RESOLUTION CALLING ON THE GOVERNOR, NEW YORK STATE LEGISLATURE AND THE NEW YORK STATE BOARD OF ELECTIONS TO ENACT LAWS, RULES AND REGULATIONS AS SPECIFICALLY AUTHORIZED TO FULLY FUND AND PROVIDE MORE FLEXIBILITY WITH THE IMPLEMENTATION OF THE NEW YORK STATE ELECTION REFORM AND MODERNIZATION ACT

WHEREAS, the federal Help America Vote Act of 2002 (HAVA) established minimum, nationwide, election administration standards for state and local governments, which New York State exceeded by enacting the Election Reform and Modernization Act of 2005 (ERMA); and

WHEREAS, counties have been the recipients of federal funds to implement HAVA, but the state’s additional requirements and method of allocating funds has created undue financial hardships with mandated expenses far exceeding formula based revenues; and

WHEREAS, HAVA funding formula is not equitable to certain counties in that after purchasing the necessary voting machines there are no funds available for the necessary future operation of machines and the future hiring of personnel to program machines or to do the necessary quarterly testing, ballot definition, etc.; and

WHEREAS, the expense of the computerized voting machines is exorbitant and will no doubt increase annually and there will be uncertain costs and expenses; and

WHEREAS, these requirements as implemented by the New York State Board of Elections places a severe burden on counties whom do not have the population or tax base with the ability to raise funds necessary to maintain the demands of the optical scan voting machines; and

WHEREAS, both in terms of efficacy and cost efficiency, counties believe that these poorly funded and implemented mandates are not in the best interest of the county taxpayers, and in these difficult continuing unstable economic times, the cost to implement elections with these new machines will not be paid for by New York State and is an unsustainable new burden on local real property taxpayers; and

WHEREAS, it is necessary for counties to receive time and financial flexibility to implement such changes in addition to all other county financial and administrative responsibilities;

NOW THEREFORE BE IT RESOLVED, that the New York State Association of Counties (NYSAC) calls upon the Governor, the New York State Legislature and the New York State Board of Elections to enact laws, rules and regulations as specifically authorized to fully
fund this new unfunded mandate and to provide additional flexibility with the implementation of
the New York State Election Reform and Modernization Act; and

BE IT FURTHER RESOLVED, that the New York State Association of Counties shall
forward copies of this Resolution to Governor David A. Paterson, the New York State
Legislature and all others deemed necessary and proper.