehm                      Todd D. Valentine  
Co-Executive Director                      Co-Executive Director

**DATE:** January 5, 2010

**SUBJECT:** Special Election - 24<sup>th</sup> Assembly District

---

Please be advised that Governor David A. Paterson issued a proclamation for a special election for the:

24<sup>th</sup> Assembly District – due to the resignation of Hon. Mark S. Weprin.

The date of this special election has been set for February 9, 2010 and shall be conducted by you in a manner consistent with all special election provisions of the New York State Election Law and its rules and regulations.

Enclosed please find a copy of the Governor's proclamation and a calendar which sets forth all pertinent dates concerning this special election.

RAB/TDV/lis  
Enclosures

cc: NYS Party Chairs



State of New York  
**STATE BOARD OF ELECTIONS**  
40 STEUBEN STREET  
ALBANY, N.Y. 12207  
Phone: 518/474-6220 Fax: 518/486-4068

**OFFICIAL SPECIAL ELECTION POLITICAL CALENDAR**

**SPECIAL ELECTION: February 9, 2010**  
**Date of Proclamation: January 5, 2010**

**PARTY NOMINATIONS**

January 15	Last day to file Certificate of Nomination	§6-158(6)
January 19	Last day to accept or decline nomination	§6-158(7)
January 19	Last day to authorize nomination	§6-120(3)
January 19	Last day to file Substitution to fill vacancy created by a declination	§6-158(8)
January 25	Last day to authorize substitution	§6-120(3)

**INDEPENDENT NOMINATING PETITIONS**

January 5	First day to sign	§6-138(4)
January 19	Last day to file petition	§6-158(9)
January 19	Last day to accept or decline nomination	§6-158(11)
January 21	Last day to file substitution to fill vacancy created by a declination	§6-158(12)

**REGISTRATION CUT-OFF DATES**

January 15	Last day to mail (postmark) registration form	§5-210(3)
January 20	Last day for Board of Elections to receive mail registration form	§5-210(3)
January 29	Last day to register in person at the Board of Elections	§5-210(3)

**ABSENTEE BALLOTS**

February 2	Last day to postmark application by mail	§8-400(2)(c)
February 8	Last day to apply in person at board of elections for absentee ballot	§8-400(2)(c)
February 8	Last day to postmark absentee ballot	§8-412(1)
February 9	Last day to deliver absentee ballot in person to board of elections	§8-412(2)
February 16	Last day for the board of elections to receive absentee ballot by mail	§8-412(2)

**FINANCIAL DISCLOSURE FILING DATES**

January 29	11 Day Pre-Election	19 NYCRR § 6200.2(a)
March 8	27 Day Post-Election	19 NYCRR § 6200.2(a)



STATE OF NEW YORK

DAVID A. PATERSON  
GOVERNOR

PETER J. KIERNAN  
COUNSEL TO THE GOVERNOR

January 5, 2010

Robert Brehm, Director  
Todd D. Valentine, Co-Executive Director  
New York State Board of Elections  
40 Steuben Street  
Albany, New York 12207-2108

Dear Messrs. Brehm and Valentine:

Enclosed please find a copy of a Proclamation that was executed by Governor Paterson, January 5, 2010, calling for four Special Assembly Elections on February 9, 2010. These special elections are necessary to fill vacancies in the 3<sup>rd</sup>, 15<sup>th</sup>, 24<sup>th</sup> and 89<sup>th</sup> Assembly Districts, including all or parts of Nassau, Suffolk, Westchester and Queen's counties, created by the resignations of Rob Walker, Patricia A. Eddington, Adam Bradley and Mark Weprin.

Please take the appropriate action required by your office with respect to this Proclamation.

Very truly yours,

Peter J. Kiernan  
Counsel to the Governor

Enclosures

**RECEIVED**  
JAN 05 2010  
NYS Board of Elections

RECEIVED

JAN 05 2010

NYS Board of Elections



State of New York

JAN 05 2010

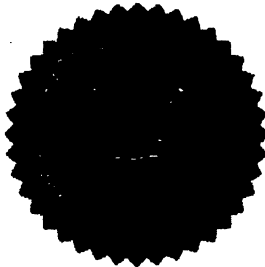
Department of State  
Secretary of State



PROCLAMATION

WHEREAS, vacancies exist in the offices of New York State Assembly in Districts in the Counties of Nassau, Suffolk, Queens and Westchester caused by the resignations of Rob Walker, Patricia A. Eddington, Mark Weprin and Adam Bradley, Members of New York State Assembly from the said Districts;

NOW, THEREFORE, I, David A. Paterson, Governor of the State of New York, pursuant to Section 42 of the Public Officers Law, do hereby order and proclaim that an election for Members of New York State Assembly in the place and for the unexpired term of, Rob Walker, Patricia A. Eddington, Mark Weprin and Adam Bradley be held in the said Districts: Nassau, Suffolk, Queens and Westchester counties on the ninth day of February, two thousand ten, such election to be conducted in the manner prescribed by law for election of New York State Member of Assembly.



GIVEN under my hand and the Privy Seal of the State this fifth day of January in the year two thousand ten.

BY THE GOVERNOR

*David A. Paterson*

*Laura Schwab*

Secretary to the Governor

Comm Mtg  
F.Y.I.

**Steven H. Richman**

---

**From:** Majerus, Kenneth [kmajerus@law.nyc.gov]  
**Sent:** Thursday, December 31, 2009 10:46 AM  
**To:** Marcus Cederqvist; Steven H. Richman  
**Subject:** STATEMENT OF COST - BOARD OF ELECTIONS - November 2009

Your agency's statement for November 2009 is attached to this email. Cases have been arranged by division to assist you in identifying the matters. We have included all or part of both the plaintiff and defendant names, also to help identify the matters. A running total of each division's hours is located after the last matter for each division.

As before, if you see a case you believe is erroneously attributed to your agency, please let me know.

Thank you.

Ken Majerus  
Chief of Operations  
City of New York Law Department  
100 Church Street  
New York, NY 10007  
(212) 788-0373  
(212) 788-0386 - fax  
[kmajerus@law.nyc.gov](mailto:kmajerus@law.nyc.gov)



Date: 12/22/2009

Summary Charges to BOARD OF ELECTIONS

for Nov. 1, 2009 - Nov. 30, 2009

Number of Matters	4						
Total Attorney Hours	13.25			Attorney Hours YTD	343		
Total Attorney Charges	\$2,075.89			Attorney Charges YTD	\$53,064.89		
Total Disbursement	\$0.00			Disbursement YTD	\$0.00		
Total Workers' Compensation Administrative Cost	\$400.00	for	20	WC Admin Cost YTD	\$2,042.00		
Tort - Labor Attribution Summary	\$0.00		claims	Tort Labor Costs YTD	\$0.00		
<b>Grand Total</b>	<b>\$2,475.89</b>			<b>Grand Total YTD</b>	<b>\$55,106.89</b>		
<hr/>							
Total Workers' Compensation Actual Expenditure	\$9,363.00			Workers' Comp Actual Expenditure YTD *	\$108,460.00		

YTD = July 1, 2009 to Present

\* = WC Actual Expenditure July 1, 2009 to Present

Appendix A

**Matters Detail BOARD OF ELECTIONS**

for Nov. 1, 2009 - Nov. 30, 2009

<i>Caption</i>	<i>Matter Number</i>	<i>Date</i>	<i>Staff</i>	<i>Hour Rate</i>	<i>Description</i>	<i>Amount</i>
<b>Affirmative Litigation</b>						
CITY OF NEW YORK VS NEW YORK STATE BOARD OF ELECTIONS	2009009787	11/10/2009	BERNHARDT , DORIS	0.50	\$150.44 Correspondence	\$75.22
			<b>Total Hours:</b>	<b>0.50</b>		
			<b>Case Attorney Total YTD:</b>	\$361.00		\$75.22
			<b>Disbursement YTD:</b>	\$0.00		\$0.00
			<b>Matter Total YTD:</b>	\$361.00		\$75.22
					<b>Case Attorney Total:</b>	\$75.22
					<b>Disbursement Total:</b>	\$0.00
					<b>Matter Total:</b>	\$75.22
			<b>Total Hours:</b>	<b>0.50</b>		
			<b>Division Attorney Total YTD:</b>	\$610.18		\$75.22
			<b>Disbursement YTD:</b>	\$0.00		\$0.00
			<b>Matter Total YTD:</b>	\$610.18		\$75.22
					<b>Division Attorney Total:</b>	\$75.22
					<b>Disbursement Total:</b>	\$0.00
					<b>Matter Total:</b>	\$75.22

<i>Caption</i>	<i>Matter Number</i>	<i>Date</i>	<i>Staff</i>	<i>Hour Rate</i>	<i>Description</i>	<i>Amount</i>
<b>Contracts and Real Estate</b>						
CONT & RE ADM TIME-BD OF EL	04CR900036	11/4/2009	COHEN , ANDREA	0.50	\$155.25 Counseling/Opinion/Memo	\$77.62
CONT & RE ADM TIME-BD OF EL	04CR900036	11/5/2009	COHEN , ANDREA	0.75	\$155.25 Drafting/Review of Transactional Do	\$116.43
CONT & RE ADM TIME-BD OF EL	04CR900036	11/16/2009	COHEN , ANDREA	4.25	\$155.25 Drafting/Review of Transactional Do	\$659.79
CONT & RE ADM TIME-BD OF EL	04CR900036	11/17/2009	COHEN , ANDREA	2.75	\$155.25 Drafting/Review of Transactional Do	\$426.93

Appendix A

	<b>Total Hours:</b>	<b>8.25</b>	
<i>Case Attorney Total YTD:</i>	\$2,852.84		<i>Case Attorney Total:</i> \$1,280.78
<i>Disbursement YTD:</i>	\$0.00		<i>Disbursement Total:</i> \$0.00
<i>Matter Total YTD:</i>	\$2,852.84		<i>Matter Total:</i> \$1,280.78
	<b>Total Hours:</b>	<b>8.25</b>	
<i>Division Attorney Total YTD:</i>	\$2,852.84		<i>Division Attorney Total:</i> \$1,280.78
<i>Disbursement YTD:</i>	\$0.00		<i>Disbursement Total:</i> \$0.00
<i>Matter Total YTD:</i>	\$2,852.84		<i>Matter Total:</i> \$1,280.78

<i>Caption</i>	<i>Matter Number</i>	<i>Date</i>	<i>Staff</i>	<i>Hour Rate</i>	<i>Description</i>	<i>Amount</i>
<b>General Litigation</b>						
GEN LIT ADM TIME - ELECTIONS, BOARD OF vs	04GL900014	11/2/2009	KITZINGER, STEPHEN	1.00	\$159.98 Communication with Client	\$159.98
GEN LIT ADM TIME - ELECTIONS, BOARD OF vs	04GL900014	11/2/2009	KITZINGER, STEPHEN	2.00	\$159.98 Intra Office Conf/Communicatn	\$319.95
			<b>Total Hours:</b>	<b>3.00</b>		
<i>Case Attorney Total YTD:</i>			\$4,319.38		<i>Case Attorney Total:</i>	\$479.93
<i>Disbursement YTD:</i>			\$0.00		<i>Disbursement Total:</i>	\$0.00
<i>Matter Total YTD:</i>			\$4,319.38		<i>Matter Total:</i>	\$479.93
LEROY, MIREILLE P. VS ELECTIONS, BOARD OF, NYC, ET AL.	2009035756	11/6/2009	KITZINGER, STEPHEN	1.00	\$159.98 Brief/Motion	\$159.98
LEROY, MIREILLE P. VS ELECTIONS, BOARD OF, NYC, ET AL.	2009035756	11/6/2009	KITZINGER, STEPHEN	0.50	\$159.98 Communication with Client	\$79.99



