



Citizens Union Foundation Testimony

**Re: Oversight- Developments with New York's Compliance with HAVA
Resolution 131
Resolution 228**

**Delivered to the City Council of the City of New York- April 24, 2006
By Amy Ngai, Program Associate, Citizens Union Foundation**

Good Morning Chairman Felder and members of the Governmental Operations Committee. My name is Amy Ngai and I am the Program Associate at Citizens Union Foundation, a non-profit research, education and good government advocacy organization here in New York City.

Thank you for the opportunity to testify today on HAVA and the related resolutions being considered by your committee.

As you are aware, New York State and the State Board of Elections are currently involved in a lawsuit by the Department of Justice for noncompliance with HAVA. Citizens Union Foundation has been actively engaged on this issue and is in the process of submitting an amicus brief to the court; the purpose of which is to advise the court on matters we believe may not be considered. Our amicus concludes that the interim plan as submitted by the State Board of Elections to install ballot marking devices in a limited manner for the 2006 Primary Elections, is a plan that would not be in the best long term interest of voters in New York.

Firstly, the interim plan calls for the limited deployment of ballot markers to polling locations that serve disabled voters. The City Board of Elections has stated in an addendum to the State Board Survey that in consultation with the Department of City Planning, it does not have the statistical information to accurately locate poll sites where disabled voters vote, in fact, disabled voters vote all over the city. The intent of HAVA is to provide access to disabled voters to a private and secure vote but since the City Board has publicly stated its inability to pinpoint its poll sites, these factors deem this interim plan ineffective.

Secondly, the interim plan is also fiscally irresponsible. New York City has only about \$18.7 million in federal dollars to replace the 7,639 lever machines currently in use. In an assessment conducted by the City Board last year, they concluded that the transition to either DRE or optical scan machines will cost between \$48 million and \$66 million depending on the ratio of replacement and additional amenities. By forcing the City to also comply with an interim plan to purchase ballot marking devices which may be obsolete in 2007, depending on the voting system selected, interim use of ballot marking devices is a poor financial decision for the City.

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Lastly, despite the best but late intentions of the State Board to comply with HAVA, the timetable as provided by the State to implement the interim plan is not feasible. The State Board calls for the testing, certification, procurement, delivery and integration of new ballot markers by September 2006, four and a half months from now. As a sign of an inability to meet this impossible feat, the State Board has already missed deadlines in their own plan—one of which was to notify the public and the Citizens' Advisory Committee of testing venue and details (to be completed by April 18th).

Because of these reasons, we urge the City Council to join with Citizens Union Foundation to oppose the interim plan for 2006 and to focus on achieving full implementation of HAVA by 2007 in a fiscally responsible, accountable and feasible manner.

Resolution No. 131

In regards to this Resolution to certify and select precinct based optical scan voting systems for the City of New York, Citizens Union Foundation believes that the City Board of Elections is in a more knowledgeable position to choose a voting system that will best fit the needs of all New Yorkers. We do believe that the City Council should play a role in the selection process by advocating for standards that meet all our citizens' diverse needs but not for specific machines themselves.

Resolution No. 228

As an organization that promotes public transparency and accountability, Citizens Union supports and applauds the intent of this resolution calling for public input and confidence in the procurement of new election systems. But similar to Resolution 131, we believe the technicalities of this legislation are outside the scope of jurisdiction of this governmental body. The specificities provided in this legislation are advocated irregardless to the capabilities and resources of the City Board. The City Council should not legislate the work and decisions of the City Board of Elections. It is these circumstances when one branch of government inappropriately overreaches to influence the decision of another separate governmental entity, when government is no longer good. We urge you to be a body that shines light and pushes for greater transparency in decisions being made to increase public confidence in the integrity of the election process, but to do so without legislating the work of the Board of Elections.

Thank you for the opportunity to testify today.