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NEW YORK STATE BOARD OF ELECTIONS
NEW YORK STATE HELP AMERICA VOTE ACT
STATE IMPLEMENTATION PLAN

MINUTES OF PUBLIC HEARING held at the
Erie County Library, Buffalo, New York, on
Thursday, July 17, 2003 commencing at
10:00 a.m. pursuant to notice.

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SPEAKERS

SPEAKER	PAGE
---------	------

Laurence Adamczyk	6
Marcia Merrins	14
Lisa Hoffman	28
Minda Rae Amiran	39
John Rooney	45
Ben Penner	52
Janis Wolpin	58
Todd Vaarwerk	65
Dario Castaldi	73
Sarah Liebschutz	75

1 MR. KOSINSKI: Good morning. We're
2 going to get started. Thank you for coming.
3 My name is Peter Kosinski and I'm the Deputy
4 Director of the State Board of Elections
5 and, as I guess most of you know, today's
6 hearing is about the HAVA report. It's a
7 draft report.

8 Just some information: The HAVA report
9 was put out on June 20th for a mandatory 30
10 day public comment period. Under federal
11 law every state that drafts up a plan has to
12 put it up for 30 days for public comments.
13 We had a hearing in Albany and in the city
14 last week and this is the last of three
15 hearings.

16 There is another opportunity for people
17 to provide comment on this and that is just
18 to either send it to me or access our
19 website which is at the State Board of
20 Elections. You can also e-mail us with any
21 comments that you may have and those will be
22 taken up to July 23rd. After that the plan
23 that you have will be finalized so that the
24 State can submit it to Washington.

1 The purpose of, really, a plan is
2 twofold. One is to set out for brain work
3 how New York State is going to implement
4 HAVA and secondly the point of the report is
5 to access federal money. The federal
6 government is making available to the states
7 significant amounts of money for
8 implementation of HAVA.

9 New York, for example, has already
10 received \$66 million in federal money for
11 implementation. We anticipate receiving a
12 substantial additional amount once we submit
13 the report to Washington.

14 This report has to be submitted prior
15 to the end of the fiscal federal year which
16 is on September 30th. After it's submitted
17 to Washington another public period where
18 the federal government will publish every
19 state's plan in the Federal Register for a
20 45 day period. It's at the end of that
21 period that the finding is final.

22 I just want people to understand that
23 HAVA is a three year program. It was passed
24 by Congress in October of 2002 with

1 implementation anticipated by 2006. This is
2 the first year plan for New York. We
3 anticipate that in year two and three there
4 will be amendments made to the plan to
5 reflect any additional changes, any
6 legislative changes that may occur in Albany
7 which will impact the implementation of HAVA
8 in New York.

9 So this document is not final in the
10 sense that it's the only document that will
11 be submitted which will reflect how New York
12 will implement HAVA. This will be updated
13 over the next two years.

14 Today's hearing, we do have people who
15 have signed up for an opportunity to speak
16 today and I'll be taking those people first
17 and then if other people have comments
18 they'll have an opportunity to speak as
19 well. We ask that people keep their
20 comments to ten minutes and people submit
21 their testimony in writing. We are having a
22 transcription made of the hearing today,
23 however, so any comments will also be
24 reflected on the record.

1 With that said, I'd like to introduce
2 John Haggerty who is a member of the task
3 force that was put together in New York. It
4 was a 19 member task force which held
5 meetings in February and March which really
6 provided the basis for this particular
7 report.

8 In addition Larry Adamczyk, the
9 Commissioner from Erie County is a member of
10 that task force and they met in Albany
11 during that period of time. Larry has some
12 testimony he'd like to make, so we'll start
13 off with Larry and I might add that Larry is
14 also the President of the Election
15 Commissioners' Association for New York
16 State.

17 MR. ADAMCZYK: Thank you, Peter.
18 Good morning. I would like to, before I
19 begin my testimony, I would like to thank
20 Peter for his cooperation in bringing this
21 hearing here to Buffalo and Western New
22 York. It's the only hearing that the HAVA
23 committee has held this side of Albany and I
24 think it's important that voters in this end

1 of the state have the opportunity to
2 participate in this process.

3 The following testimony I'm going to
4 make is on behalf of the Election
5 Commissioners Association of the State of
6 New York and it's -- we're a bipartisan
7 group of election administrators from each
8 county in New York State. The members of
9 our association totaling well over 300
10 election administrators are the front line
11 workers with primary responsibility for
12 voter registration and election operations.
13 I am pleased to be a part of these
14 discussions and I again want to thank Peter
15 and the other members of the task force for
16 the work they did in putting this draft plan
17 together.

18 We've had several association members,
19 including myself, who were appointed to the
20 HAVA Planning Task Force and all of our
21 members were briefed on the issues and the
22 status of the planning process during the
23 State Board of Elections Annual Training
24 Session in Saratoga Springs and also

1 recently at our Association's Summer
2 Conference in Cooperstown.

3 We welcome the opportunity to serve our
4 respective communities in delivering the
5 forum for the expression of this most
6 important privilege and responsibility. We
7 do not shy away from the magnitude of the
8 task which needs to be performed to
9 implement HAVA, in order to empower everyone
10 who may choose to take part in the electoral
11 process. We welcome that challenge.

12 As we know, the Federal Government
13 adopted HAVA in response to the 2000
14 presidential election. In principal, HAVA
15 attempts to standardize voting procedures,
16 update voting systems, as well as foster
17 accessibility to all individuals. A
18 substantial sum of money has been authorized
19 to fund many HAVA mandates and we have
20 already received a good down payment by
21 Washington to begin the process.

22 However, it's important to note that
23 even with the substantial federal
24 commitment, state and local jurisdictions

1 will be required to do more than they have
2 in the past to comply with the mandates of
3 HAVA. Increased appropriations will be
4 needed locally to transition existing
5 practices and integrate the new HAVA
6 requirements.

7 Among several points I want to share
8 one sentiment with you today and one we have
9 tried to ensure at every level of
10 government. We place a high priority on
11 full voter participation. Everyone eligible
12 to vote should vote. Anyone who wants to
13 vote should be able to do so in a manner
14 that reflects the spirit of the concept and
15 the moment.

16 As we note democracy has cost us dearly
17 in the past, paid for by many and in many
18 different ways. The events of September
19 11th have sharpened the memories of all of
20 us and we are renewed with the knowledge
21 that no cost is too dear when our
22 fundamental rights and freedoms -- of which
23 the right to vote is just one -- are at
24 stake.

1 In an effort to facilitate a smooth and
2 efficient election process regarding the
3 administration of HAVA in New York, the
4 Election Commissioners' Association supports
5 following initiatives: One, centralization
6 of county boards and control over election
7 machines, pay scales for inspectors and poll
8 site selection; and two, a standard voting
9 machine for all New York State communities.

10 These measures would help to streamline the
11 election process and reduce the overall
12 election expense through better management
13 of both equipment and personnel.

14 The centralization issue is an
15 important issue to our association. It is
16 far more efficient for the State to deal
17 with centralized county boards than with
18 more than a thousand different
19 municipalities. The benefits of centralized
20 control is improved service to voters as
21 well as better accountability to the State
22 and Federal Government for mandated
23 reporting requirements which HAVA will
24 require.

1 Local government will be required to do
2 more to comply with HAVA than they have in
3 the past. Some will be covered through the
4 HAVA fund but other expenses will need to be
5 funded at local levels. Through
6 centralization of services we believe that
7 an added benefit would be achieved through
8 the economics of scale, which will result in
9 lower overall costs for taxpayers and better
10 service for the voting public.

11 Two crucial areas that are a statewide
12 problem for election boards and has long
13 been discussed is increasing accessibility
14 for persons with disability and improving
15 election inspector retention.

16 For polling locations most county
17 boards do not select the polling location,
18 municipalities do so in those areas of the
19 state that do not have centralized county
20 control of election operations, as in
21 Monroe, Nassau, Suffolk and New York City.

22 Also, many polling sites are not closed
23 for other purposes when they are made
24 available to us for use as a polling place.

1 Not all schools are handicapped accessible
2 and they have a waiver provision in their
3 statute that allows that condition to exist.
4 Our own waiver process has come under great
5 attack, but as one sees through this honest
6 debate, alternatives are not always
7 feasible. Is there room for our waiver
8 process to be modified, while the
9 discussion about new equipment and ballot
10 layouts can be allowed to go on? What
11 compromise can be reached?

12 Under centralization the selection of
13 polling locations would be controlled by the
14 county commissioners as opposed to the local
15 municipalities and that control should help
16 alleviate issues that arise from
17 non-accessible polling locations. An
18 improved set of accessibility guidelines for
19 voting sites, coupled with better training
20 of local board officials and local municipal
21 clerks, if needed, and a fund dedicated to
22 make polling sites more accessible is also
23 needed.

24 As President of the Elections

1 Commissioners Association, I will be
2 appointing a Voting Machine Task Force
3 comprised of a representative group of local
4 election commissioners to help assess the
5 qualities and functionality of the numerous
6 voting machines currently on the market.

7 We have some voting machines in the
8 hallway. I'd like to thank the vendors for
9 making those available to people who are
10 here today and I would encourage everybody
11 here, if you have not already done so, to
12 take a few minutes and check out the
13 different styles of voting machines that are
14 in the hallway.

15 We're going to have a committee that
16 will look at the voting machine from our
17 perspective, which is not only the voters'
18 prospective but the election administrators'
19 perspective. We have to assess how we are
20 going to be able to, as election
21 administrators, implement the changes that a
22 new style of voting machine will have, the
23 impact that will have on our staff and
24 election inspectors.

1 In closing, the relationship that
2 exists between the New York State Board of
3 Elections and local boards of elections is
4 envied by election officials throughout the
5 country. Whether implementing a new program
6 or making changes to existing services, we
7 continue to consult with one another to
8 obtain diverse opinions. Through this
9 interchange of ideas we'll arrive at better
10 services for New York voters.