*Appendix A*

	<i>Total Hours:</i>	1.50	
<i>Case Attorney Total YTD:</i>	\$1,039.85		<i>Case Attorney Total:</i>
<i>Disbursement YTD:</i>	\$0.00		<i>Disbursement Total:</i>
<i>Matter Total YTD:</i>	\$1,039.85		<i>Matter Total:</i>
			\$239.97
			\$0.00
			\$239.97
	<i>Total Hours:</i>	4.50	
<i>Division Attorney Total YTD:</i>	\$42,507.85		<i>Division Attorney Total:</i>
<i>Disbursement YTD:</i>	\$0.00		<i>Disbursement Total:</i>
<i>Matter Total YTD:</i>	\$42,507.85		<i>Matter Total:</i>
			\$719.90
			\$0.00
			\$719.90
<hr/>			
<i>Agency Attorney Total YTD:</i>	\$53,064.89		<i>Agency Total Attorney Dollars:</i>
<i>Disbursement YTD:</i>	\$0.00		<i>Total Disbursement:</i>
<i>Matter Total YTD:</i>	\$53,064.89		<i>Grand Matter Total:</i>
			\$2,075.89
			\$0.00
			\$2,075.89

**Selina Williams**

**From:** George González [gonzo7\_3@hotmail.com]  
**Sent:** Friday, January 08, 2010 12:17 PM  
**To:** \*Commissioners; \*Chief & Deputy Chief Clerks (all); \*Managers  
**Cc:** \*ExecutiveManagement; \*ExecSupportGroup  
**Subject:** Fw: Transition from levers to the op-scan systems

For your information ...

George Gonzlez

Sent on the Sprint Now Network from my BlackBerry

**From:** "CoExecutiveDirectors" <CoExecutiveDirectors@elections.state.ny.us>  
**Date:** Fri, 08 Jan 2010 12:05:03 -0500  
**To:** Ellen Graziano<ellen\_graziano@albanycounty.com>; John Graziano Sr.<jgraziano@albanycounty.com>; Kathy Carey<kcarey@albanycounty.com>; Matthew Clyne<matthew.clyne@albanycounty.com>; Elaine Herdman<herdmae@alleganyco.com>; Kathleen Hollis<hollisks@alleganyco.com>; John Colligan<lorowcm@alleganyco.com>; Mary Pines<marilizo@aol.com>; Acknock Girard<agirard@awesome.com>; John Perticone<jperticone@binghamtonlaw.com>; George Gonzalez<ggonzalez@boe.nyc.ny.us>; Marcus Cederqvist<mcederqvist@boe.nyc.ny.us>; Pamela Green Perkins<webmail\_perkinsp@boe.nyc.ny.us>; Kevin Burleson<kcburleson@cattco.org>; Karen Byrne<KLByrne@cattco.org>; Kristie Virga<KLVirga@cattco.org>; Sue Fries<safries@cattco.org>; Cheryl Heary<cheary@cayugacounty.us>; Katie Lacey<dcalarco@cayugacounty.us>; Tom Prystal<tpystal@cayugacounty.us>; Karen Davis<kdavis@co.broome.ny.us>; Brian Abram<abramb@co.chautauqua.ny.us>; Norman Green<greenn@co.chautauqua.ny.us>; Meaghan Knee<kneem@co.chautauqua.ny.us>; Dolores Newman<newmand@co.chautauqua.ny.us>; Keith Osborne<kosborne@co.chemung.ny.us>; Linda Forrest<lforrest@co.chemung.ny.us>; Mary O'Dell<modell@co.chemung.ny.us>; Marilyn O'Mara<momara@co.chemung.ny.us>; Carol Franklin<carolf@co.chenango.ny.us>; Harriet Jenkins<harrietj@co.chenango.ny.us>; Susan Castine<castines@co.clinton.ny.us>; Randa Fillion<fillionr@co.clinton.ny.us>; Judith Layhee<layheej@co.clinton.ny.us>; Lois McShane<mcsanel@co.clinton.ny.us>; Janice Burdick<janice.burdick@co.delaware.ny.us>; Paula Schermerhorn<paula.schermerhorn@co.delaware.ny.us>; Robin Alger<robin.alger@co.delaware.ny.us>; William Campbell<william.campbell@co.delaware.ny.us>; Daniel French<dfrench@co.dutchess.ny.us>; David Gamache<dgamache@co.dutchess.ny.us>; Frances Knapp<fknapp@co.dutchess.ny.us>; Patricia Hohmann<phohmann@co.dutchess.ny.us>; Patti Doyle<pdoyle@co.essex.ny.us>; Cindy Brazee<sbrazee@co.essex.ny.us>; Kelly Cox<kcox@co.franklin.ny.us>; Kathy Fleury<kfleury@co.franklin.ny.us>; Ruth Besio<rbesio@co.franklin.ny.us>; Veronica King<vking@co.franklin.ny.us>; Linda Coons<lcoons@co.fulton.ny.us>; Linda Madison<lmadison@co.fulton.ny.us>; Dawn Cassidy<dcassidy@co.genesee.ny.us>; Karen Gannon<kgannon@co.genesee.ny.us>; Richard Siebert<rsiebert@co.genesee.ny.us>; Sharon White<swhite@co.genesee.ny.us>; Babette Hall<babetteh@co.jefferson.ny.us>; Jerry Eaton<jerrye@co.jefferson.ny.us>; Trina Kamprnich<katrinak@co.jefferson.ny.us>; Sean Hennessey<seanh@co.jefferson.ny.us>; Laura Schoonover<lschoonover@co.livingston.ny.us>; Matthew Griffo<mgriffo@co.livingston.ny.us>; Nancy Leven<nleven@co.livingston.ny.us>; Susan Guenther<sguenther@co.livingston.ny.us>; Laura Costello<laura.costello@co.madison.ny.us>; Lynne Jones<lynne.jones@co.madison.ny.us>; Jamie Duchessi<jduchessi@co.montgomery.ny.us>; Lyn May<lmay@co.montgomery.ny.us>; Phil Lyford<plyford@co.montgomery.ny.us>; Terrance Smith<tsmith@co.montgomery.ny.us>; Elaine Mallaber<elaine.mallaber@co.ontario.ny.us>; Joan Luther<joan.luther@co.ontario.ny.us>; Mary Salotti<mary.salotti@co.ontario.ny.us>; Michael Northrup<michael.northrup@co.ontario.ny.us>; Courtney Canfield Greene<cconfield@co.orange.ny.us>; David

1/8/2010

30

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**Subject:** Transition from levers to the op-scan systems

Dear County Boards,

As you know, the State Board of Elections has certified 2 voting systems to replace the lever voting machines.

We recognize that it will be a challenge as we enter the brave new world of paper ballot elections. It's not going to happen overnight. 2010 will be a year of transition from levers to the op-scan systems. We expect that all counties will have fully migrated to the op-scan system for this fall's primary elections. We'll be reviewing this process in more detail at the ECA's winter meeting, in short, before you can say goodbye to the levers a county will need to meet 4 basic requirements:

1. Sufficient replacement machines in your possession.
2. Ability to program the new systems through the EMS software.
3. Trained custodians and election inspectors.
4. Voter education program in place.

We'll be working with other statewide agencies and associations to address the needs of other jurisdictions, such as schools, villages, special town districts, and fire districts, that currently use the lever during this transition year.

Robert A. Brehm  
Co-Executive Director

Todd Valentine  
Co-Executive Director

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**Selina Williams**

**From:** Valerie Vazquez  
**Sent:** Monday, January 11, 2010 9:16 AM  
**To:** \*Chief & Deputy Chief Clerks (all); \*Commissioners; \*ExecutiveManagement; \*ExecSupportGroup; \*Managers  
**Subject:** NY Post Article

**Vote of confidence for ballot scanners**

By MAGGIE HABERMAN

*Last Updated:* 8:30 AM, January 11, 2010*Posted:* 3:06 AM, January 11, 2010

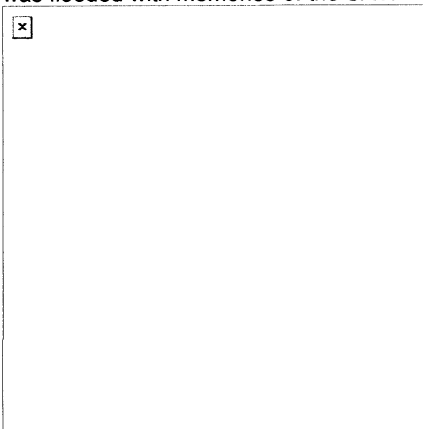
The pen is mightier than the lever.

That's what I learned when I gave the new Election Systems & Software DS200 voting machine a test run, after the city Board of Elections chose it over a rival model to replace the city's antiquated lever machines.

The experience was cool – but about as satisfying as filling out forms at the Department of Motor Vehicles.

The machines are bringing voting in the city into the 21st century – or even just the 20th century – after decades of lever pulling.

The sleek, touch-screen system has a huge display screen and lets voters feed in paper ballots that look like standardized tests. I was flooded with memories of the SAT.



HELAYNE SEIDMAN

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A scanner in the machine reads the votes but saves the paper ballot.

High tech? Sure, but why couldn't the machines give some kind of proof I voted? At least the DMV hands out receipts.

The paper-ballot design looks a lot like the display on the old lever machines, but it took me a second to get oriented.

When the machine gave me the "go" sign, I pressed a green "cast ballot" icon. I fed a mock ballot in with two hands. The screen read, "Ballot scanning, please wait."

Five seconds later, I heard my paper ballot fall into the locked collection area under the machine.

The screen read: "Thank you for voting. Your ballot has been counted."

For the sake of future voting, I really hope so.

[maggie.haberman@nypost.com](mailto:maggie.haberman@nypost.com)

**Read more:**

[http://www.nypost.com/p/news/local/vote\\_of\\_confidence\\_for\\_ballot\\_scanners\\_lgGC8GbHNOAFtUGMcAiXZJ#ixzz0cJTeYz4I](http://www.nypost.com/p/news/local/vote_of_confidence_for_ballot_scanners_lgGC8GbHNOAFtUGMcAiXZJ#ixzz0cJTeYz4I)

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**January 8, 2010**

NYC

## Thunkless in the Name of Progress

By **CLYDE HABERMAN**

This is hard to prove, but the betting here is that many New Yorkers will miss the thunk.

The thunk was the reassuring sound of democracy at work. It all but defined the lever-operated voting machines in use for decades. You stood in the booth, enveloped by this thick curtain. You flipped tiny levers next to your preferred candidates. Then you pulled a big lever to record your choices.

Thunk.

It was as if the mechanism shouted on your behalf: That'll show 'em who's boss.

Those old voting machines are now supposed to disappear. The city's Board of Elections settled this week on new electronic devices produced by a company called Election Systems and Software.

Maybe the board made a wise choice. Maybe not. We're no experts. But it is reasonable to assume that trouble of some sort will arise. All systems are flawed. The lever machines had their problems, too.

