RESOLUTION IN OPPOSITION TO THE NEW YORK STATE BOARD OF ELECTION’S PROPOSED 6210.18 REGULATIONS

WHEREAS, the federal Help America Vote Act of 2002 (HAVA) established minimum, nationwide, election administration standards for state and local governments; and

WHEREAS, New York State exceeded these standards by enacting the Election Reform and Modernization Act of 2005 (ERMA) and gave more specific outlines for the transition to a more accessible voting process; and

WHEREAS, Section 9-211 of New York State Election law requires a bipartisan committee determined by each board of elections to manually audit three percent of the voting machines or systems within the jurisdiction of such board; and

WHEREAS, the New York State Board of Elections has proposed 6210.18 regulations that would expand upon this audit by requiring that there be a manual count of at least one of each type of voting machine or system used therein for each public office and any questions or proposals appearing on the ballot; and

WHEREAS, the additional procedure required by 6210.18 would require an audit for every form of ballot produced that differed in position or proposal for any election district, increasing the original three percent audit exponentially; and

WHEREAS, the initial three percent audit was enacted to check the machine operating/programming with concern to functionality, not to test each candidate, race, and proposition; and

WHEREAS, this proposed regulation would be labor intensive for the appointed bipartisan committee conducting the audit and would be unnecessarily costly to county boards of elections;

NOW THEREFORE BE IT RESOLVED, that the New York State Association of Counties (NYSAC) opposes the draft regulation of 6210.18 that takes away flexibility from counties and provides unnecessary audit procedures that are daunting and serve no additional purpose in assuring the machines’ accuracy; and

BE IT FURTHER RESOLVED, that the New York State Association of Counties shall forward copies of this Resolution to the New York State Board of Elections, the Election Commissioners’ Association and all others deemed necessary and proper.