11 Our members stand ready to facilitate
12 the Help America Vote Act and we look
13 forward to working with the New York State
14 Board of Elections to deliver the needed
15 changes to our communities. Thank you.

16 MR. KOSINSKI: Thank you, Larry.
17 Next we have Marcia from the League of Women
18 Voters, President of the League of Women
19 Voters.

20 MS. MERRINS: Good morning, Mr.
21 Kosinski and staff on the State Board of
22 Elections. I am Marcia Merrins, President
23 of the League of Women Voters of New York
24 State.

1 I know you are aware of our election
2 reform positions, but I am also here to
3 speak of my experiences as an election
4 inspector. Thank you for the opportunity to
5 address these concerns.

6 If I were going to build a garage I
7 would talk to my neighbors and find out what
8 I needed to know in order to build a
9 structure that would withstand the test of
10 time. What would be the best materials
11 needed, where to purchase them, what size it
12 should be so all the cars would have easy
13 access without knocking over the garbage
14 cans, bicycles and skis. After I gathered
15 this information I would put my blueprint
16 together. This to me is the most common
17 sense approach. It seems as if you have
18 already built the garage and now want to
19 know what the neighbors think. I guess
20 that's why we're here.

21 Your task force has had the best voice
22 the League of Women Voters has to offer,
23 Aimee Allaud. She has been thorough in her
24 research and relentless in her efforts to

1 nudge the task force to tow the line and
2 help Americans to vote and make sure that
3 their vote counts. I admire and applaud her
4 efforts and patience.

5 According to Aimee, public comment was
6 extremely limited, so you have not heard
7 comments from a diverse slice of our
8 citizenry, elected official advocates and
9 legislators early in the process before a
10 draft of the implementation plan. Doing
11 that is common sense to me too, but the
12 garage has been built.

13 A couple of years ago the Task Force on
14 Redistricting did provide for testimony
15 throughout the state before they presented a
16 plan. In the end, it made no difference and
17 Buffalo now has an earmuff as a testament to
18 the deafness of some of our elected
19 officials to citizen input and a transparent
20 process.

21 When I came on the League of Women
22 Voters State Board four and a half years ago
23 in 1999 before the Gore/Bush election I was
24 also a brand spanking new election

1 inspector. I arrived at our November
2 meeting in a dither. The elections were
3 over and I was so very concerned about some
4 of the practices that I noticed in my
5 polling place and wondered what the League
6 was going to do about it. After all, this
7 is what we were all about. Was Chautauqua
8 County just quirky or were these issues
9 statewide?

10 I asked why inspectors were pretty much
11 in the same age bracket and the same
12 ethnicity. Why couldn't we get younger
13 people? Of course, the only available
14 community members that could be recruited as
15 poll workers were those who were not working
16 nor in school. Working people couldn't get
17 a day off to work the polls. I wondered why
18 not and what incentives would encourage
19 employers to provide a poll worker one day a
20 year. College age students couldn't be
21 excused from classes to do public service.
22 Why not?

23 I asked why, despite their advanced
24 age, poll workers were ignorant of how the

1 lever machine operated and for the most part
2 unable to canvass the machine, how tired
3 they were at the end of a grueling 18 hour
4 day for some. By the way, we all were. I
5 also wanted to know why, when I asked for an
6 absentee ballot, the Board of Elections
7 needed to know why. Why was it their
8 business anyway?

9 Needless to say, as is the League way,
10 we formed a committee and before the 2000
11 election we had surveyed local Leagues
12 throughout New York State, and by the way
13 there are 57, to let us know what they
14 witnessed in their individual polling sites
15 and what were the pimples in the process of
16 getting a vote to count.

17 So when the controversy about election
18 administration came before the 2000 national
19 agenda the League of Women Voters of New
20 York State, as happenstance would have it,
21 was ready to deliver an assessment hit list
22 to our State Board of Elections, senators
23 and assembly persons.

24 The League also believes that anyone

1 that goes to a polling place should be able
2 to vote. Of course, they have to be
3 registered and eligible voters to vote in a
4 federal election. How do we determine that?
5 In Chautauqua County we were told that if we
6 have a question call Mayville. That's where
7 our County Board of Elections is located.
8 But do they have a statewide, centralized,
9 electronic list? No. The HAVA plan should
10 designate a wide variety of databases that
11 will be used to access a registrant's
12 identity and eligibility to vote in a
13 certain jurisdiction. This would reduce the
14 need for voters to present ID when they go
15 to vote. Laptop computers would be a good
16 investment for each polling place to
17 facilitate the process.

18 Currently, New York State Election Law
19 provides for a provisional affidavit ballot
20 in the system so that a voter who claims to
21 be eligible to vote is permitted to use an
22 affidavit ballot. A notice, along with a
23 registration form, is required to be sent to
24 each person who passed an invalid affidavit

1 ballot and therefore was not counted. In my
2 experience, most persons who voted at my
3 polling site with an affidavit ballot
4 automatically thought their vote counted.
5 When I checked the State Board of Elections
6 county websites after elections for
7 affidavit ballots that were rejected, the
8 numbers were frighteningly large. HAVA has
9 new requirements that will improve New
10 York's system of handling affidavit ballots.
11 HAVA requires a free access system which
12 will enable any individual who casts an
13 affidavit ballot to find out if his or her
14 ballot counted, or if not, why. A letter to
15 the individual explaining rejection is also
16 required. The HAVA Draft Plan could also
17 expand on HAVA requirements so that all
18 affidavit ballots passed by voters who are
19 not currently registered should be processed
20 as voter registration applications.

21 So now we have the Help Americans to
22 Vote Act. The responsibility to make it
23 work, really work, is the task of election
24 officials and legislators. I am a common

1 sense person and it always baffled me when
2 others fail to see what I think is logical.
3 I believe the federal statute specifies that
4 stakeholders and other citizens should be
5 included in the process. It is notable that
6 there is a representative from the disabled
7 community and Aimee from the nonprofit
8 advocacy community, but what about all the
9 others?

10 The League would have included members
11 from ethnic and racial communities, youth
12 and student voters and others from
13 non-partisan organizations representative of
14 the demographic and geographic diversity in
15 our state as a minimum requisite to the task
16 force. In other words, make it as inclusive
17 as possible to eliminate this gigantic flaw
18 that compromises the credibility of the task
19 force plan from the outset.

20 Therefore, the League strongly
21 recommends that before the draft plan is
22 submitted, after these hearings, you
23 reconvene to review and discuss all
24 testimony and revisions before the plan is

1 filed with the Federal Election Assistance
2 Commission.

3 In conversations with Chautauqua
4 Election Commissioners Terry Niebel and Norm
5 Green, who by the way have been most
6 receptive and responsive to an array of
7 local League election reform issues, concern
8 arose about how the State would facilitate
9 replacement of lever machines.

10 Common sense again would say to look to
11 what other states have done in selecting
12 voting systems. I'm sure they closely
13 examined accessibility for persons with
14 disabilities. But each state has its own
15 set of election statutes. For example, we
16 currently have a statute that requires a
17 full face ballot. Do we still need this?
18 It would have to have all the candidates
19 endorsed by the numerous political parties,
20 the ever expanding number of languages that
21 must be on the ballot under the Voters
22 Rights Act, and bond issues. Common sense
23 says either the screen gets bigger or the
24 print gets smaller. I can't tell you how

1 many people at my polling site missed voting
2 on a bond issue because they forgot to look
3 up in the voting booth.

4 The full face ballot requirement is an
5 anachronism and we need legislation first to
6 change this if we want to have the widest
7 selection of equipment that utilizes the
8 latest technology and enhances
9 multi-language and accessibility
10 considerations. The task force should
11 pursue avenues that would culminate in the
12 introduction of this legislation.

13 The draft plan indicates that the State
14 Board of Elections will contract with a
15 professional training organization to
16 develop a standardized statewide training
17 program. This is good. Uniform practices
18 and procedures throughout the state are
19 critical so that voters are assured that
20 their vote is treated equally no matter
21 where they vote.

22 The League's other major concern is
23 educating voters and, I suppose, non-voters.
24 I say this because many people don't vote.

1 Perhaps in addition to a professional
2 training association, there should be a
3 professional marketing association. If you
4 want people to buy into what you offer,
5 marketing is the answer. Many say they
6 don't vote because of their frustration with
7 politics and politicians. However, more
8 often it's simply not knowing what to expect
9 at a polling place, especially if you don't
10 speak English comfortably and don't want to
11 appear ignorant. A multi-language mailing
12 would be a great idea when new machines are
13 introduced. However, in addition, annual
14 mailings would be better and you can market
15 the process and educate people on the value
16 of their vote.

17 We expect that this plan will serve as
18 a framework within which implementing
19 legislation will be needed and therefore
20 should be as specific and detailed as
21 possible. We live in a much different world
22 than we did as few as fifty years ago. We
23 are demographically more diverse and
24 technologically efficient. It is time to

1 seize the day and move ahead into the 21st
2 century without dragging the old with us.

3 This is a non-partisan issue. Honest
4 people of any political persuasion would
5 agree that every vote should be freely cast
6 and fairly counted. Our democracy depends
7 on it. It's common sense to me. Thank you
8 very much.

9 It's very strange not talking to you.
10 I think the next speaker should turn this
11 around.

12 MR. KOSINSKI: I have a couple of
13 comments I want to make.

14 The issue about the task force, if you
15 look in the back of the report I think
16 you'll see a list of people that were
17 involved and I would suggest that I think
18 the way the task force proceeded was an open
19 process. The task force was made up of 19
20 people, but I think we realized that not
21 everybody could be represented on the task
22 force, but there was an opportunity during
23 those task force meetings for the public to
24 attend. Those were open public meetings.