In the new system, voters will fill in ovals on paper ballots that will then be fed into a scanner. The process has been described as similar to the SATs and other standardized tests.

It sounds O.K. Hang on, though. Wasn't there a big problem with the SATs just a few years ago, with thousands of exam scores computed incorrectly?

Indeed there was. "There is no such thing as a perfect, flaw-free technology, either for casting ballots or measuring educational performance," said Robert Schaeffer, the public education director of FairTest, a nonprofit group concerned about flaws in standardized tests.

Technology aside, there is human fallibility and, on occasion, venality. The more cynical will probably agree with a fellow named Rob who commented the other day on this newspaper's City Room blog. "Voting machines = corruption," he wrote. "If it can be done, it will be done."

Even if all runs smoothly with the new technology, voting will become a thunkless task. That thunk is irreplaceable.

This is not a Luddite complaint. There is elegance, even magic, in today's electronic devices. But many obsolete machines came with certain sounds that had a soothing quality not readily found in this silent age of

apps, gigabytes and 3G networks.

The clatter of a typewriter, to cite one example, was comforting in its fashion. Many writers felt that the machine itself made them better at their craft. It slowed them down, forcing them to weigh their words more carefully. It is all too easy to be glib on a computer keyboard; just look at your e-mail messages.

If the writing went badly, the typewriter allowed for physical relief from tension. You could rip the paper out of the roller, wad it into a ball and slam it into the wastebasket. You can't do anything like that with a computer. You can't vent frustration by smacking it on the side. You might damage it.

OBVIOUSLY, the typewriter has pretty much faded to black. A decade ago, there was a battle over space in the Writers Room, a Greenwich Village haven for scribblers of serious purpose. The struggle was between typewriting diehards and laptop users. No need to guess which group prevailed. A young woman who has worked in the room for the last seven months says she has yet to see a typewriter. If one were somehow to fall on her, she literally wouldn't know what hit her.

But language associated with old machinery often endures even if the machines themselves do not.

E-mail has a function marked "cc." Many people don't give it a second thought. It is shorthand for "carbon copy." When was the last time anyone made an honest-to-goodness carbon copy or, for that matter, held a sheet of carbon paper? Yet the phrase goes on.

Seven years ago, I suggested "anachronym" for words or phrases based on physical objects that are long outdated. My word never caught on. All the same, anachronyms exist, as they surely do on days when the boss goes on like a broken record, puts you through the wringer and makes you want to let off steam.

Perhaps the old voting machines, too, will linger in language, with people asking one another on Election Day, "Which candidate did you pull the lever for?"

And maybe the machines themselves aren't dead yet. The Board of Elections says the new system will be ready in time for the September primaries. Not to be unduly skeptical, but government and missed deadlines often go hand in hand. The old levers may be put to use, after all. Then we can all happily say that we'd thunk it.

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Wednesday, January 6, 2010 - Page updated at 12:46 AM

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## Washington state felons should have voting rights, federal court rules

By Jonathan Martin

Seattle Times staff reporter

A federal appeals court on Tuesday tossed out Washington's law banning incarcerated felons from voting, finding the state's criminal-justice system is "infected" with racial discrimination.

The surprising ruling, by a three-judge panel of the 9th Circuit Court of Appeals in Seattle, said the law violates the 1965 Voting Rights Act by disenfranchising minority voters.

The decision is the first in the country's federal appeals courts to equate a prohibition against voting by incarcerated felons with practices outlawed under the federal Voting Rights Act, such as poll taxes or literacy tests.

But Washington's 37,000 felons in prison or on community supervision should not yet break out their voter pamphlets. State Attorney General Rob McKenna said he will appeal — either back to a larger 9th Circuit panel, or directly to the U.S. Supreme Court.

The two-judge majority apparently was persuaded by the plaintiffs' argument that reams of social-science data filed in the case showed minorities in Washington are stopped, arrested and convicted in such disproportionate rates that the ban on voting by incarcerated felons is inherently discriminatory.

The decision, written by Judge A. Wallace Tashima, said the studies "speak to a durable, sustained indifference in treatment faced by minorities in Washington's criminal justice system — systemic disparities which cannot be

1/11/2010



explained by 'factors independent of race.' "

McKenna said the ruling, if upheld by the U.S. Supreme Court, would apply to all 48 states that ban voting by felons in prison or on supervision. But he disputed the research and the court's legal reasoning.

"What the 9th Circuit did here is misapply the Voting Rights Act," he said. "They just got it wrong."

The case was first filed in Spokane in 1996 by Muhammad Shabazz Farrakhan, who was serving a three-year sentence at the Washington State Penitentiary in Walla Walla for a series of felony-theft convictions. Ultimately, five other inmates, all members of racial minority groups, joined as plaintiffs.

The case has twice bounced between district court and the appeals court.

It was built on research by University of Washington sociologists who found that blacks are 70 percent more likely — and Latinos and Native Americans 50 percent more likely — than whites to be searched in traffic stops.

The research also showed that blacks are nine times more likely to be incarcerated than whites, despite the fact that the ratio of arrests for violent crime among blacks and whites is less than four-to-one. One result of that: 25 percent of black men in Washington are disenfranchised from voting.

"When this important right to vote is taken away in a manner that discriminates against a whole population, the real reason to do it doesn't make sense anymore," said Lawrence Weiser, a Gonzaga University law professor who represented the inmates.

The National Voting Rights Act of 1965, a landmark civil-rights law, banned electoral practices that were commonly used to disenfranchise black voters. Lawsuits similar to the one in Washington have been filed around the country, but federal courts in Massachusetts in 2009, New York in 2006, and Florida in 2005 reached opposite conclusions.

Ryan Haygood of the NAACP's Legal Defense Fund said such cases are "very hard to win." But he described voting by incarcerated felons as the "best tool to re-integrate them into society."

"There is this view that there is reason to be fearful, but there is no danger of people participating in a democracy," said Haygood, who worked as co-counsel with Weiser on the case. "You don't lose when people participate in a democracy. That's especially true of people who are incarcerated."

Two law-enforcement groups and several prominent Washington officials — including two former U.S. attorneys and former Seattle Police Chief Norm Stamper — supported the plaintiffs in court, arguing that there is "no legitimate penal interest" in disenfranchising felons.

Only two states — Vermont and Maine — allow prison inmates to vote.

Article IV of the Washington Constitution bans voting by people convicted of "infamous crime," described as one that merits incarceration in prison, until their civil rights are restored.

Under current law, felons cannot get their voting rights restored until they finish their prison sentences and terms of community supervision. Previously, felons also had to pay off any fines and court costs before their voting rights were restored, but the Legislature dropped that provision last year.

Secretary of State Sam Reed supported that change, but said he was "disappointed" in Tuesday's ruling because it did away with a rational consequence of committing a felony.

"If they need to deal with the law and justice system, deal with that," Reed said. "We don't think it's an appropriate remedy to say because there is racial discrimination, we're going to solve that by allowing people to vote" in prison.

If the court's ruling is upheld, it is unclear how felons in custody would vote. Washington's Department of Corrections inspects outgoing inmate mail, and most counties with state prisons are vote-by-mail counties. But state voting laws prohibit such opening of mail-in ballots.

*The Associated Press contributed to this story.*

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## Selina Williams

**From:** George Gonzalez  
**Sent:** Tuesday, January 05, 2010 4:04 PM  
**To:** \*Chief & Deputy Chief Clerks (all); \*Managers  
**Cc:** \*ExecSupportGroup  
**Subject:** FW: NY Times: City Selects Company for New Voting Machines

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**From:** Valerie Vazquez  
**Sent:** Tuesday, January 05, 2010 3:37 PM  
**To:** \*Commissioners  
**Cc:** \*ExecutiveManagement  
**Subject:** NY Times: City Selects Company for New Voting Machines

Media hits resulting from today's vote have already begun trickling in. I will continue to monitor thorough tomorrow morning and provide you with a full media report once we have captured each hit.

January 5, 2010, 3:04 pm

## City Selects Company for New Voting Machines

By *DAVID W. CHEN*

NYTimes.com

<http://cityroom.blogs.nytimes.com/2010/01/05/city-selects-company-for-new-voting-machines/>

The voting levers are officially history.

After years of delays and fierce lobbying, the city's Board of Elections on Tuesday afternoon selected Elections Systems and Software, an Omaha company, to provide new electronic voting machines in time

for the September 2010 primary.

Voters will now be required to fill out paper ballots with ovals, similar to SAT exams, before feeding them into a fax-like scanner.

The change means that New York City will finally be in compliance with the federal Help America Vote Act of 2002. That law was passed to avoid a repeat of the recount debacle in Florida after the 2000 presidential election, and to help disabled people vote.

The city had been one of the last municipalities, in the last state, to refrain from picking an electronic system. Albany was so slow in selecting a system, in fact, that the Justice Department sued the state in 2006 and threatened to take away federal money set aside for any costs associated with the transition to new technology.

Indeed, the specter of Albany's intervention loomed during Tuesday's vote, because if the city board failed to act, the state would have been empowered to pick a system by Jan. 14.

Instead, city election commissioners chose ESS by 6-1 over Dominion Voting, a Toronto company that has supplied several New York municipalities with machines. ESS won because its machines were easier to read and to use, especially for immigrants and the disabled. Two commissioners abstained - with one complaining that neither system was adequate - and one commissioner was absent.

Please let me know if you have any questions.

Thanks,

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**Sent:** Tuesday, January 05, 2010 4:43 PM  
**To:** \*Commissioners  
**Cc:** \*ExecutiveManagement; \*Chief & Deputy Chief Clerks (all); \*Managers; \*ExecSupportGroup  
**Subject:** NY Daily News: ES&S Wins Voting Machine Vote

<http://www.nydailynews.com/blogs/dailypolitics/2010/01/ess-wins-voting-machine-vote.html#ixzz0blyu3ON6>

**The Daily Politics**  
*by Elizabeth Benjamin*  
**JANUARY 5, 2010 3:20 PM**

**ES&S Wins Voting Machine Vote »**  
By Elizabeth Benjamin

City Board of Elections commissioners today handed Election Systems and Software of Omaha a multimillion-dollar contract to replace the city's old lever voting machines with new, electronic models.

The vote was 6-1 with two abstentions.

In favor of ES&S were: J.C. Polanco, Bronx-R; Judith Stupp, Queens-R and Jose Araujo, Queens-D; and Julie Dent Brooklyn-R; Nancy Mottola-Schacher, Brooklyn-D; and Gregory Soumas, Manhattan-D.

Voting for ESS' rival, Dominion Voting of Toronto, was Frederic Umane, Manhattan-R.

The two abstentions came from Naomi Silie, Bronx-D, and J.P. Sipp, Staten Island-R. James Sampel, Staten Island-D, was not present for the vote.

The battle for the lucrative (and long-delayed) voting machine contract heated up in advance of today's vote.

A story yesterday in the Post revealed a Westchester-based lawyer and lobbyist hired to help ES&S, Anthony Mangone, testified he tampered with ballots in 2002. Mangone was never indicted.

Between 2002 and 2006, voting machine manufacturers spent \$1.47 million on lobbying, according to Common Cause. The final tally is likely to be considerably more than that, considering that both ES&S and Dominion have hired big names to push their respective cases.

Hank Sheinkopf, Norman Adler and Davidoff & Malito worked for ES&S, while Greenberg Traurig and Stanley Schlein were among those working for Dominion.

Both ES&S and Dominion were certified by the state Board of Elections last month. Dominion insisted it would bring both jobs and voting machines to New York, but that argument apparently failed to sway the commissioners.

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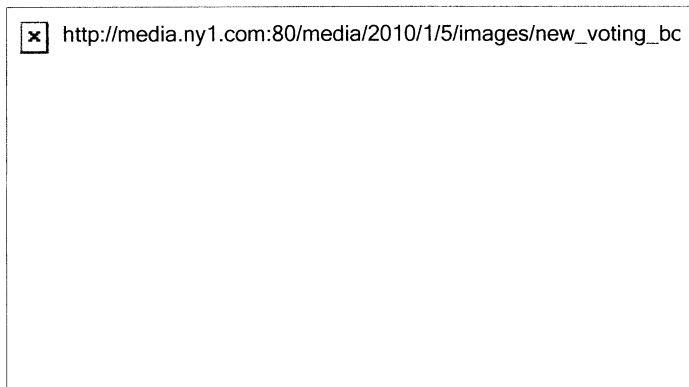
## Selina Williams

**From:** Valerie Vazquez  
**Sent:** Tuesday, January 05, 2010 5:14 PM  
**To:** \*Commissioners  
**Cc:** \*ExecutiveManagement; \*Chief & Deputy Chief Clerks (all); \*Managers; \*ExecSupportGroup  
**Subject:** FW: NY1: City Chooses New Voting Machines

Please see link for video featuring Commissioner Polanco: [http://ny1.com/1-all-boroughs-news-content/top\\_stories/111477/city-chooses-new-voting-machines](http://ny1.com/1-all-boroughs-news-content/top_stories/111477/city-chooses-new-voting-machines)

## City Chooses New Voting Machines

By: NY1 News



Then come back here and refresh the page.

The New York City Board of Elections voted today to buy the Election Systems and Software electronic voting machines as a way to improve how the city counts votes and to speed up lines at polling places.

Six voted in favor of ES&S; one voted in favor of the Dominion system, and two abstained.

The contract is estimated to cost about \$50 million.

The board will buy between 5,000 and 7,000 machines.

With the new system, voters will fill in a paper ballot and then feed the ballot into the machine, which will tally the votes.

"There's a new way of voting in New York City," said BOE Commissioner J.C. Polanco. "One of the things we're going to be focusing on is ensuring that every voter in the city feels comfortable with this new system and confident that their vote is going to counted accurately and it will be verifiable. So this is a very good thing."

The machines are supposed to be in place for the September primary.

Prior to today's vote, Public Advocate Bill de Blasio unveiled a new voter outreach program that he hopes the board will implement to educate voters about the new system.

"As much as we're excited about these changes, we're very, very concerned that a change of this magnitude could have a number of unintended consequences," said the public advocate. "And it might not serve to engage all the voters of this city as we need it to."

The changes were needed to put the city and state in compliance with federal regulations that were approved after the controversy that surrounded the 2000 presidential election.

New York State is the only place in the nation that has yet to comply with these regulations, which were laid out in the Help America Vote Act.

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**Selina Williams**

**From:** Valerie Vazquez  
**Sent:** Tuesday, January 05, 2010 6:00 PM  
**To:** \*Commissioners  
**Cc:** \*Chief & Deputy Chief Clerks (all); \*ExecutiveManagement; \*Managers; \*ExecSupportGroup  
**Subject:** FW: The Journal News: Company that promised NY jobs doesn't get lucrative contract

**The Journal News: Company that promised NY jobs doesn't get lucrative contract**

The New York City Board of Elections awarded a voting-machine contract valued at about \$40 million today to Election Systems & Software of Omaha, Neb. ES&S will provide scanners, ballot-marking devices and other equipment and services as New York City switches from mechanical-lever machines to the new voting system this year. Toronto-based Dominion Voting, which has offices in upstate New York, did not win the contract. Company officials had told the city board that selecting Dominion would mean more jobs for New Yorkers. It partners with 60 New York employers to make the equipment, including 20 in Monroe County, four in Ontario County, five in Broome County and one in Tompkins County. New York is the last state to comply with the federal Help America Vote Act of 2002, which required states to modernize their voting equipment and enable people with disabilities to vote independently. Under the new system, voters will mark ballot boxes by hand or with the assistance of a handicapped-accessible marking device, and optical scanners will be used to tabulate results. The state Board of Elections certified ES&S and Dominion for use in New York. Fifty-three New York counties chose Dominion. Four counties chose ES&S before today—Rockland, Albany, Erie and Schenectady—but the contract to provide equipment to the five boroughs of New York City is the most lucrative. Below is a news release issued by the New York City Board of Elections today

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--

Valerie Vazquez



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**From:** Valerie Vazquez  
**Sent:** Tuesday, January 05, 2010 6:28 PM  
**To:** \*Commissioners  
**Cc:** \*Chief & Deputy Chief Clerks (all); \*ExecutiveManagement; \*Managers; \*ExecSupportGroup  
**Subject:** AP, LoHud, Gotham Gazette, Gothamist

Additional news coverage resulting from today's announcement.

**WNYC.org****Electronic Voting: Officials Seek to Prevent Election Day Confusion**

by Arun Venugopal

<http://www.wnyc.org/news/articles/147545>

NEW YORK, NY January 05, 2010 —The city's Board of Elections appears to be moving into the 21st Century. It's picked a company to supply electronic voting machines, which means New York City voters will be saying goodbye to those old lever machines. But elected officials and voting-rights advocates want the board to conduct an extensive outreach effort, so that voters aren't flummoxed by the new technology come Election Day.

Chung-Wha Hong of the New York City Immigration Coalition says education is especially needed for new voters, many of whom were raised abroad and may not speak English.

"We're talking about diverse, immigrant voting population who are gonna have to be educated about how to participate and use these machines, because they are dying to vote and to participate," Hong says.

Hong spoke on the steps of City Hall today, at an event organized by the new public advocate, Bill De Blasio. He's proposed a series of measures to educate voters, including immigrants, seniors, and the disabled.

In response, the Board of Elections says it had already planned such an effort, but looks forward to working with officials and activists in the months to come.

**NYC picks new electronic voting machines****Associated Press**

**January 5, 2010 5:35 PM ET**

<http://www.wcax.com/Global/story.asp?S=11773642>

NEW YORK (AP) - New York City has chosen the electronic voting machines that will replace the old lever system by 2010.

The city Board of Elections said Tuesday that voters will now mark their vote by filling in bubbles on a form that is then fed into a scanner.

Some experts worry the new paper ballots might cause confusion. They say voters might fill in ovals for two candidates. But the board says the machine will alert voters to any errors and let them fix them on the spot.

The forms will be kept in case a paper recount is necessary.

The switch from the old-style lever machines that have long been a New York mainstay is mandated by a 2002 federal law.

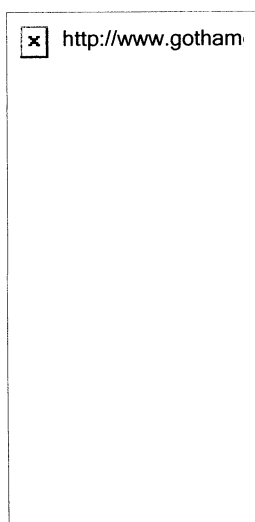
1/6/2010

The new machines are made by Election Systems & Software Inc., which will receive an estimated \$50 million for the contract.

**Gotham Gazette**  
**The Wonkster Blog**  
**No More Levers**  
**By Courtney Gross**

**January 5, 2010, 4:57 pm**

<http://www.gothamgazette.com/blogs/wonkster/2010/01/05/no-more-levers/>



Say goodbye to the physical exertion of pulling that gargantuan lever next Election Day.

The Board of Elections approved the city's next class of voting machines today — a move that finally puts the city in compliance with federal Help America Vote Act approved in 2002.

To use the new machines, voters will have to color in dots on paper ballots (just like a standardized test — fitting for NYC) and then scan their ballot into the new machine. Manufactured by the Elections Systems & Software Inc., the DS200, pictured here, is supposed to take voting in New York to the next level and make it easier for those with disabilities to cast a ballot.

The new machines also mean votes can be tabulated immediately, making it possible for voters to correct errors at their poll site.

The full release from the board is after the jump.

Here it is:

The Commissioners of Elections in the City of New York selected the Elections Systems & Software Inc. (ES&S) DS200 scanner and the AutoMark ballot marking device as the new poll site voting system to be used in New York City beginning in Fall 2010. This change is part of the City of New York's compliance with the federal Help

America Vote Act of 2002 (HAVA), which mandated, among other requirements, the replacement of lever machines and implementation of voting systems with a permanent paper record. The Commissioners made this selection after completing a thorough evaluation and public hearing process for the two poll site voting systems recently certified by the New York State Board of Elections.

The ES&S DS200 scanner is a portable electronic voting system that uses an optical scanner to read marked paper ballots and tally the results. This system allows for paper ballots to be immediately tabulated at the poll site. The DS200 also notifies voters of any voting errors and allows voters to immediately correct those errors.

The ES&S AutoMark is a ballot marking device which allows any voter, including voters with disabilities, to mark a paper ballot privately and independently by using either its touch screen, Braille-enhanced keypad, sip & puff device or rocker paddle. Voters may view the ballot on an adjustable screen or may listen to the ballot over headphones. The AutoMark was in use at all poll sites in New York City during the Fall 2008 and 2009 Elections.

“The Board of Elections approached this federally mandated change in our election process in a thoughtful, comprehensive and transparent manner. However, we could not act until New York State certified the voting systems that meet State standards,” stated Commissioner of Elections in the City of New York Julie Dent. “Ensuring that every New Yorker’s vote is counted accurately remains the Board’s number one goal. We believe the DS20 poll site voting system will provide the accuracy and security that are essential in the voting process.”

Prior to State certification, the Board of Elections in the City of New York conducted a thorough evaluation of both poll site voting systems applying for certification. This evaluation process focused on several key elements, including voting system design and functionality, the voting process, accessibility and voter assistive devices, system security, voter privacy, and the vendor’s strength and experience. The Board also conducted public demonstrations throughout the City and held public hearings to gather input on the potential voting systems. The Commissioners considered the results of the evaluation process and public input in making their selection.

The DS200 complies with New York State Election Law, State Board regulations, and the federal Elections Assistance Commission (EAC) 2005 Voluntary Voting System Guidelines. The 2005 Guidelines significantly increase HAVA security requirements for voting systems and expand access, including opportunities to vote privately and independently, for individuals with disabilities.

Commissioner of Elections in the City of New York Juan Carlos “J.C.” Polanco noted, “We want voters to feel comfortable with the new poll site voting system and will shortly launch a voter education program to be sure voters know how to use the new system in the Fall 2010 Elections.” A comprehensive public education program will be conducted throughout New York City’s five boroughs. It will include a multi-language website and advertising campaign, along with voting system demonstrations conducted in communities across the City.

For more information on New York City’s new poll site voting system, voters should call 866-VOTE-NYC (866-868-3962) or visit the Board’s website at [www.vote.nyc.ny.us](http://www.vote.nyc.ny.us).

The Board of Elections in the City of New York is an administrative body of ten Commissioners, two from each borough upon recommendation by both political parties and then appointed by the City Council for a term of four years. The Commissioners appoint a bipartisan staff to oversee the daily activities of its main and five borough offices. The Board is responsible for administering elections in the City of New York.