1 MS. MERRINS: They were very short
2 windows if I remember Aimee saying.

3 MR. KOSINSKI: There was an
4 opportunity at the beginning of the task
5 force meeting for 30 minutes for the public
6 to speak and at the end of the meeting.

7 MS. MERRINS: Was there enough notice
8 to all the people that might have concerns
9 to be able to get there? Was it enough
10 previous notice?

11 MR. KOSINSKI: We think so. Again,
12 the task force meetings were published as to
13 when they were going to occur, where they
14 were going to occur and I would suggest we
15 had a good attendance. If you look at the
16 back of the report itself it lists the
17 groups that did attend our task force
18 meetings and I'm going to say there's
19 probably 30 as a group that were represented
20 outside the task force itself.

21 MS. MERRINS: But not on the
22 planning.

23 MR. KOSINSKI: Not specifically on
24 the task force, but they did have input at

1 each one of the meetings. So while the task
2 force did not include every group that was
3 interested in the HAVA program, I think that
4 by opening up those meetings and having
5 people come and have an opportunity to speak
6 and participate at those meetings that there
7 was that opportunity prior to this whole
8 public comment period occurring for
9 individuals and groups to come and
10 participate, have input and certainly those
11 comments were considered during the task
12 force meetings.

13 They were also considered during the
14 whole drafting process. The drafting
15 process was done by really the State Board
16 staff itself, but all those comments were
17 taken into consideration. So I mean -- I
18 know we've received criticism about the
19 makeup of the task force, but I would
20 suggest to you that you should look beyond
21 just the makeup of the task force itself and
22 because of the time frames that were
23 involved in trying to make sure that New
24 York got its plan done in a timely manner, I

1 didn't want the task force to be too large
2 so that it would cause New York to miss
3 those deadlines that the federal government
4 had imposed on us, but again by opening up
5 that process I think we did give people that
6 opportunity to participate early in the
7 process prior to the draft of the plan being
8 implemented.

9 MS. MERRINS: It's the opinion of the
10 League that there wasn't enough input and I
11 don't know if any of these hearings have
12 given you any reason to reconvene the task
13 force or whether everything that is being
14 mentioned at these various opportunities for
15 testimony have been heard before and is
16 indeed inclusive in your plan, but according
17 to Aimee, who is my guru in this at the
18 State Board, there is some things that are
19 lacking. So that's basically the purpose of
20 my reiterating her testimony. Thank you
21 very much.

22 MR. KOSINSKI: Lisa Helen Hoffman.

23 MS. HOFFMAN: Good morning. I would
24 like to thank you, Peter Kosinski and the

1 State of -- of the New York State Board of
2 Elections for the opportunity to speak
3 today.

4 My name is Lisa Helen Hoffman and I am
5 the Disability Rights Activist Advocate at
6 the Regional Center for Independent Living,
7 RCIL, and I'd like to inform you of my
8 concerns and the concerns of those I work
9 with regarding the New York State planning
10 for the Help America Vote Act.

11 Under Replacement of the Voting
12 Machines and the Punch Card Devices: The
13 plan identifies that all lever machines will
14 be replaced by the deadline of January 1st,
15 2006. To be consistent with the intent of
16 HAVA, I ask that at least one accessible
17 voting machine is made available at each
18 polling place in New York State for election
19 day 2004. This will allow persons with
20 disabilities to cast an independent and
21 private vote. At the same time it allows
22 counties to replace all other machines
23 before the January 1st, 2006 deadline.

24 The citizens of the State of New York

1 who have disabilities want to vote
2 independently and privately. I know this
3 because I am one of the New Yorkers who has
4 never been able to practice my right to vote
5 privately and independently. Although I
6 have voted in most of the elections that
7 have taken place since 1983, I have had to
8 rely on someone else to assist me through
9 the process. I know others who cast
10 absentee ballots because the voting machines
11 or polling sites are not accessible to them.
12 Unfortunately, the absentee ballots are not
13 accessible for many of these people. They
14 need assistance and therefore are denied the
15 opportunity to exercise their right to a
16 private and independent vote.

17 The technology exists and so do the
18 accessible voting machines. New Yorkers
19 with disabilities want to make our opinions
20 heard by casting independent and private
21 votes.

22 Voting Machine Accessibility on
23 Election Day 2004: New York State Board of
24 Elections must make it a requirement in the

1 HAVA state plan to purchase at least one
2 accessible voting machine per polling place
3 for use on election day 2004. Additional
4 machines can be purchased in 2005 and 2006
5 to achieve full HAVA compliance.

6 Under Voting Equipment Accessibility:
7 HAVA Title II funds should be directed
8 through the New York State Office of
9 Advocate for Persons with Disabilities and
10 Independent Living Council statewide
11 network. Centers have been assessing and
12 providing technical assistance on voting
13 accessibility for several years. These
14 funds should be at least matched by the
15 Title I HAVA monies. Sufficient funds must
16 be provided so that New York State Office of
17 Access for People with Disabilities and the
18 statewide network of centers can help the
19 New York State Board of Elections and
20 counties to successfully complete this goal.

21 In addition, as evaluations may
22 identify some current polling sites as
23 inaccessible, it is logical to suggest that
24 any one of the 37 Independent Living Centers

1 or their nine satellite locations could be
2 considered as replacement polling places.

3 Under Section 3, Voter Education,
4 Election Officials and Poll Worker Training:
5 Advocates need to be involved in both the
6 public education campaign and poll worker
7 training. People with disabilities must
8 participate in the development, review and
9 distribution of public service and
10 educational materials. Products have to be
11 worded and targeted in ways that will
12 effectively catch the interest of New
13 Yorkers with disabilities. They must also
14 be in accessible formats.

15 It is just as important to have local
16 people with disabilities conduct the
17 disability awareness part of the poll worker
18 training. Do not have someone without a
19 disability talking about how to best
20 accommodate voters with disabilities. HAVA
21 Title I and Title II funds should be
22 directed through the New York State OAPWD
23 and to the Independent Living Council
24 statewide network to conduct these

1 activities.

2 Develop a product and offer polling
3 place worker training on the topic of how to
4 accommodate people with disabilities during
5 the voting process.

6 I have made it my practice to bring
7 someone with me to the polling site so that
8 I know I would have assistance. As a person
9 who is blind I have needed assistance
10 accessing the voting machines. This past
11 election, someone in Monroe County who was
12 blind was assisted by a polling site
13 inspector, but he lost his opportunity to
14 vote. Rather than taking the time to read
15 each race and candidate, the polling site
16 inspector simply asked this gentleman which
17 party he was registered with and proceeded
18 to vote a straight party line ticket for
19 him.

20 We are working with the Monroe County
21 Board of Elections to offer training by
22 people with disabilities. We know how
23 important it is for polling site inspectors
24 to be well trained. From the basics, such

1 as listening directly to people with
2 disabilities rather than to our companions,
3 to the all important need to be able to
4 instruct people how to use the adapted
5 voting machines, we know that having a
6 disability is essential when training others
7 to work with us.

8 Involvement in State Process to Certify
9 New Voting Machines and Technology:
10 Throughout the HAVA state plan draft mention
11 is made of the state certification process
12 to approve the use of new voting machines in
13 New York. Currently, advocates have to
14 impact the process from the outside based on
15 relationships and/or public pressure put on
16 voting machine vendors. The New York State
17 Board of Elections must find a way that
18 involves people with disabilities in this
19 process.

20 Establish a consumer review panel. The
21 New York State Board of Elections must adopt
22 a practice of convening a small group of
23 experts from the disability and social
24 justice communities to verify the access of

1 any voting machine before it's approved or
2 purchased in this state. A consumer review
3 panel will act as a safety net to help avoid
4 the costly error of purchasing an
5 inaccessible product.

6 The Election Reform Sub-Committee of
7 the New York State Independent Living
8 Council is an excellent resource for
9 locating some of these individuals. In
10 April, at the New York State Board of
11 Elections spring conference, we conducted a
12 survey of the accessibility of the
13 accessible voting machines. Since we
14 represent a wide range of people with
15 various disabilities, the information that
16 was gathered is a representative sample of
17 the needs of people with disabilities at the
18 polling site.

19 Additionally, some of the members of
20 the Election Reform Sub-Committee of NYSILC,
21 New York State Independent Living Council,
22 have spoken to vendors to inform them of the
23 access features that we would like to see
24 included in the ultimate accessible machine.

1 We actually have created a list of those
2 features. The information that we have had
3 available to us, combined with our
4 connections with the vendors of accessible
5 voting machines, qualify us as the best
6 resource for assisting the counties in their
7 acquisition of the most accessible machines.

8 Too many times people who don't use
9 equipment buy it for others who are then
10 forced to use equipment they did not have
11 any opportunity to test. People don't buy
12 cars without test-driving them. Let us
13 test-drive the equipment and assist the
14 counties in choosing the most effective
15 voting machines.

16 Thank you again for this opportunity.

17 MR. KOSINSKI: I just want to mention
18 a couple of things. The task force, as you
19 may know, had representatives from the
20 disability communities, from the Independent
21 Living Center and Dick Warrender from the
22 Office of the New York State Advocates for
23 Persons with Disabilities. Obviously, we're
24 still in discussion with them about this and

1 I'm sure you also know a large part of the
2 goal is to insure that people with
3 disabilities have equal access to voting
4 systems in the country, not just in New York
5 State.

6 So clearly that is a main goal of any
7 voting machine that will be purchased in New
8 York and we certainly continue to talk to
9 Brad and to Dick about these issues and
10 they're very much involved in them. But we
11 appreciate your comments today.

12 MS. HOFFMAN: Thank you.

13 MR. ADAMCZYK: Just one question
14 regarding Ms. Hoffman. You mentioned that
15 you have a list of features that you came up
16 with through your Election Reform Committee.
17 Have you provided a copy of that to the task
18 force?