**Gothamist.com**  
**For Voting Machines, It's Out With The Levers, In With The Ovals**  
**By Ben Muessig**

1/6/2010

**January 5, 2010 6:40 PM**

[http://gothamist.com/2010/01/05/new\\_voting\\_machines\\_chosen\\_levers\\_a.php](http://gothamist.com/2010/01/05/new_voting_machines_chosen_levers_a.php)



The Board of Elections has selected a company to replace the city's iconic — though outdated — voting machines with a process that's more like taking a standardized test than pulling a lever. The Omaha-based company Election Systems and Software won the \$50 million contract because board members found its machines easiest to read and use, particularly for immigrants and disabled.

When voters arrive at the polls in September, they'll fill out paper ballots and feed them into a "fax-like scanner," logging a digital count as well as a tangible paper trail. With the decision, New York City becomes one of the last municipalities nationwide to comply with the Help America Vote Act of 2002, which was drafted after the Florida recount. State officials were so slow in starting the program that the Justice Department filed a lawsuit in 2006 threatening to take away the money that had been allocated to updating voting machines.

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**The New York Times**  
**Voting System to Finally Join Electronic Age**  
**By DAVID W. CHEN**  
**January 6, 2010**

<http://www.nytimes.com/2010/01/06/nyregion/06machines.html>

The voting machine levers are officially history.

After years of delays and fierce lobbying, the [New York City Board of Elections](#) on Tuesday selected Election Systems and Software, an Omaha company, to provide new electronic voting machines in time for the September primary.

Voters will now be required to fill out a paper ballot with ovals, similar to an SAT exam, before feeding it into a faxlike scanner. Then, voters are required to answer questions on a computer touch screen to ensure that the selections they made are the ones they intended. The paper ballots will then be retained as backup hard copies, in the event of any disputes or recounts.

The change means that New York City will finally be in compliance with the federal [Help America Vote Act](#) of 2002. That law was passed to avoid a repeat of the [Florida debacle](#) of 2000, which was marred by disputed ballots; it also will make it easier for disabled people to vote.

The city had been one of the last municipalities, in the last state, to select an electronic system. New York State was so slow, in fact, that the Justice Department sued the state in 2006 and threatened to take away federal money set aside for any costs associated with the transition to new technology.

But facing a new state deadline of Jan. 14 to settle on a company to provide a system, the city's 10 election commissioners — with one Democrat and one Republican per borough — chose Election Systems and Software, the dominant company in the United States, by 6-1 over Dominion Voting of Toronto. Two commissioners abstained, and one commissioner was absent.

The two companies had lobbied fiercely for the contract, valued at \$50 million or more, to provide 5,000 to 7,000 machines in the city. Election Systems won partly because its machines were easier to read and to use, especially for immigrants and the disabled, said Judith D. Stupp, a Republican commissioner from Queens.

But some government watchdogs expressed concerns about how the board would spend its \$6.7 million budget to educate voters about the new technology. [Bill de Blasio](#), the city's new public advocate, urged the board during a City Hall news conference Tuesday to submit monthly progress reports "to make sure that all New Yorkers know how to vote."

**New York Post**  
**New device is 'voted in'**  
**By MAGGIE HABERMAN**  
**January 6, 2010**

[http://www.nypost.com/p/news/local/new\\_device\\_is\\_voted\\_in\\_HnxQLn6xbW0HObeC2SxeJN](http://www.nypost.com/p/news/local/new_device_is_voted_in_HnxQLn6xbW0HObeC2SxeJN)

New York City voting entered the 21st century yesterday, after the Board of Elections selected a high-tech ballot-scanning machine that will replace the creaky, lever-operated old ones.

Under pressure to meet a statewide deadline, the board overwhelmingly chose a machine by Election Systems & Software that will scan paper ballots on which voters fill in ovals beside candidates' names.

The machines have touch screens that allow voters to read instructions in different languages, among other things.

"There's a new way of voting in New York City," said Commissioner J.C. Polanco of the machines, which will be in place for the September 2010 primaries.

The machines -- expected to cost about \$6,500 each -- hold up to 3,000 paper ballots in a locked storehouse beneath the machines.

Still to be decided is how the board will create a "privacy booth" to protect voters' rights to a secret ballot.

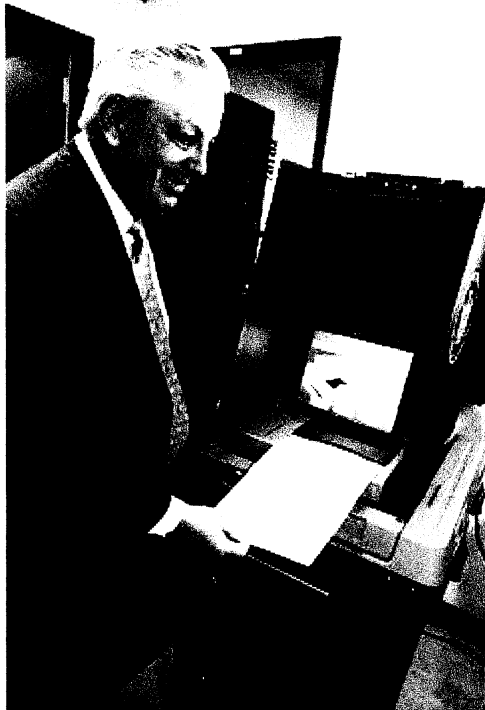
ES & S beat out rival Dominion for the right to the \$50 million contract, which will involve 5,000 to 7,000 machines.

Every county in the state was required to pick new machines, or face Albany making the choice for them, after federal officials sued the state for not complying with guidelines put in place after the Florida recount debacle in 2000.

*maggie.haberman @nypost.com*

**City pulls lever on past: Voting will go hi-tech as Board of Elections green-lights new machine**  
**BY Erin Einhorn**  
**DAILY NEWS CITY HALL BUREAU**  
**Wednesday, January 6th 2010, 4:00 AM**

[http://www.nydailynews.com/news/2010/01/06/2010-01-06\\_city\\_pulls\\_lever\\_on\\_past\\_voting\\_will\\_go\\_hitech.html#ixzz0bqDed7NG](http://www.nydailynews.com/news/2010/01/06/2010-01-06_city_pulls_lever_on_past_voting_will_go_hitech.html#ixzz0bqDed7NG)



Siegel for News

Aldo Tesi of Election Systems & Software demonstrates voting machine that Board of Elections chose to replace city's familiar lever machines.

The satisfying clank that's come with casting a vote in New York for half a century was likely silenced forever Tuesday.

The city Board of Elections green-lighted a new computerized - and quiet - voting machine just ahead of a court-ordered deadline.

"There's a new way of voting in New York City," said Juan Carlos Polanco, the Bronx Republican elections commissioner, who cast one of six votes for the winning machine, made by Omaha-based Election Systems & Software.

Computerized machines were mandated by federal law after the contested 2000 presidential election, but New York is one of the last places to respond.

"Our old, reliable lever machines have worked well for over 50 years, and there are some people who think if it ain't broken, don't fix it," said Manhattan GOP Commissioner Frederic Umane. "However, the United States Congress and the United States District Court [have] some other ideas."

The new machines will no longer feature tiny levers but will instead resemble standardized tests.

Voters will use dark pens to fill in circles indicating their chosen candidate. They'll then feed their ballots into a machine that will tally the vote, take a digital photograph of the ballot and keep the paper copy as a backup.

The new machines will be in place for the September primary, when candidates for governor and U.S. Senate may be on the ballot.

Umane, who cast the lone vote for the Toronto-based Dominion Voting, said he was not happy with either of the two machines certified by the state. Two commissioners abstained, one citing the poor choices. Another was absent.

The machines under consideration yesterday were similar to each other, but the Election Systems & Software machine had a larger screen that some commissioners said would be easier for people voting in languages other than English.

[eeinhorn@nydailynews.com](mailto:eeinhorn@nydailynews.com)

**Yeshiva World News  
NYC Chooses New Voting Machines  
January 6, 2010**

<http://theyeshivaworld.com/news/General+News/44357/NYC+Chooses+New+Voting+Machines.html>

The New York City Board of Elections voted Tuesday to buy the Election Systems and Software electronic voting machines as a way to improve how the city counts votes and to speed up lines at polling places.

Six voted in favor of ES&S; one voted in favor of the Dominion system, and two abstained.

The contract is estimated to cost about \$50 million.

The board will buy between 5,000 and 7,000 machines.

With the new system, voters will fill in a paper ballot and then feed the ballot into the machine, which will tally the votes.

The machines are supposed to be in place for the September primary.

Prior to the vote, Public Advocate Bill de Blasio unveiled a new voter outreach program that he hopes the board will implement to educate voters about the new system.

“As much as we’re excited about these changes, we’re very, very concerned that a change of this magnitude could have a number of unintended consequences,” said the public advocate. “And it might not serve to engage all the voters of this city as we need it to.”

The changes were needed to put the city and state in compliance with federal regulations that were approved after the controversy that surrounded the 2000 presidential election.

New York State is the only place in the nation that has yet to comply with these regulations, which were laid out in the Help America Vote Act.

(Source: [NY1](#))

**Crain’s New York Business  
NYC picks new electronic voting devices  
January 5, 2010 - 5:49 pm**

<http://www.craainsnewyork.com/article/20100105/FREE/100109968>

(AP) - New York City has chosen the electronic voting machines that will replace the old lever system by 2010.

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The forms will be kept in case a paper recount is necessary.

The switch from the old-style lever machines that have long been a New York mainstay is mandated by a 2002 federal law.

The new machines are made by Election Systems & Software Inc., which will receive an estimated \$50 million for the contract.

**1010wins.com  
New York City Picks New Electronic Voting Machines  
Tuesday, 05 January 2010 6:56PM**

<http://www.1010wins.com/New-York-City-Upgrades-to-Electronic-Voting-Machin/6042736>



**NEW YORK (AP/ 1010 WINS)** -- After nearly five decades as a mainstay of the New York City voting experience, the metal lever machines that audibly marked when voters cast their ballots are being replaced by paper ballots and electronic scanners.

The city's Board of Elections selected the new machines Tuesday, awarding a contract estimated at \$50 million to Election Systems & Software Inc., board spokeswoman Valerie Vazquez said.

Under the new system, to be in place by this year's elections, voters will cast their ballots by filling in ovals on a form that is then fed into a scanner. The forms will be kept in case a paper recount is necessary.

Some election experts have voiced concerns that the new paper ballots might cause confusion or that voters might fill in ovals for two candidates. But the board says the machines will alert voters to any errors and let them fix them on the spot.

The board's selection of one of two options certified by the state comes under deadline pressure. If the decision hadn't been made by Jan. 14, the state would have stepped in and made the decision.

The switch was mandated by the 2002 federal Help America Vote Act, passed in the aftermath of the contentious presidential election recount of 2000. The city is among the last municipalities to meet the law's requirements.

The U.S. Department of Justice sued New York State in 2006 for failing to follow the law. The state Legislature ultimately allowed local governments to make their own choices.

**WNYC.org**  
**Electronic Voting: Officials Seek to Prevent Election Day Confusion**  
**January 5, 2010**  
**by Arun Venugopal**  
**<http://www.wnyc.org/news/articles/147545>**

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In response, the Board of Elections says it had already planned such an effort, but looks forward to working with officials and activists in the months to come.