19 MS. HOFFMAN: I believe I can ask
20 Brad if he did. Brad Williams is our
21 executive director, so --

22 MR. KOSINSKI: I think they're still
23 formulating those. I know we've talked to
24 Brad and in speaking about that meeting in

1 Saratoga I know there was a poll taken at
2 that meeting of the accessibility of each
3 machine and how each machine was really
4 accessible to the disabled community. We
5 did receive that report from Brad as to how
6 those different machines functioned, so we
7 are getting input.

8 MS. HOFFMAN: I know you had the
9 results at the community June meeting.

10 MR. ADAMCZYK: Was that a result of
11 the survey or as a result of -- you
12 mentioned a list of features and that's what
13 struck me specifically is that your Election
14 Reform Committee has a list of features and
15 that's -- I was looking for a copy of that.
16 If it's the features in the sense of what
17 was available and how they will be received
18 by the community or not, that's
19 understandable. My concern is just that if
20 there is something that you found was
21 terribly lacking or a feature that isn't
22 available I think it's something we should
23 make sure that those of us on the task force
24 are well aware of.

1 MS. HOFFMAN: I would speak to Brad
2 and to Chris Ackmyer, one of the chairs of
3 the committee and let them know that you're
4 interested in the list. They are two
5 separate items. There is a list of features
6 and then there is the results of the survey
7 we took in April.

8 MR. ADAMCZYK: Okay. Thank you.

9 MR. KOSINSKI: Minda Rae Amiran.

10 MS. AMIRAN: Good morning. My name
11 is Minda Rae Amiran and I'm here today as
12 First Vice President and Chair of the Voter
13 Service Committee of the League of Women
14 Voters of Chautauqua County. We are
15 grateful for this opportunity to comment on
16 the Board's draft plan to implement the Help
17 America Vote Act in New York State. The
18 League of Women Voters is a non-profit
19 non-partisan organization whose main mission
20 is to promote active informed participation
21 by citizens in government. Consequently,
22 the implementation of this act is the
23 central concern of ours.

24 Let me join my voice to those finding

1 that your draft plan does not adequately
2 specify how you are going to implement HAVA.
3 In too many places the draft says little
4 more than that the State Board of Elections,
5 in consultation with county boards, will
6 comply with HAVA requirements in a timely
7 fashion.

8 Of particular concern to our League, in
9 a rural county with far flung small
10 communities and a large proportion of
11 elderly voters, are the use of databases to
12 verify mail registrations, access to the
13 statewide voter list and recruitment of
14 election inspectors. I will address each in
15 turn.

16 For many of our residents, submitting
17 voter registration applications in person is
18 not an option. Verification of mailed-in
19 applications is thus an important issue.

20 While the plan mentions that the State will
21 explore the use of databases besides Motor
22 Vehicles files to verify information on
23 mailed-in voter registration applications,
24 it says nothing about which databases those

1 might be, how they will be chosen or how
2 agreements to use them will be obtained.
3 Since many in our county, especially women,
4 minorities and senior citizens, have no
5 current driver's license and no car
6 registered in their name, the matter of
7 other databases would be crucial. As it
8 stands, the plan gives us no idea what to
9 say in our voter education literature or how
10 to inform new registrants what type of
11 identification will be required, either by
12 the Board of Elections on the receipt of the
13 registration form or when the voter first
14 appears at the polling place. This matter
15 cannot be solved by waving one's hands at
16 the county election boards and it demands
17 immediate attention, given that registration
18 deadlines for national elections are a
19 little over a year away.

20 The League of Women Voters has long
21 supported the idea of a statewide
22 registration list and warmly welcomes HAVA's
23 provision for it. However, the value of the
24 list will depend on ease of access to it and

1 the draft plan fails to specify whether the
2 list will be available only to county boards
3 of elections or also to individual polling
4 places, presumably via a laptop or as a CD.

5 In our experience registration problems
6 are not rare and telephoning the County
7 Board delays the voting process despite all
8 the efforts of our very attentive
9 commissioners. Polling place access would
10 be ideal, but it would involve additional
11 training of election inspectors and
12 additional equipment. The draft plan
13 nowhere specifies how the \$40 million
14 Election Administration Grant is to be used
15 for the improvement of election processes,
16 or what will constrain the choices of county
17 boards in the use of those funds --
18 certainly statewide policies are needed on
19 expenditures for training, equipment and
20 related items.

21 The draft plan also fails to specify
22 any means for the improved recruitment of
23 election inspectors. In our county, where
24 strong concentrations of minority voters are

1 located in two small cities, the issue of
2 recruiting inspectors representative of all
3 population groups is especially important.
4 Our League has made strenuous efforts to
5 recruit bilingual citizens as inspectors,
6 and we have received the greatest possible
7 support from both of our Board of Election
8 Commissioners, but we are impeded by the
9 reluctance of most employers to let workers
10 serve on election dates.

11 This reluctance also makes it hard to
12 recruit younger people of all communities,
13 so most of our election inspectors are
14 retired senior citizens, as Marcia
15 previously noted. Clearly, to have
16 representative inspectors we need some
17 provision to require employers to let their
18 employees serve, or to reward them if their
19 employees do so.

20 We also need the flexibility to have
21 inspectors serve eight hour shifts. As our
22 existing inspectors age, they find it
23 impossible to work a 16 or 18 hour day
24 current regulations prescribed. A 16 hour

1 day also makes it hard to recruit college
2 students. The schools can hardly encourage
3 them to skip classes, but their classes
4 might be only in the morning or only in the
5 evening. If they can serve for eight hours
6 they might be more able to help. The same
7 is true of all younger people with family
8 obligations after work. We hope that you
9 will give considered attention to these
10 issues.

11 In conclusion, I join with others who
12 have already testified in urging you to
13 reconvene the State Task Force, once these
14 hearings are done, to review all the
15 recommendations you have received and revise
16 the plan, providing greater detail on the
17 strategies and timetables to accomplish the
18 goals you have established. I also urge you
19 to have the Task Force use citizen expertise
20 in specifying implementation guidelines,
21 possibly through sub-committees with members
22 from non-governmental organizations,
23 research institutes and grassroot groups,
24 people familiar with the problems at hand.

1 The League of Women Voters of
2 Chautauqua County looks forward to working
3 with you to keep improving election
4 processes in our state. Thank you.

5 MR. KOSINSKI: Thank you. I just
6 want to, I guess, mention one comment about
7 the statewide registration database. We
8 also think the whole elections community
9 shares the concern about the ID issue and
10 the need to establish ID at the polling
11 place. We're hopeful that once we get the
12 statewide registration database up and
13 running that will diminish the people that
14 have to do that because once we can verify
15 people's registrations with the DMV or
16 Social Security number that will eliminate
17 the need to provide ID. So right now our
18 efforts are to get that statewide database
19 up and running and we think that will
20 address that in a large way. Thank you.
21 John Rooney.

22 MR. ROONEY: Good morning. My name
23 is John Rooney. I'm a Senior Regional
24 Advocate for the Eastern Paralyzed Veterans

1 Association.

2 In existence for 57 years, our
3 organization is dedicated to enhancing the
4 lives of veterans and all Americans with
5 spinal cord injuries or disease by insuring
6 quality health care, promoting research and
7 advocating for civil rights and
8 independence. The majority of our 2,300
9 members reside in New York, New Jersey,
10 Connecticut, Maine and Pennsylvania;
11 however, in our quest to meet the needs of
12 persons of all ages with spinal cord
13 paralysis we have begun to expand our
14 services to additional states in New England
15 and the Northeast.

16 There are many barriers faced by New
17 Yorkers with disabilities while attempting
18 to exercise their basic right to vote
19 confidentially and independently. The
20 primary barriers voters with disabilities
21 face are inaccessible polling locations and
22 voting machines. Regardless of the efforts
23 being put forth to make voting machines
24 fully accessible, there is a need to address

1 the larger issue that many people with
2 disabilities cannot even get a foot through
3 the door of a polling site to vote.

4 Usually the first barrier that people
5 with disabilities face is inadequate
6 handicapped parking spaces. Part of making
7 polling sites accessible is to insure that,
8 where public parking exists adequate
9 handicapped parking spaces and accessible
10 exterior routes are provided. It is also
11 important that if an accessible entrance is
12 provided that it is unlocked and clearly
13 marked as accessible during the hours the
14 polling location is open. It is also
15 important to provide an accessible interior
16 route to the polling area.

17 The New York State Help America Vote
18 Act State Implementation Plan proposes that
19 all 62 counties in New York State replace
20 lever machines and punch card systems with
21 new voting systems. We urge the New York
22 State Board of Elections to adopt a system
23 that will allow the voters with disabilities
24 to cast their vote independently and

1 privately.

2 The new technologies now available in
3 voting machines offer easier reach and grasp
4 options than ever before, enabling voters
5 with strength, reach or dexterity problems
6 more independence and ease while voting.

7 The technologies currently being designed
8 for voters who are blind or who have visual
9 impairments will offer the opportunity to
10 make voting truly accessible to all. This
11 technology may prove more accessible to
12 voters with cognitive, developmental or
13 mental disabilities, as well as accommodate
14 the private, independent voting of people of
15 all levels of literacy. These machines even
16 provide the ability to "write-in" candidates
17 and offer the option of papers trails, to
18 confirm voter intent when voting disputes
19 arise.

20 The Eastern Paralyzed Veterans
21 Association does not endorse any particular
22 voting system, but we recommend the State
23 seek the input of disability advocacy groups
24 when choosing a voting system.

1 While the Help America Vote Act is a
2 great start to accessible voting, New York
3 State can go even further by improving upon
4 its provisions in the following ways: New
5 York State should ensure that every polling
6 site throughout the state is accessible to
7 people with disabilities. There should be a
8 uniform accessibility standard for every
9 polling site in New York State. We
10 recommend the Americans with Disabilities
11 Act accessibility Guidelines or the Building
12 Code of New York State, depending on
13 whichever is more stringent.

14 The Eastern Paralyzed Veterans
15 Association gladly offers to serve as a
16 resource for polling site accessibility. In
17 a New York State lawsuit we were appointed
18 as the court monitor in two counties to
19 conduct surveys and to provide technical
20 assistance to help the counties make their
21 polling sites accessible.

22 The New York State Board of Elections
23 must educate poll workers and voters about
24 the use of new voting machines and the forms

1 of identification for first time voters that
2 will be accepted at polls. It is important
3 to educate poll workers about the rights of
4 voters with disabilities, with input from
5 disability and advocacy organizations. An
6 important part of training should include
7 disability etiquette. The Eastern Paralyzed
8 Veterans Association would be happy to work
9 with the State Board of Elections to develop
10 an etiquette training module.

11 New York State currently requires that
12 all candidates for all offices be viewable
13 at once on a single ballot. Known as a Full
14 Face Ballot, New York must eliminate this
15 requirement in order to increase the options
16 when choosing accessible voting systems.
17 Maintaining a full face ballot requires
18 large viewing screens that will in turn
19 limit the range of possible accessible
20 voting systems that New York State can
21 purchase. Those who believe that a full
22 face ballot is required to guard against a
23 falloff in voter participation for lesser
24 offices can be addressed through an

1 incorporation of a warning to the voter
2 about an under vote prior to the ballot
3 being finalized. This would guard against
4 voters missing certain offices that may be
5 up for election but also allow a larger pool
6 of accessible voting systems for New York to
7 choose from.

8 New York State must provide voting
9 machines and polling locations that will
10 accommodate all voters in an independent and
11 private manner. New York can only benefit
12 from HAVA's intent to help all persons vote
13 by literally opening the doors wide enough
14 to accommodate everyone.

15 We are eager to work with you to ensure
16 that everyone is compliant, not only with
17 HAVA, but with other federal and local
18 accessibility laws and building code
19 requirements. We hope you will draw on our
20 expertise to make it successful. Thank you.

21 MR. ADAMCZYK: John, do you have a
22 phone number for your local office?

23 MR. ROONEY: Yes, I do.

24 MR. KOSINSKI: Ben Penner.

1 MR. PENNER: Yes. Hello. My name is
2 Ben Penner. I'm from Rochester, New York.
3 I was invited last night, actually, to come
4 to this presentation.

5 I've been interested in the voting
6 process all my life, was voting in every
7 major election. I'm 60 years old next year,
8 but anyway, that represents a lot of voting
9 and in my opinion is really interesting. I
10 was just up on stage. There's a two foot
11 door that doesn't meet ADA code for a simple
12 26 inch wide wheelchair through the door,
13 but anyway, not to cause any embarrassment,
14 Murphy's Law.

15 A couple of things to mention. In my
16 humble opinion about item one is adjusting
17 the mechanical machines for people with
18 disabilities. This has always been a major
19 concern of mine. During the last couple of
20 years I was in a train crash. I had
21 cognitive impairment. I had visual
22 impairment from medications, whatnot, and
23 trying to vote in local and national
24 elections with the standard -- I'm not sure

1 what the name of the machine is, it's
2 basically designed for the walking, normal,
3 stand up person -- and when I look at this
4 machine I see this as a simple machine,
5 really in a sense. I think somehow it is
6 not.

7 It's been a civil rights violation for
8 way too long and I think because of having
9 to engage in a mechanical relationship with
10 the machine to place your vote, I think some
11 people with disabilities really are
12 intimidated by the whole process simply
13 because it's a wacky setup and propositions
14 are up on the top. Unless you have 20/20
15 vision, I find some of these things to be
16 really unhelpful.

17 I checked out the machine out here. I'm
18 not sure if I like the full screen or the
19 LCD computer type screen. I think people
20 can learn to use the new equipment. I think
21 it would be exciting to get -- I think at
22 least counties perhaps will have freedom of
23 choice of where they go. The State is
24 provided money, I believe, and I like both

1 machines because they're ergonomically
2 adjustable.

3 I hold a patent on a machine I
4 developed three years ago and it will be
5 famous soon, so the mechanics -- well, I
6 wanted to say about the past. Seniors
7 running the machines, when I come in with my
8 scooter they're like what the hell do we do
9 with this guy and I'm thinking it creates
10 stress for the people who would like to
11 comply and help. A lot of us would just
12 like to have a seamless process. When you
13 set up a little tent, a curtain, you go
14 inside if you need assistance shielded from
15 people looking at your views.

16 I don't really care. I don't care who
17 looks at me when I vote. I just want to
18 place my vote correctly for what I want to
19 do. This is the purpose of elections. I'm
20 not hung up on some things. These machines,
21 when you go to a salad bar you don't
22 approach at 90 degrees, you saunter up along
23 the salad bar and I think by simply
24 redesigning the curtains on the existing

1 machines would be a great improvement. Walk
2 in and walk out.

3 Myself, being severely independent, I
4 really in my life developed changes and
5 whatnot, having severe physical impairments
6 I am just blessed actually to be here. I
7 spend five days a week with my children.

8 My point is, a lot of times people with
9 disabilities, even myself, really wanted to
10 offer some opinion. There are individuals
11 here who have more skills for determining
12 the type of equipment people with
13 disabilities need, but I think we're heading
14 in the right direction with revamping this
15 whole process, but also the people involved
16 with the voter day really need training.
17 They need some sensitivity training in
18 dealing with people like myself because I
19 can assert myself, a pretty professional
20 person.

21 The visual aspects of voting is another
22 point I wanted to just briefly touch on, to
23 have things ergonomically correct, big
24 print. Most machines, most formats have so

1 much space, I'm thinking why are they saving
2 paper? The little tiny print on the machine
3 and it's like 80 percent of the paper, what
4 do we call that? The old process? Full
5 face. Utilize it, you know. Make it easy,
6 not only for people who may have limited
7 reach, which I have, from time to time, with
8 pull levers but also seniors and people with
9 visual impairments. Put things in more of
10 an ergonomic sense. Perhaps this will
11 happen. Perhaps I am just blowing hot air
12 here today, but I'm here to be here because
13 I used to live in the city and any time I
14 get a chance to get back to Buffalo.

15 Thank you very much for indulging and
16 allowing me to vent to some degree. Thank
17 you.

18 MR. KOSINSKI: Thank you for coming.
19 A big part of this whole HAVA program is to
20 insure that people with disabilities get
21 equal access to voting systems in this
22 country and obviously that's a goal of the
23 whole program and frankly it's a federal
24 mandate.

1 So it's something the states are having
2 to do and all of the vendors obviously are
3 aware of this. So any machine that's being
4 really marketed in this country has to go
5 through a testing process at the federal
6 level and part of that certification and
7 testing at the federal level mandates that
8 they meet HAVA requirements to make sure
9 that each voting system and voting machine
10 is accessible to people with disabilities.
11 So I think that's certainly an issue that
12 has been resolved and it's obviously been
13 debated in Washington when the whole HAVA
14 bill was enacted and now it's a matter of
15 implementing it, but it's no longer really a
16 discussion about whether that's a good idea
17 or not.

18 MR. PENNER: It will happen?

19 MR. KOSINSKI: It will happen. It's
20 a matter of making that final decision of
21 which machine they will buy, but each one of
22 the machines has to be HAVA compliant,
23 meaning it has to be accessible.

24 MR. PENNER: Thank you.

1 MR. KOSINSKI: That's everybody that
2 I have signed up today for the hearing. I
3 would certainly welcome any other person
4 that would like to make comments here today.

5 MS. WOLPIN: I had signed up. Janis
6 Wolpin.

7 I had spear-headed the Polling Sites
8 Accessibility Task Force in Rochester, New
9 York in Monroe County and also had
10 coordinated and facilitated the political
11 forums that we've held for people with
12 disabilities so that people with
13 disabilities could share their needs, their
14 wants, their dreams with the candidates and
15 then have the candidates come back after
16 they formulated their platforms as they
17 pertained to issues on disability, to let us
18 know what they had in mind, but in doing so
19 this is the flyer that we sent, one of the
20 flyers we sent out to the candidates.

21 If you can see, there's an individual
22 with a very large wheelchair that is in a
23 reclining position that cannot get in to the
24 present voting booth. Some of the booths

1 out here right now, they are here on
2 display, the same situation. People with
3 disabilities should have the same rights as
4 people without disabilities to be able to
5 utilize the equipment without needing any
6 assistance and they should be able to do so
7 privately. I brought that so you could see
8 it.

9 Now that I started without addressing
10 the audience, I'm sorry. My name is Janis
11 Wolpin. I wear many hats.

12 I am a community disability advocate.
13 Better known sometimes as a troublemaker,
14 depending on which side one is standing on.
15 To those working with people who have needs
16 to be met, then I'm a good person.

17 I have come here to present for you the
18 electoral equation for persons with
19 disabilities in New York State. That
20 equation is full face ballot plus several
21 populations of persons with disabilities
22 equals oppression.

23 As a community disabilities advocate
24 with a degree in Community

1 Advocacy/Multi-Disability from SUNY Empire
2 State College, I have had the privilege of
3 working with and alongside of persons with
4 various disabilities. My involvement with
5 persons with disabilities is not only on a
6 working level, but also as person to person,
7 friend to friend relationships. This
8 interaction with persons with disabilities
9 has helped me to recognize the various
10 barriers our electoral system imposes upon
11 all of us.

12 The best analogy I can give you is the
13 not so long ago poll tax enforced in many
14 states upon persons of African descent even
15 though they had been granted American
16 citizenship. One, whose heritage was
17 African, was told that they could carry out
18 their constitutional right to vote as long
19 as they could pay the poll tax.