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**Associated Press**

**January 5, 2010 5:35 PM ET**

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**Gotham Gazette**

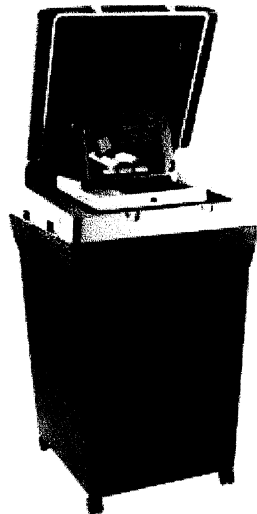
**The Wonkster Blog**

**No More Levers**

**By Courtney Gross**

**January 5, 2010, 4:57 pm**

<http://www.gothamgazette.com/blogs/wonkster/2010/01/05/no-more-levers/>



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Commissioner of Elections in the City of New York Juan Carlos "J.C." Polanco noted, "We want voters to feel comfortable with the new poll site voting system and will shortly launch a voter education program to be sure voters know how to use the new system in the Fall 2010 Elections." A comprehensive public

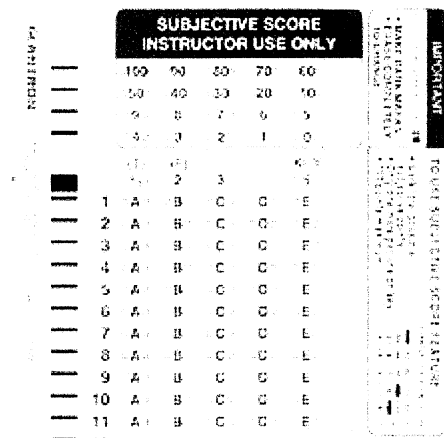
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**Gothamist.com**  
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**By Ben Muessig**  
**January 5, 2010 6:40 PM**

[http://gothamist.com/2010/01/05/new\\_voting\\_machines\\_chosen\\_levers\\_a.php](http://gothamist.com/2010/01/05/new_voting_machines_chosen_levers_a.php)



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**Company that promised NY jobs doesn't get lucrative contract**

**The Journal News**

**January 5, 2010**

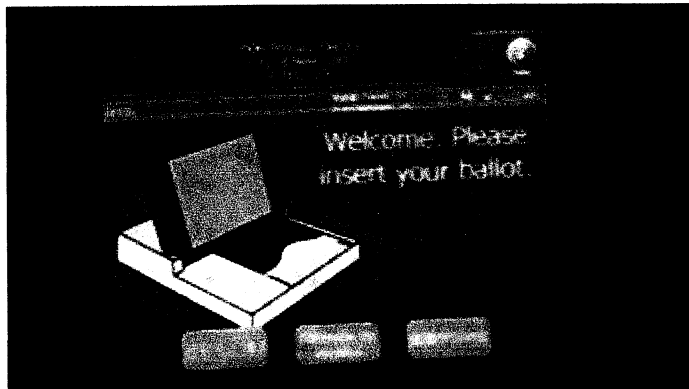
Full BOE Press Release at Link: <http://polhudson.lohudblogs.com/2010/01/05/company-that-promised-ny-jobs-doesnt-get-lucrative-contract/>

The New York City Board of Elections awarded a voting-machine contract valued at about \$40 million today to Election Systems & Software of Omaha, Neb. ES&S will provide scanners, ballot-marking devices and other equipment and services as New York City switches from mechanical-lever machines to the new voting system this year. Toronto-based Dominion Voting, which has offices in upstate New York, did not win the contract. Company officials had told the city board that selecting Dominion would mean more jobs for New Yorkers. It partners with 60 New York employers to make the equipment, including 20 in Monroe County, four in Ontario County, five in Broome County and one in Tompkins County. New York is the last state to comply with the federal Help America Vote Act of 2002, which required states to modernize their voting equipment and enable people with disabilities to vote independently. Under the new system, voters will mark ballot boxes by hand or with the assistance of a handicapped-accessible marking device, and optical scanners will be used to tabulate results. The state Board of Elections certified ES&S and Dominion for use in New York. Fifty-three New York counties chose Dominion. Four counties chose ES&S before today—Rockland, Albany, Erie and Schenectady—but the contract to provide equipment to the five boroughs of New York City is the most lucrative. Below is a news release issued by the New York City Board of Elections today

### **City Chooses New Voting Machines**

**By: NY1 News**

Please see link for video featuring Commissioner Polanco: [http://ny1.com/1-all-boroughs-news-content/top\\_stories/111477/city-chooses-new-voting-machines](http://ny1.com/1-all-boroughs-news-content/top_stories/111477/city-chooses-new-voting-machines)



Then come back here and refresh the page.

The New York City Board of Elections voted today to buy the Election Systems and Software electronic voting machines as a way to improve how the city counts votes and to speed up lines at polling places.

Six voted in favor of ES&S; one voted in favor of the Dominion system, and two abstained.

The contract is estimated to cost about \$50 million.

The board will buy between 5,000 and 7,000 machines.

With the new system, voters will fill in a paper ballot and then feed the ballot into the machine, which will tally the votes.

"There's a new way of voting in New York City," said BOE Commissioner J.C. Polanco. "One of the things we're going to be focusing on is ensuring that every voter in the city feels comfortable with this new system and confident that their vote is going to be counted accurately and it will be verifiable. So this is a very good thing."

The machines are supposed to be in place for the September primary.

Prior to today's vote, Public Advocate Bill de Blasio unveiled a new voter outreach program that he hopes the board will implement to educate voters about the new system.

"As much as we're excited about these changes, we're very, very concerned that a change of this magnitude could have a number of unintended consequences," said the public advocate. "And it might not serve to engage all the voters of this city as we need it to."

The changes were needed to put the city and state in compliance with federal regulations that were approved after the controversy that surrounded the 2000 presidential election.

New York State is the only place in the nation that has yet to comply with these regulations, which were laid out in the Help America Vote Act.

### **The Daily Politics**

***by Elizabeth Benjamin***

**JANUARY 5, 2010 3:20 PM**

<http://www.nydailynews.com/blogs/dailypolitics/2010/01/ess-wins-voting-machine-vote.html#ixzz0blyu3ON6>

### **ES&S Wins Voting Machine Vote »**

By Elizabeth Benjamin

City Board of Elections commissioners today handed Election Systems and Software of Omaha a multimillion-dollar contract to replace the city's old lever voting machines with new, electronic models.

The vote was 6-1 with two abstentions.

In favor of ES&S were: J.C. Polanco, Bronx-R; Judith Stupp, Queens-R and Jose Araujo, Queens-D; and Julie Dent Brooklyn-R; Nancy Mottola-Schacher, Brooklyn-D; and Gregory Soumas, Manhattan-D.

Voting for ESS' rival, Dominion Voting of Toronto, was Frederic Umane, Manhattan-R.

The two abstentions came from Naomi Silie, Bronx-D, and J.P. Sipp, Staten Island-R. James Sampel, Staten Island-D, was not present for the vote.

The battle for the lucrative (and long-delayed) voting machine contract heated up in advance of today's vote.

A story yesterday in the Post revealed a Westchester-based lawyer and lobbyist hired to help ES&S, Anthony Mangone, testified he tampered with ballots in 2002. Mangone was never indicted.

Between 2002 and 2006, voting machine manufacturers spent \$1.47 million on lobbying, according to Common Cause. The final tally is likely to be considerably more than that, considering that both ES&S and Dominion have hired big names to push their respective cases.

Hank Sheinkopf, Norman Adler and Davidoff & Malito worked for ES&S, while Greenberg Traurig and Stanley Schlein were among those working for Dominion.

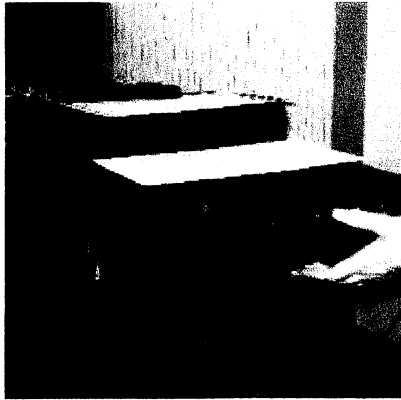
Both ES&S and Dominion were certified by the state Board of Elections last month. Dominion insisted it would bring both jobs and voting machines to New York, but that argument apparently failed to sway the commissioners.

## **Board of Elections Picks New Voting Machines; Scanners Go In This September**

**By Roy Edroso**

**Tuesday, Jan. 5 2010 @ 3:20PM**

[http://blogs.villagevoice.com/runninscared/archives/2010/01/board\\_of\\_electi.php](http://blogs.villagevoice.com/runninscared/archives/2010/01/board_of_electi.php)



The Board of Elections has finally picked a supplier for new, state-of-the-art voting machines for New York City: Elections Systems and Software of Omaha.

Our own Julie Bolcer reviewed their machine and those of competitors last February. ES&S makes paper ballot optical scan (PBOS) machines, which both scan paper ballots marked by the voter and collect the originals in case hanky-panky is suspected. They're considered safer and less suspicious than touch-screen machines and the like.

ES&S received six votes; one commissioner went for Toronto's Dominion Voting. An early competitor, Sequoia Voting Systems, was not in the running, perhaps because their machines were seen to perform very badly in New York state elections.

New York has been notoriously slow to comply with the federal Help America Vote Act of 2002, meant to modernize voting systems nationwide; though many people remain nervous about the new machines, the delays in this case have been probably been more bureaucratic in nature than principled.

The new machines are expected to be in use by the September 2010 primaries.

## **City Selects Company for New Voting Machines**

*By* DAVID W. CHEN

NYTimes.com

<http://cityroom.blogs.nytimes.com/2010/01/05/city-selects-company-for-new-voting-machines/>

The voting levers are officially history.

After years of delays and fierce lobbying, the city's Board of Elections on Tuesday afternoon selected Elections Systems and Software, an Omaha company, to provide new electronic voting machines in time for the September 2010 primary.

Voters will now be required to fill out paper ballots with ovals, similar to SAT exams, before feeding them into a fax-like scanner.

The change means that New York City will finally be in compliance with the federal Help America Vote Act of 2002. That law was passed to avoid a repeat of the recount debacle in Florida after the 2000 presidential election, and to help disabled people vote.

The city had been one of the last municipalities, in the last state, to refrain from picking an electronic system. Albany was so slow in selecting a system, in fact, that the Justice Department sued the state in 2006 and threatened to take away federal money set aside for any costs associated with the transition to new technology.

Indeed, the specter of Albany's intervention loomed during Tuesday's vote, because if the city board failed to act, the state would have been empowered to pick a system by Jan. 14.

Instead, city election commissioners chose ESS by 6-1 over Dominion Voting, a Toronto company that has supplied several New York municipalities with machines. ESS won because its machines were easier to read and to use, especially for immigrants and the disabled. Two commissioners abstained - with one complaining that neither system was adequate - and one commissioner was absent.



Comm. Mtg  
F.Y.I.

# The Washington Post

## States in play: An early look at 2011 redistricting

By Chris Cillizza  
Washington Post Staff Writer  
Tuesday, December 29, 2009; A02

The Census Bureau gave political junkies a gift last week with the release of its latest population estimates, data that give very good indications of which states are set to gain congressional seats and which will lose them in the 2011 redistricting process.

According to Polidata projections (the best in the business), eight states are positioned to gain one or more seats in the remapping and 10 states are slated to lose a seat or more.