20 Many people who have brain injuries,
21 learning disabilities, low vision,
22 mental/emotional disabilities, as examples
23 are being told they too, have the
24 constitutional right to vote providing they

1 can do so via a full face ballot. Like the
2 message that was given to the
3 African-Americans, people with disabilities
4 are hearing we're afraid of you. We're
5 afraid that if we allow you to vote -- if we
6 truly give you the means to cast your ballot
7 -- that you are not going -- that we are not
8 going to be happy with the final results.
9 Therefore, we'll levy this barrier against
10 you. This is the message the community of
11 persons with disabilities living in New York
12 State are receiving from the New York State
13 Board of Elections, the Governor and the
14 legislators.

15 The simple fact is that there are so
16 many barriers to be able to get into a
17 building. There are very few handicapped
18 accessible parking spaces that are available
19 to persons with disabilities who drive and
20 want to vote, doorways are very hard to open
21 at times. They are not always in a building
22 that have automatic doors. So they have
23 people with disabilities oftentimes have a
24 hard time opening those doors.

1 Sometimes the accessible parking area
2 and accessible entrance is all the way
3 around and people have to walk quite a
4 distance. People who are older can have a
5 hard time and can get tired and worn out
6 before they actually get to the voting
7 machine itself. Oftentimes there's no place
8 to sit down and people with disabilities or
9 people who are older need a place to just
10 rest because they've walked or there's a
11 long line. That's just part of the barriers
12 that are there before a person even gets to
13 the machine.

14 The present machines are horrendous.
15 For people with small motor problems those
16 little levers holding that handle to
17 close/open the door is difficult. The slant
18 of the machine full face ballot can be
19 overwhelming for people with emotional or
20 mental health problems, people with brain
21 injuries and low vision or reading
22 disabilities or learning disabilities. Just
23 that it's all there at once is overwhelming
24 and confusing.

1 New York State presently is one of two
2 states that still insists on full face
3 ballot. The other 48 states have long done
4 away with it. Now, why New York State is
5 clinging to this, is far beyond anything I
6 can think of. It is time, I think, to have
7 the voting process truly accessible for all
8 citizens.

9 As an advocate, as a previous
10 chairperson for the Rochester Chapter of New
11 York State Head Injury Association, as a
12 person who has acquired multiple
13 disabilities, I want to remind each and
14 every member on this task force, those that
15 are present and those who are not, that you
16 are not immune to disability. It is ever so
17 possible that within the next hour, the next
18 day, we right here, one or more of you may
19 suddenly have a heart attack, stroke,
20 sustain a brain injury due to an accident or
21 will be diagnosed with a debilitating
22 condition. This will change your life.
23 This will change the way you will do tasks
24 that you do normally and this will indeed

1 change your abilities to vote as we have the
2 process today. What you do today, what you
3 take back from here today, and how you
4 determine what you want to do for the rest
5 of us in the state could well determine how
6 you're going to vote in the future if
7 disability comes upon you.

8 I'm a mother of a woman who is now
9 going to be 41 years of age as of Sunday.
10 Who 18 years ago was hit by a drunk driver
11 when she was working. She was traveling as
12 an insurance salesperson. Her life in one
13 second has been altered severely. So I
14 don't just say this just to say this. I'm
15 saying it because I live it and as a person
16 with polio syndrome, osteoarthritis,
17 Fibromyalgia, along with a few other
18 symptoms, all of these are things that are
19 conditions that are stripping me of my
20 abilities, my physical abilities.

21 And I can tell you my life is -- it's
22 not always easy. So, please, for everybody
23 here, for everybody in the state, consider
24 changing that ballot to having race by race

1 and get rid of that full face. It's time
2 that we come in line with the 49 states that
3 has recognized that this is indeed a
4 barrier. Thank you.

5 MR. KOSINSKI: Thank you.

6 MR. VAARWERK: Good morning. For the
7 transcriptionist's records my name is Todd
8 V-A-A-R-W-E-R-K.

9 I'm the Disabilities Rights Advocate
10 for the Western New York Independent Living
11 Project, the Independent Living Center that
12 serves Buffalo and Erie County and the
13 regional coordinator of the statewide
14 systems advocacy network for the New York
15 State Independent Living Council.

16 I step up today with a couple of
17 friends who I sat at a bunch of meetings at
18 when this plan was developed. So I have a
19 number of roles to play here, as I testify
20 today. I'm a collaborator and I'm a critic,
21 and it's tough to do both of those things at
22 the same time, but I'm going to do my best
23 to try.

24 It's very important that New York do

1 the best that it can to implement HAVA the
2 best way it can and I know in the meetings
3 that constructed this plan that was a big
4 struggle. The diversity of the panel was
5 called into question. The amount of times
6 that the panel had contacted information was
7 an issue. But out of all of that and all of
8 those discussions and, boy, I can remember
9 some that almost put me to sleep, out came
10 this plan that as I see some very bold
11 things.

12 That you want to put an accessible
13 voting machine in every polling place.
14 Bravo. Absolutely. I want my
15 vision-impaired consumers to be able to cast
16 a ballot without a person from each party in
17 the polling place trying to stuff in that
18 booth with them or bring in wives or
19 children to cast ballots. You want to be
20 able to do the best you can to assess
21 polling places to make them more accessible.

22 I know Commissioner Adamczyk and I had
23 a chat on that very recently. Absolutely.
24 I want to tell the audience a little story

1 about that. I can tell you a story of a
2 disabled veteran who votes in the Town of
3 Tonawanda at the Town of Tonawanda Police
4 Department. The voting machine is clearly
5 visual from the street if you pull up to the
6 court building and for any average voter or
7 even some senior citizens, a couple of
8 steps, you're in the door, you're at the
9 voting machine, you're in and out, five
10 minutes, boom. With luck.

11 For this particular individual he's got
12 to park all the way at the other end of the
13 building and he's got to buzz a door and
14 wait for a police officer to come and open
15 that door and escort him through the police
16 station so that he can get to the voting
17 machine. The policeman waits while he casts
18 his ballot and escorts him back to the exit.
19 On the rolls of the New York State Board of
20 Elections that polling place is marked
21 accessible. I don't think so, because if I
22 have to wait twenty minutes for a cop to
23 come and open a door in the middle of doing
24 a booking or some other relatively more than

1 law enforcement function, then I'm being
2 denied my right to vote and these are the
3 kinds of things that accessible polling
4 places need to deal with.

5 We have churches that have their booths
6 placed on the second floor of the buildings,
7 and the response from those people and in
8 some cases from the Board of Elections is
9 well, that's okay. You can have an absentee
10 ballot.

11 Let's mention that for a minute. I
12 have heard so many wife's tales about the
13 absentee ballots I can fill a house. They
14 only get counted in the event of a tie.
15 They get counted first or last. They don't
16 know where they are. We don't know what
17 happens to them. I can't recommend that
18 somebody uses an absentee ballot unless
19 they're out of the country because I want
20 the consumers that my center provides
21 service to be able to have that exact same
22 voting experience to go with the people in
23 their neighborhood and cast their ballot and
24 use their power as citizens.

1 So those first two things, the
2 accessible machines and providing for
3 accessible polling places are very good
4 things and I hope they can get implemented
5 in the plan.

6 But now I have to be a little bit of a
7 critic because now I have to say the
8 decision we make about the machine we use
9 will effect us for ages. Don't believe me?
10 How old are the lever machines? We made
11 that decision and we have been sticking with
12 those lever machines. Some of them are 40,
13 50, 60 years old. Parts need to be
14 separately machined. The decision we make
15 today will effect us and I don't think that
16 we've looked at all the options to make it
17 cost effective. I don't think that we've
18 looked at what the effect of removing the
19 full face ballot would be or making an
20 exception to allow the accessible machine
21 not to use a full face ballot. I don't
22 think that we've looked at -- today out in
23 the hallway, if you guys haven't seen it,
24 lovely selection of accessible polling

1 machines and I have had my opportunity to
2 play with them.

3 Today is the first time out of all of
4 the opportunities that I have had to see
5 accessible machines that the services for
6 the visually impaired were available to be
7 displayed upon request. Board of Elections
8 Commission in Saratoga Springs, they weren't
9 ready. Senate Disability Awareness Day,
10 they weren't ready. Today they're
11 available. First time.

12 This is the last testimony in the state
13 plan. Very soon the State is going to be
14 making a decision as to which company is
15 going to create and supervise and support
16 these machines. I don't think that people
17 with disabilities have been appropriately
18 consulted about that and I think that some
19 time should be taken for that. There might
20 not be a lot of time and I recognize that
21 because that's my role as a collaborator.

22 I can tell you that that's an issue
23 that Independent Living Centers are there to
24 help you with, to provide you with that

1 information, to make sure that as many
2 people as physically possible can use those
3 machines.

4 I'm very concerned that that decision
5 is going to be made in a vacuum and I'm
6 going to wake up one morning and read about
7 it in the paper.

8 Now, having said that, I want to thank
9 you for the opportunity to testify. I want
10 to thank you for the opportunity to be
11 involved in the creation of the plan and I
12 hope as I look at some of the disabled
13 children that I work with at our local
14 schools, that when they turn old enough to
15 vote they're going to be able, not only to
16 cast their ballot and feel that they can and
17 it's their civic responsibility to do so.
18 Because that is truly the decision that
19 you're making.

20 You are empowering people, whether
21 people with physical disabilities, sight
22 disabilities, people that speak alternate
23 languages, you are empowering them to get
24 involved in our government. I hope the

1 decision that we make will allow those
2 children to feel that they can be involved
3 without even thinking about it twice.

4 The best accessibility to a place or to
5 a facility is that accessibility is
6 invisible. You don't even have to think
7 about it when you walk in the door.

8 I want to thank you again for the
9 opportunity to testify and I'll be available
10 if you have any questions.

11 MR. KOSINSKI: Thank you. Thank you
12 for coming out to Buffalo. We appreciate
13 that.

14 Obviously, as I said before and this
15 whole issue of access is a major issue and
16 we're certainly trying to achieve that end
17 in Albany and it's our goal that any machine
18 that New York would purchase and any county
19 would purchase would meet those
20 accessibility requirements.

21 Your community has been very active in
22 the whole process and very active in
23 Washington and New York and we want to make
24 sure -- clearly, I think from an elections

1 perspective we have no interest in
2 purchasing a machine that doesn't meet those
3 requirements. So certainly we want to work
4 with you and with the people that advocate
5 for you to make sure that any machine we buy
6 would meet those requirements.

7 So as this process goes on there is
8 going to be obviously more discussion about
9 which machine we should purchase.

10 MR. CASTALDI: Thank you for letting
11 me speak here today. My name is Dario
12 Castaldi.

13 I'm a registered voter. I come from
14 Rochester, New York and I have learning
15 disabilities. This affects me in many ways.
16 First, how I take in information, and it's a
17 slow process to learn new tasks and new
18 skills and I have trouble multi-tasking and
19 combined with doing something at a high rate
20 of speed and it gets to the point where
21 sometimes my brain feels like it's
22 overloaded and it shuts down.

23 I have to be honest and say that when I
24 -- I get very confused and I get very

1 confused and disorganized when I look at the
2 current ballot box and that is why I feel
3 like last year I did not vote and that's why
4 it's so important -- I feel it's my right to
5 vote and I want to vote and it's my right to
6 vote.

7 This is why it's so important that I --
8 to get a ballot box that I can read and
9 understand clearly. Every time I look at
10 the ballot box it's really confusing, it's
11 not clear and I see a lot of people who
12 either have, like I said, have -- who can't
13 see very well, who need big print or who
14 need and like getting there or it's either
15 getting there, getting to the voting places
16 or it's getting -- once you get there it's
17 looking through and if you have
18 organizational problems or if you sometimes
19 get confused between how it's sorted out
20 that it gets confusing and it takes a long
21 time and the last time I did vote they kind
22 of rushed me out of there. I didn't have
23 time to sort through the actual ballot box
24 before they were telling me you have to

1 hurry up and I did not really appreciate
2 that because my vote counts and I do have a
3 right to vote and to be there and to be
4 heard.

5 Thank you. I appreciate the Committee
6 for listening and letting me speak today.

7 MR. KOSINSKI: Thank you for coming.
8 Anyone else that would like to speak today?

9 MS. LIEBSCHUTZ: I am Sarah
10 Liebschutz. I am Professor of Political
11 Science at the University of Rochester.

12 I've been engaged in research on
13 election reform in New York and certainly I
14 had not intended to speak this morning, but
15 given the opportunity, being a professor, I
16 cannot refuse that.

17 I wanted to note two areas of silence
18 in the draft report and express my interest
19 in overcoming that silence. If you look in
20 the report you will see the statement at the
21 bottom that stipulates each county Board of
22 Elections is responsible for implementing
23 the replacement voting system in their
24 county. However, the State Board is leading

1 the statewide effort for replacement and is
2 therefore ultimately responsible for meeting
3 this performance measure.

4 As I think most of you are aware, only
5 Monroe and Nassau, Suffolk Counties and New
6 York City own the voting machines.
7 Otherwise, the voting machines are owned by
8 some county units of government, cities and
9 towns. It seems to me that it is a very
10 difficult task to carry out for a County
11 Board of Elections to implement replacing
12 the voting system in the county when -- or
13 except for the units the counties I have
14 mentioned in New York City, the counties
15 actually own those voting machines. So I
16 think that that's a matter that needs to be
17 clarified and dealt with. My own position
18 is that it makes sense for counties to own
19 the machines.

20 The second area of omission is one to
21 which many persons have spoken this morning
22 and that has to do with the full face ballot
23 and it is the case that only New York and
24 Connecticut, statewide, require full face

1 ballots among all of the states in the
2 United States and it seems to me that it
3 would be a good thing for the final plan
4 that is submitted to the federal government
5 to deal with the matter of the full face
6 ballot.

7 I also have two questions. One is --
8 and they both deal really with the timing of
9 submission to the federal government of New
10 York's HAVA plan.

11 The first question is indeed when will
12 it be submitted? I presume it will be
13 before the next federal fiscal year begins
14 on October 1st. I think that is stipulated
15 and also I think you've got that statement
16 on your website, but I would like to know
17 specifically -- and associated with that is
18 the question of action by the New York State
19 Legislature in approving this plan by the
20 State of New York as it is submitted to the
21 federal government. So I just have these
22 few matters that I wanted to raise.

23 MR. KOSINSKI: I guess I'll answer
24 your questions first. On the question of

1 submission to the federal government, as I
2 stated, the states need to submit their
3 plans prior to the end of the fiscal year,
4 which is September 30th. Also built within
5 that is that 45 day comment period for
6 publication in the Federal Register. So the
7 states have an obligation to make sure the
8 plan gets down there in a manner that allows
9 it to be received and published in the
10 Federal Register for 30 days and finalized
11 prior to that date. So our goal is to get
12 it to Washington by the first part of August
13 in order to meet those time frames because
14 of the 45 day window there and so we really
15 feel an obligation to make sure we get it
16 down there within that early part of August
17 in order to establish that.

18 The issue of the State legislative
19 input is obviously an important one and I
20 would note that, first of all, the New York
21 State Assembly put out a package of about
22 eight bills at the end of the session, which
23 many of them addressed HAVA-related issues
24 including the types of machines to buy, how

1 the statewide registry would work and ID
2 requirements, including county ownership of
3 machines, a number of issues that relate to
4 HAVA.

5 These are not necessarily issues that
6 New York has to do in order to implement
7 HAVA, but they are clearly issues that New
8 York needs to look at prior to implementing
9 HAVA. They are in the State Legislature.

10 These are statutory issues and clearly the
11 State Legislature's role is to change state
12 law if they feel it's necessary in order to
13 implement any new program.

14 The federal law is mandatory in all the
15 states so we have to meet the minimum, but
16 should the State Legislature choose to
17 either enhance the HAVA requirements or to
18 deal with county ownership or even the full
19 face ballot question as it relates to HAVA,
20 that's something the State Legislature needs
21 to look at and needs to make decisions on
22 prior to the State going forward and
23 actually implementing the HAVA requirements.

24 As it relates to your question about

1 that statement in the plan on page ten, I
2 think that reflects that it is certainly the
3 task force's hope that the State will adopt
4 a procedure where the counties will have
5 ownership of the machines and will have the
6 ability to purchase machines and actually
7 own them which is different, as you stated,
8 wherein most counties, they're owned by the
9 towns and cities.

10 I think we recognize that trying to
11 implement a program in the state where the
12 entities responsible for purchasing new
13 machines would be at such a low level that
14 you would have so many different units of
15 government involved in that purchase
16 process, it's very difficult and it would
17 make it very difficult to do in New York and
18 it's our hope that the State Legislature
19 will change the law and mandate this.

20 I would add that there is presently on
21 the books an option for counties to do this.
22 The counties have the authority to actually
23 have voting machines owned at the county
24 level and the county legislatures have the

1 ability on a non-mandatory basis to take the
2 voting machines and make them county
3 responsibility and certainly we're hopeful
4 that the State Legislature doesn't make it
5 mandatory that the counties will opt into
6 that because it's just a good idea, but at
7 this point that hasn't happened and I'm
8 hoping the Legislature will address it.

9 The full face ballot is a legislature
10 issue and the task force doesn't address it
11 specifically, but I think what we're trying
12 to do is reflect the law as it exists and to
13 -- rather than trying to anticipate changes
14 that the law may have in New York it is to
15 reflect what presently exists in New York as
16 far as the law goes and to put out a plan
17 for implementation of this program in New
18 York under existing statute.

19 And obviously if the State Legislature
20 changes statutes and creates different
21 options within the State that would change
22 some of the report and we would be prepared
23 at that time to make amendments to the
24 report to reflect the statutory changes, but

1 we felt it wouldn't be in our best interest
2 to try to anticipate changes that may happen
3 in New York statutorily and to reflect those
4 in the plan, but it was best to just go
5 forward with the present statutory
6 structure.

7 MS. LIEBSCHUTZ: Thank you very much.

8 MR. KOSINSKI: Thank you.

9 MS. LIEBSCHUTZ: I have worked very
10 closely with the Commissioners from my
11 county or the Election Commissioners from my
12 county, including meeting with them
13 yesterday for over an hour to address HAVA
14 and I didn't know about this forum until
15 they handed me the information on it. So
16 that, forgive me, I normally speak a little
17 better than I did earlier. I have had 45
18 minutes sleep total last night and I'm not
19 in the best of shape, but my understanding
20 is that the State dictates what type of
21 machine can be purchased, regardless of the
22 counties owning their own machines, that
23 they have to comply with what the State
24 Board of Elections comes back with and that

1 that is legislated by our legislatures.
2 Now, am I hearing two different things, that
3 the buck is being passed here? Who takes
4 ownership as to what type of machines can be
5 purchased?

6 MR. KOSINSKI: Well, there's a
7 certification process that exists in the
8 county and in the state and there is, first
9 of all, the national level there is a
10 certification process that's conducted
11 through the Federal Election Commission for
12 all voting machines that are available in
13 the United States. They have to meet a
14 certain minimum standard for certifying the
15 machine. Part of that now will include the
16 HAVA requirements for disability access, so
17 that the national level every voting machine
18 in this country goes through a certification
19 process at the national level to insure that
20 it meets minimum standards.