The gainers are, not surprisingly, primarily in the South and Southwest, the regions that have been growing fastest for much of the past two decades. Among the eight states -- Arizona, Florida, Georgia, Nevada, South Carolina, Texas, Utah and Washington -- Republicans control the governorship and both houses of the state legislature in five. Control in Nevada is split, while Arizona and Washington use independent commissions to draw their lines, taking their legislatures and governors out of play.

The losers -- again, not surprisingly -- come from the Northeast and the industrial Midwest (a.k.a. the Rust Belt). In five of the 10 states -- Ohio, Louisiana, Michigan, Minnesota and Pennsylvania -- the parties split control of the governorships and legislatures, while in Illinois, Massachusetts and New York, Democrats control the state government. Iowa and New Jersey use independent redistricting commissions.

Governor's races next year in six states are absolutely critical to both parties' hopes for redistricting. These states are large in population and, depending on the party affiliation of the governor, could see major shifts to one side or the other in the line-drawing process.

Republicans' major opportunities lie in the heart of the Rust Belt, in Michigan, Ohio and Pennsylvania. In Michigan, Republicans are heavily favored to win the open-seat governor's race and already control the state Senate. The large Democratic majority in the state House, however (66 Democrats, 43 Republicans) virtually ensures that the GOP won't have sole control over the line-drawing.

Ohio Gov. Ted Strickland (D) looks increasingly vulnerable. If he winds up losing to former congressman John Kasich, Republicans would have an unexpected power base to go with their control of the state Senate. Given that Ohio is losing two seats, the stronger Republican hand could make a huge difference in which House incumbents get the tougher draws.

Ditto for Pennsylvania, where Republicans hold a solid majority in the state Senate while Democrats control a far narrower margin in the state House. With Gov. Ed Rendell (D) term-limited out of office and history suggesting that a Republican victory is likely for the state's top office, expect a major push in the state House as the national GOP tries to take full power, with the state likely to lose a seat in 2011.

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Democrats have opportunities of their own in these critical states. In Texas and Florida, a win in the governor's races would give the party a seat at the table with the Republican majorities in the state legislatures.

That is of particular import in Texas, which is slated to gain as many as four congressional seats in 2010. A mid-decade redistricting a few years ago virtually wiped out white Democratic House members in the state, and without some say over the process in 2011, Democrats may not be able to fully capitalize on the vast growth in the Hispanic population. That's why the decision of Houston Mayor Bill White to switch from the Senate race to the gubernatorial contest was so critical to Democrats nationwide; although White is an underdog, his candidacy gives the party a real chance to control the Texas governorship come 2011.

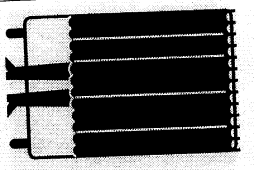
Minnesota is another major Democratic opportunity, with Gov. Tim Pawlenty (R) stepping aside and Democrats in strong control of the state Senate (a 25-seat majority) and the state House (a 40-seat majority). The two parties are headed for very crowded primary races, but Democrats have to like their chances, given the lean of the state: Barack Obama won by 10 points in 2008.

The census numbers remind anyone who may have forgotten that the 2010 governor's races are, without question, the central fight in the long-term battle between the two parties for national dominance. With redistricting on the horizon, if one side is able to sweep a majority of the six states mentioned above, it could reap the rewards for the next decade or more.

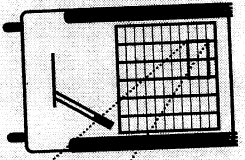
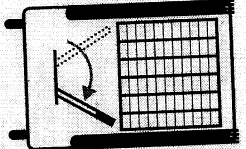
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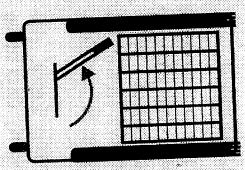
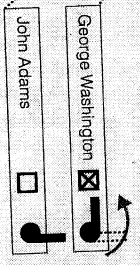
**The Old ...** New York City's lever voting machines have been used since the 1960s.



**1** Voters enter a booth, surrounded by a privacy curtain, and pull a lever to start voting.



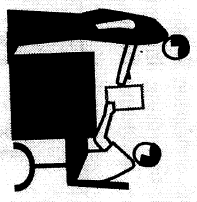
**2** Then they flip a switch next to a candidate's name to make a selection.



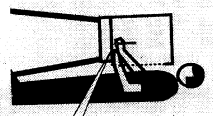
**3** The lever is pulled back to the left to cast the ballot. No paper trail is available to double-check votes.

**... And the New**

The new system consists of filling in a paper ballot and scanning it to cast a vote.



**1** The polling inspector hands a paper ballot and a paper sleeve to shield the ballot from view.

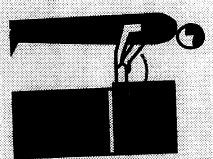


**2** The voter fills in bubbles on the ballot, which resembles a standardized test, with a special pen in a private area.

**OFFICIAL BALLOT FOR THE DEMOCRATIC PRIMARY ELECTION**

City of New York  
 County of Queens  
 September 12, 2006

<p><b>MARKING INSTRUCTIONS:</b>                  INSTRUCCIONES DE MARCADO:                  Correct Mark:  Marca Correcta: </p>		<p>投票記號說明                  正確標記                  표시방법                  올바른 표시</p>	
<p><b>PRIMARY ELECTION INSTRUCTIONS</b></p>			
<p>2006 Primary Election, Queens                  COL. 2                  Democratic</p> <p><b>GOVERNOR</b>                  州長                  任選一名                  投票一名</p> <p>Vote by ONE: <input type="radio"/> Vote by TWO: <input type="radio"/></p> <p><b>Thomas R. Suozzi</b>                  蘇佐志                  任選一名</p> <p><b>Eliot Spitzer</b>                  史匹澤                  任選一名</p>	<p>2006 Primary Election, Queens                  COL. 1                  Democratic</p> <p><b>MEMBER OF ASSEMBLY</b>                  州眾議員                  任選一名</p> <p>Vote by ONE: <input type="radio"/> Vote by TWO: <input type="radio"/></p> <p><b>Kileen Young</b>                  楊麗英                  任選一名</p> <p><b>Julia Harrison</b>                  哈里森                  任選一名</p>	<p>2006 Primary Election, Queens                  COL. 3                  Democratic</p> <p><b>FISCAL GENERAL</b>                  州司法部長                  任選一名</p> <p>Vote by ONE: <input type="radio"/> Vote by TWO: <input type="radio"/></p> <p><b>Terence Y. Park</b>                  朴特龍                  任選一名</p>	<p>2006 Primary Election, Queens                  COL. 4                  Democratic</p> <p><b>STATE COMMITTEE</b>                  州委員會                  任選一名</p> <p>Vote by ONE: <input type="radio"/> Vote by TWO: <input type="radio"/></p>



**3** The ballot is inserted into a scanner and the vote is cast. The votes are counted automatically, but the paper ballots provide a backup.

Source: Board of Elections in the City of New York

# City Finally Poised to Give Up Lever Voting Machines

By DAVID W. CHEN

Say goodbye to the voting booth with its quaint little curtain. Say goodbye to pulling the lever for your candidate. And say hello to filling in SAT-style ovals on Election Day.

After years of delays and missteps, the city's Board of Elections is expected to choose new electronic voting machines on Tuesday that will be rolled out in time for the September primary. In so doing, New York City will become one of the last places in the country to get rid of its lever-operated voting machines.

The change will improve the way votes are counted, providing a paper trail backup for each vote, and make lines at the polls move faster, according to the Board of Elections. But it will also end another urban ritual, as tactile intimacy gives way to modern efficiency.

"In the context of the history of voting in New York, the shift away from lever machines is a huge milestone," said Lawrence D. Norden, director of the Voter Technology Assessment Project at the Brennan Center for Justice at the New York University School of Law. "Most New Yorkers are nostalgic about lever machines. I know I am. Ask a New Yorker about those machines and they will tell you that there is something reassuring about pulling the lever and hearing the choices register on the machine." The current Shoup 3.2 mechanical voting machines used in city

polling places have been in place for about half a century, according to Valerie L. Vazquez, a spokeswoman for the Board of Elections. But lever machines have had their problems. They can break down, causing lines at some polling places. And if the machine's counter is broken, there is no paper record of a vote to verify.

To avoid the Florida election debacle of 2000 and to help disabled people vote, Congress passed the Help America Vote Act of 2002. Several legislatures quickly selected new voting systems for their entire states.

Albany, however, was so diligent in selecting a system that the Justice Department sued New York State in 2006 and threatened to take away federal money set aside for any costs associated with the transition to new technology.

Eventually, the New York Legislature allowed cities and counties to make their own choices, and New York City was one of the last to do so. Election Systems and Software of Omaha and Dominion Voting of Toronto are the finalists for the covered \$70 million contract. The winner would provide 5,000 to 7,000 new voting machines in the city.

walks a short distance to a scanning machine, which displays instructions on a computer touch screen on how to scan in the ballot. After the voter feeds the ballots into the machine, they drop into a locked box underneath as backup hard copies in the event of any disputes or recounts. The voter is asked, through a series of screen prompts, questions designed to guarantee that the voter's choices are final. Election Systems and Software

## A new electronic system is expected to be rolled out for the September primary.

ware, the dominant company in the United States, offers a \$7,800 machine with a bigger and splashier touch screen. It has also provided a specially designed machine for disabled voters, which is already in use in New York City.

"This is the company that has all the experience and the wherewithal to manage a big account—the Detroit, the Minneapolis, the Fort Lauderdale-Broward Counties," said Judd Ryan, a sales manager for Election Systems and Software. The Dominion Voting ma-

chines cost about \$7,200 each. Company officials believe their smaller touch screen affords more privacy. And their Canadian headquarters notwithstanding, they are stressing that New York ties, arguing that they would create dozens of manufacturing and sales jobs locally, and that most New York municipalities have chosen them to date.

"We're very New York-centric," said John Poulos, the company's president and chief executive. Before the Tuesday vote, the city's Board of Elections convened a public hearing on Dec. 29. It has also held demonstrations of both systems in all five boroughs.

Some election experts remain concerned about the possibility of accidental "overvotes" when, for instance, someone fills in ovals for two candidates rather than one (something that the levers would not have allowed). Some are also concerned that the design of the paper ballots might be too confusing or hard to read. One citizens' group, the Election Transparency Coalition, is preparing to file a lawsuit against the state to halt the transition to the new machines. Still, most election experts predict that the new system should be in place by September. "We've tested these machines to far greater standards than most other states," Mr. Norden said. "That will hopefully result in more reliable and secure systems."

# Vote-machine lobbyist was in 'rig' trouble

A lobbyist working for the company believed to have the edge to win a multimillion-dollar contract to replace the city's lever-operated voting machines was once embroiled in a flap over ballot fixing.

Anthony Mangone, a Westchester-based lawyer and lobbyist hired to help Election Sys-

tems & Software, testified that he tampered with ballots in a voting-fraud criminal case against a political operative working for then-state Sen. Nicholas Spano (R-Westchester) in 2002.

Mangone was called by prosecutors trying Dennis Wedra Sr. on charges of masterminding a ballot-fixing scheme to help Spano win third-party primaries.

Having the minor-party lines increased Spano's chances of holding his seat in the general election in 2000.

Mangone testified that he opened up about 30 Green Party ballots, filled them in, "sealed them up" and then had them sent to the Board of Elections, the Journal News reported at the time.