21 In addition to New York we have
22 separately in New York, not every state has
23 it. I'll give you an example. In New York
24 we have multiple lines of candidates.

1 You'll notice when you go to vote that the
2 candidate may have not just one line, they
3 may have a Democratic line and a Republican
4 line. They can have as many lines as they
5 can get politically, but they do not appear
6 on the ballot just once, they appear on the
7 ballot multiple times under multiple
8 parties. That is not true in many, many
9 states.

10 So that whether a voting machine is
11 certified in New York we have to have a
12 separate certification process in New York
13 to insure that at the end of the day when
14 you close down the voting machine and count
15 the votes, national voting machine will
16 aggregate the votes for that candidate. So
17 you will have the ability to read off that
18 for multiple lines. So those types of
19 requirements, which are really unique to New
20 York, have to be separately certified by the
21 State.

22 So we have a process in the country and
23 in the state where any voting machine sold
24 in New York has to go through that

1 certification process at the federal level
2 and at the state level.

3 Then under present law, as we've just
4 noted, the towns and cities can go out and
5 purchase any voting machine that has been
6 certified for use in New York. Now there
7 are some counties in the state, including
8 Monroe, including Suffolk, Nassau and New
9 York City that have under state law the
10 authority to do that at the county level.

11 All the other counties have that as a
12 local option. The counties could take that
13 up or leave it with the town and city. As
14 it stands now all the other counties do it
15 at the town and city level, but those are
16 eligible to go out and, in fact, we have
17 some of these electronic machines that you
18 see in the back have been purchased.

19 For example, in the Town of Clifton
20 Park just outside of Albany, twenty
21 electronic voting machines that have been in
22 use for several years. That town chose to
23 go ahead and purchase an electronic machine
24 to replace the other machine and that was

1 done several years ago and it was done at
2 the town level. There was a decision by the
3 town government to go ahead and do that.
4 The machines have been certified so that's
5 the process that New York follows and will
6 continue to follow as it relates to
7 implementation of HAVA.

8 Now the State Legislature may choose or
9 not to change the way we purchase machines,
10 for example, to push it up to the county
11 level like it is in Monroe and Nassau and
12 Suffolk where the county would be in charge
13 of making the purchase, but any machine that
14 is purchased would have to be certified.

15 You can't just purchase a machine that is
16 non-certified.

17 So the state involvement right now is
18 primarily the certification process. We do
19 not dictate which machine you buy. We
20 merely get a vendor who will come to us,
21 apply for certification. Once they become
22 certified they're eligible to be sold.

23 MS. LIEBSCHUTZ: I also understand
24 that, going back to the full face ballot,

1 that that is state legislated.

2 MR. KOSINSKI: It's state law.

3 MS. LIEBSCHUTZ: And that the
4 Governor's Task Force, which I did present
5 at, what I have heard is that even though
6 people with disabilities have advocated to
7 do away with the full face ballot, that that
8 came back. That task force went back and
9 said we are not changing it, doing away with
10 everything that people had said against the
11 full face ballot. Again, we are forceless
12 to the fact that the Legislature and the
13 Commissioners just don't care about people
14 with disabilities voting.

15 We're not important to you or you're
16 afraid of what we might do when we do go to
17 vote, what the results might be. Now, I
18 don't have that officially that that was
19 totally discarded as to what we had to say
20 or that the report did state that indeed
21 full face ballot was going to stay.

22 MR. KOSINSKI: I will say that the
23 Governor did have the task force they'd
24 appointed, it would have been -- it was

1 right after the 2000 election, so it would
2 have been 2001 and it was the Governor's
3 Task Force which held hearings around the
4 state regarding election reform and this is
5 prior to HAVA and the whole federal program,
6 but part of their proposal I would say was
7 to allow for other voting machines.

8 They did, as part of the
9 recommendations I believe in that task force
10 report, indicate that they favored having an
11 alternative voting machine, non-full face
12 machines available, but again understand --
13 and I think people need to understand the
14 role of this task force as well, these are
15 task force reports.

16 Sometimes they're recommendations, but
17 the task force itself doesn't have the power
18 or the authority to implement some of these
19 proposals that people have made. Many are
20 statutorily driven. That's not something
21 the task force has the authority to change.
22 It's something that the State Legislature
23 would have to change and that is true with
24 the Governor's Task Force as well.

1 That while you can make a
2 recommendation or a proposal it requires
3 state legislative change in order to
4 implement. The difference between the
5 State, the Governor's task force and this
6 task force, I think, was that the Governor's
7 task force was put together to make a set of
8 recommendations for things that New York
9 might do to enhance its elections process.

10 This task force was put together with
11 the idea that we were in charge of
12 implementation of a federal law and that has
13 a different responsibility to it. We aren't
14 necessarily out to make just proposals, but
15 we're out to implement federal law and there
16 are federal mandates that must be
17 implemented in the state. There is federal
18 money becoming available to implement these
19 programs in New York State.

20 So we have to take a very practical
21 approach to what is doable in New York and
22 that is why we were reluctant to get into
23 the statutory changes as part of the report
24 and we felt the need to really work within

1 the framework, within the statutory
2 framework that New York has to work within
3 the Statute IV framework that the federal
4 government put out which is mandated on the
5 states to put together a plan that is a
6 practical plan to implement in New York.

7 Again, there are statutory changes that
8 the legislature chooses to make which will
9 change the way we are going to implement
10 HAVA in New York State, that will ultimately
11 change the report, but this is a first year
12 report. This is a three year program. We
13 understand that. We understand that many of
14 those decisions are very important and
15 significant decisions and need to be made
16 with due deliberation and it makes time for
17 the State Legislature to analyze many of
18 these proposals, to analyze the issues and
19 to come to a conclusion as to what they want
20 to do.

21 The State Assembly did put out a
22 package of proposals in June for
23 implementation for some changes to state
24 law. Those did not get enacted by the two

1 houses, but they may and certainly the two
2 houses will be reconvening later this year
3 and I suspect that many of these discussions
4 will continue with the State Legislature as
5 to any statutory changes they are going to
6 make to implement HAVA and we're anxious to
7 see what kinds of changes they do make, if
8 any, and that will impact on how New York
9 actually goes ahead and implements this
10 program.

11 So this plan is not the end of the
12 discussion as to what is going to happen in
13 New York with HAVA. Those are ongoing
14 discussions, they're discussions we're
15 having with the Elections Commissions as
16 well as the State Legislature.

17 MS. LIEBSCHUTZ: One last question.
18 I had actually put a request in by people
19 back in Rochester to please ask for a
20 timeline as to when we can expect everything
21 to be put into place. We understand that
22 HAVA is supposed to be put into place by
23 2004 and there's been an extension to 2006,
24 so what guarantee do we have that 2006 will

1 be met and when can we expect that timeline?

2 MR. KOSINSKI: There are no
3 guarantees in life, but I think that we have
4 a federal mandate here to get this program
5 up and running by 2006 and it's our full
6 intent to make that happen. The federal
7 government is making significant amounts of
8 money available to the State, which is a
9 critical element.

10 Clearly, if it's not federal help,
11 financial help available to the states to
12 make this happen, it will be much more
13 difficult to implement, but so far New York
14 has received a significant amount of money
15 for this program and we are very optimistic
16 that because of that the program will move
17 forward in a timely manner and we fully
18 intend to make sure that New York is
19 complying with HAVA in the time frames HAVA
20 sets forth.

21 It isn't a lot of time, I won't dispute
22 that. To put out 20,000 new voting machines
23 in New York State by January 2006 is a huge
24 undertaking. That's a lot of new equipment.

1 That's a lot of -- just from a vendor's
2 standpoint, that's a lot of orders to fill.

3 That's a lot of training. That's a lot
4 of education for voters to deal with a new
5 voting system and there's a lot of concern
6 among the election community about rolling
7 out new machines too rapidly. So it will
8 become difficult for the voter to
9 assimilate it. It will be difficult for the
10 poll workers. We're trying to put together
11 a management program so we can do it over a
12 period of time, so we have the ability to do
13 the proper training, do the proper
14 education. It's a very, very large program.

15 This is the first time that the State
16 has received federal funding for voting.
17 This will be the first time that the
18 counties will receive federal money for
19 voting purposes. This has never happened
20 before. It's a very unique opportunity and
21 we have every intention of taking full
22 advantage of it because this is, I think, an
23 opportunity we have been waiting for a lot
24 of years.

1 And a lot of these discussions have
2 gone on in New York for years about a new
3 voting system and new machines and a
4 statewide registration database which is
5 something we've needed for years in this
6 state, but there was never the commitment to
7 do it, financial commitment I think was not
8 there, but now with the federal money
9 available we can make all that happen and we
10 fully intend to make that happen.

11 Is there a guarantee? No, but I think
12 it's as good as it can be. The federal law
13 mandates this to be done and if the states
14 don't do it we'll be under tremendous
15 pressure to make this happen in a timely
16 manner and we fully intend to make it happen
17 in a timely manner.

18 Any other comments anybody else has?
19 If not, I thank everybody for coming today.

20 Again, if there's any further input we
21 are taking public comment up to July 23rd.
22 As I indicated, our intent is to get a final
23 plan down to Washington in the first part of
24 August to meet our time frame so we get our

1 federal money on time and that is our goal
2 to try to reach that, but we'll be reviewing
3 all the public comments that we receive in
4 New York and Albany and we are receiving
5 them in our offices and other means besides
6 the public hearings and we'll be assessing
7 all those comments and incorporating them as
8 needed in the final plan.

9 But again I would encourage people that
10 even as the final plan comes out, that is
11 not the final plan in the true sense of the
12 word. There will be further opportunities
13 to amend this plan. It will be amended as
14 time goes on to reflect changes. So we'll
15 encourage you to stay involved in the
16 process. Thanks again.

17 (Whereupon, the hearing concluded)

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