Spano won the Green Party primary by a thin margin, but lost his seat years later.

Mangone — who declined comment — was never indicted, and Wedra was acquitted.

ES&S is facing off against Dominion, a Canadian company. A decision is expected by the Board of Elections tomorrow.

*Maggie Haberman*

New York Post, Monday, January 4, 2010

# Vote on elec machines

The city Board of Elections vote to choose a new electronic ballot machine is scheduled for today — but no one knows what will happen, including whether the selection will even take place.

Local governments have to choose a new type of machine by Jan. 14, or the state Board of Elections will pick for them.

But one of the 10 city elections commissioners — Staten Island Democrat James Sampel — may miss today's vote for personal reasons, sources said.

Votes can't be done by proxy, meaning if Sampel isn't present, the GOP potentially has an edge, with five Republican commissioners.

The panel will be choosing between two machines made by Elections Systems & Software and Dominion.

*Maggie Haberman*

New York Post, Tuesday, January 5, 2010  
2 nypost.com

# Primary runoff costly, outdated say NY senators

By AMANDA CEDRONE  
*Gazette staff writer*

**L**ess than 8 percent of New York City's 3 million enrolled Democrats participated in runoff elections this year for comptroller and public advocate, yet they still cost taxpayers \$15 million.

Calling them expensive and outdated, Sens. Bill Perkins, D-Manhattan, Joseph P. Addabbo Jr., D-Ozone Park, and Liz Krueger, D-Manhattan, have proposed legislation to end the practice of conducting runoff elections in New York City and in villages statewide.

"We should eliminate runoff elections because they undermine democracy with a contrived electoral process," said Perkins. "The threshold number of votes necessary in order to trigger a runoff is arbitrary and unscientific. Further, the expense is unconscionable, especially in these



Perkins



Addabbo



Krueger

---

See Senators on page 23



# Senators

Continued from page 1

economic times. People should have their opportunity to be heard at the ballot box and whichever candidate gets the most votes is the one who should win. Period."

"The record-low voter turnout and \$15 million price tag for this year's runoff election prove that this system no longer works for the people of New York," said Addabbo. "Eliminating runoffs will allow this money to go where it is needed most: to our children, seniors and other essential city services."

Runoff elections occur in New York City two weeks after an initial primary when no candidate receives more than 40 percent of the vote, explained John Conklin, communications director for the state Board of Elections. "That's the way the statute is written and how the Legislature has chosen for it to be."

In villages, runoffs are conducted when there is a tie during an election.

Legislation (S.6248) sponsored by Perkins and co-sponsored by Addabbo, the chairman of the Senate Elections Committee, would eliminate runoff elections for mayor, comptroller and public advocate in New York City. The winner would be the candidate who gets the most votes.

In village elections, a tie would no longer result in a runoff. Under the proposed legislation, a tie would instead be broken

by a state Supreme Court judge.

The bill was introduced and referred to the Senate Rules Committee on Oct. 26. There is no same-as bill in the Assembly.

Another proposal (S.3584/A.3281) sponsored by Krueger and by Brian Kavanagh, D-Manhattan, in the Assembly would authorize a pilot program during the 2010, 2011 and 2012 elections under which use of instantaneous runoff voting would be authorized for specific local elections.

The legislation would allow primary voters to indicate their top choices of candidate for an office by ranking them first, second, third, etc. and, as a pilot program, it would give lawmakers a chance "to evaluate the broader application of the instant runoff voting method," according to the sponsor's memo.

If no candidate receives 50 percent of the vote, then candidates receiving the fewest votes are eliminated, and their votes would go to voters' second choice. The process would continue until one candidate has received 50 percent of the vote.

The pilot program would be applied in elections for school board, county executive, county legislator, city council, town supervisor, town council, village mayor and village trustee.

The bill was introduced and referred to the Senate Elections Committee on March 25. It was amended and recommitted to the Assembly Election Law Committee on March 31.

"Runoffs are extremely costly and only a tiny fraction of voters participate," said Krueger. "If my legislation is passed, New York would be able to use an instant runoff system where if someone doesn't garner a majority of the vote, the second choice vote will be selected at the same time on the same day."

Conklin agreed that there is a high cost to runoff elections.

"It is expensive to run another election two weeks after the primary and then have very little turnout, because you still have citywide elections. All of the machines have to be put out again and set up properly. Inspectors have to be properly trained and paid," said Conklin.

Some advocacy organizations have yet to develop a stance on the issue and are researching both runoff elections and their alternative options in order to better understand what system would best benefit citizens.

"We don't have a position at this time, but we're reviewing it. Particularly in the city," said Adrian Kimbell, New York City elections specialist for the League of Women Voters.

DeNora Getachew, director of public policy and legislative counsel to Citizens Union, an independent, nonpartisan, civic organization that promotes good government and advancements in political reform in the city and state of New York, said that although the organization does not have an official stance on the position

yet, she is concerned about eliminating the runoff election method.

Though runoff elections are costly and see low voter turnout, she said she is wary of replacing runoff elections with a new process.

"We are still studying the issue of instantaneous runoff voting, but we are definitely concerned about eliminating runoff elections, which have been around since the 1970s, with a method that may not ensure the elected candidate has a plurality or majority of votes," said Getachew.

New York Public Interest Research Group's elections specialist Neal Rosenstein said the group supports instant runoff voting to replace runoff elections at this time but thinks the topic should be seriously looked at and researched before any major changes are made.

"Making sure that the primary elections represent the will of the voters is particularly important," said Rosenstein.

A review of both the Perkins and Krueger bills are being considered as part of the Senate Election Committee's ongoing efforts to provide oversight of the state's election system and to reform elections laws. The committee has conducted hearings across the state on legislation concerning voter registration, ballot access, voter suppression, poll site management, electronic voting and campaign finance.



# Russian voters, race horses aided by NY's new laws

By MICHAEL GORMLEY  
*The Associated Press*

**R**ussian immigrants will get help voting, and cheaters trying to dope race horses will face tougher odds under New York's newest laws. The two changes are among hundreds of new laws effective with the new year. Most are arcane and involve bureaucratic changes and fiscal restructuring, but they hit New Yorkers — directly or indirectly.

One law begins a new era for government employees. Workers hired after Jan. 1 will join a less lucrative public pension plan. The plan adopted by Gov. David A. Paterson and the

See Voters on page 5

## Voters

Continued from page 1

Legislature is projected to save the state \$48 billion over three decades, compared to continuing the current level of pension benefits for future employees.

The new tier is less generous in benefits and requires new employees to pay 3.5 percent of income per year for life toward their retirement. In the previous tier, some workers, including teachers, paid 3 percent toward their retirement for 10 years.

The New York State United Teachers, one of several major public worker unions that shaped the plan with legislators, put in a last-minute rush

to get future teachers into the more expensive pension system. Through its Web site and by word of mouth, NYSUT members showed how a future teacher could work as a substitute teacher for one day before Jan. 1 and lock in a place in the more lucrative pension tier.

In New York's large horse racing and breeding industry, a new law seeks to protect horses from horsemen who try to dope a horse away from New York's four thoroughbred and seven harness tracks, where law enforcers operate.

"By adopting out-of-competition testing rules, the Board is protecting not only the wagering public, but also the health and safety of the magnificent equine athletes who compete at New York's four Thoroughbred and seven harness tracks," said John Sabini,

chairman of the state Racing and Wagering Board.

Sanctions include long suspensions, fines and possible revocation of licenses. Prohibited substances that will be tested for include blood-doping agents, gene-doping agents, and protein and peptide-based drugs, including toxins and venoms.

Another law will make voting easier for a large and growing immigrant group.

Hundreds of thousands of Russian immigrants in New York City are expected to get help voting under a law effective Jan. 1 requiring that election material be translated into their native language.

The New York Immigration Coalition says voting documents are already available in Spanish, Chinese and Korean, under the federal Voting

Rights Act. But, the group said, tens of thousands of immigrants in New York City aren't covered.

Republicans in New York's Legislature had accused Democratic sponsors of the bill of trying to drum up Democratic votes in the city, which is seeing a rise in Russian-speaking immigrants.

There are 320,000 residents of New York City born in Russia or other areas of the former Soviet Union and at least 1 million Russian-speaking city residents. In some Assembly districts, as many as 20 percent of residents speak Russian, according to the Assembly sponsors.

Baruch College found Russian was the fourth most spoken language in New York City, after English, Spanish, and Chinese, with 194,000 speaking Russian at home.

# New device is 'voted in'

By MAGGIE HABERMAN

New York City voting entered the 21st century yesterday, after the Board of Elections selected a high-tech ballot-scanning machine that will replace the creaky, lever-operated old ones.

Under pressure to meet a statewide deadline, the board overwhelmingly chose a machine by Elections Systems & Software that will scan paper ballots on which voters fill in ovals beside candidates' names.

The machines have touch screens that allow voters to read instructions in different languages, among other things.

"There's a new way of voting in New York City," said Commissioner J.C. Polanco of the machines, which will be in place for the September 2010 primaries.

The machines — expected to cost about \$6,500 each — hold up to 3,000 paper ballots in a locked storehouse beneath the machines.

Still to be decided is how the board will create a "privacy booth" to protect voters' rights to a secret ballot.

ES & S beat out rival Dominion for the right to the \$50 million contract, which will involve 5,000 to 7,000 machines.

Every county in the state was required to pick new machines, or face Albany making the choice for them, after federal officials sued the state for not complying with guidelines put in place after the Florida recount debacle in 2000.

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## Voting System To Finally Join Electronic Age

The voting machine levers are officially history.

After years of delays and fierce lobbying, the New York City Board of Elections on Tuesday selected Elections Systems and Software of Omaha to provide electronic voting machines in time for the September primary.

Voters will now be required to fill out a paper ballot with ovals, similar to an SAT exam, before feeding it into a faxlike scanner. Then, voters are required to answer questions on a computer touch screen to ensure that the selections they made are the ones they intended. The paper ballots will then be retained in the event of disputes or recounts.

The change means that New York City will finally be in compliance with the federal Help America Vote Act of 2002. That law was passed to avoid a repeat of the Florida debacle of 2000, which was marred by disputed ballots.

The city had been one of the last municipalities, in the last state, to select an electronic system. New York State was so slow, in fact, that the Justice Department sued the state in 2006 and threatened to take away federal money set aside for any costs associated with the transition to new technology.

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# New voting machines for NYC

After nearly five decades as a mainstay of the New York City voting experience, the metal lever machines that audibly marked when voters cast ballots are being replaced by paper ballots and electronic scanners.

The city's Board of Elections selected the new machines yesterday, awarding a contract estimated at \$50 million to Election Systems & Software Inc., board spokeswoman Valerie Vazquez said.

Under the new system, to be in place by this year's elections, voters will cast their ballots by filling in ovals on a form that is then fed into a scanner. The forms will be kept in case a paper recount is necessary.

Some election experts have voiced concerns that the new paper ballots might cause confusion or that voters might fill in ovals for two candidates. But the board says the machines will alert voters to any errors and let them fix them on the spot.

The board's selection of one of two options certified by the state comes under deadline pressure. If the decision hadn't been made by Jan. 14, the state would have stepped in and made the decision.

The switch was mandated by the 2002 federal Help America Vote Act, passed in the aftermath of the contentious presidential election recount of 2000. The city is among the last municipalities to meet the law's requirements. — AP

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