

Asian American Legal Defense and Education Fund • Demos: A Network for Ideas and Action •
League of Women Voters of New York State • New York Public Interest Research Group,
(NYPIRG) • New York State Independent Living Centers • Prof. Ronald Hayduk • Yad
HaChazakah-The Jewish Disability Empowerment Center Inc.

Stanley Zalen
Chief Election Officer/NYS
Co-Executive Director
NYS Board of Elections
40 Steuben Street
Albany, New York 12207-2108

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NYS Board of Elections

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Dear Mr. Zalen:

We are writing as civic representatives on the Board of Elections Help America Vote Act (HAVA) Implementation Task Force to offer our thanks for our recent appointment to this important entity. The broad and diverse representation of civic organizations committed to the voting rights of all New Yorkers is a welcome improvement over the Task Force's initial formulation.

Our organizations have closely followed the state's efforts at implementing HAVA, from both inside and outside the process. We are writing at this time to offer some initial thoughts on the Task Force's process and content of the Plan that we hope will contribute to an improved Implementation Plan. We hope the process issues can be discussed at our first meeting and content suggestions thoroughly explored through the Task Force's deliberations.

We're confident you agree that transparency and openness are central components of a healthy democracy and electoral process. For this reason we'd like to suggest some ideas concerning the operation of the Task Force, all of which were raised in the formulation of the original plan in 2003:

- **All Meetings of the Task Force and any formed committees should be open to the public.** The Task Force should develop an extensive mailing list of interested organizations, individuals and the media and notify them in advance of all its meetings both electronically and by regular mail;
- **All meetings of the Task Force and any formed committees should commence with a public comment period.** The public must not be excluded from this process. The public had to fight for this right during the first formulation of the Task Force in 2003. We suggest allowing any member of the public to speak for up to three minutes at the start of each meeting;
- **The Task Force should seek broad public opinion on the Plan before a vote is taken.** We believe at least one public hearing should be held before a final vote is taken by the Task Force. Additionally, unlike the initial formulation of the Task Force, provisions

should be made for a public vote on the plan and for a minority report to be included if requested by dissenting member/s;

- **All documents and material distributed to the Task Force should be distributed and made available to interested groups in attendance at meetings contemporaneously with its membership.** Such material should also be contemporaneously posted on a Task Force section of the Board's website. Since the State Board now has the ability to webcast meetings, we urge that Task Force meetings are webcast as well; and
- **Any supporting data in possession of the Board concerning the implementation of HAVA, new voting systems, voter and administrative complaints be made available to the Task Force and public.**

Our organizations look forward to participating in upcoming meetings of the Task Force and discussing the content and recommendations included in the amended Implementation Plan. Our organizations are also hopeful you'll agree that the amended plan should include increased levels of specificity about aspects of the state's implementation efforts. To that end, we have identified some initial areas that we hope will be addressed by the Committee. We offer the following ideas in the spirit of seeking to work together to serve the voters of New York. These include:

- **Changing the accepted definition of election jurisdiction to allow for registrations to follow New Yorkers who move from county to county/NYC;**
- **Improving the Board's Voter Bill of Rights and poll worker training materials.** For example, distributing a more broad and detailed list of acceptable IDs to local boards and all poll workers across the state and detailing the state and federal voting rights of language minority citizens and ex-offenders;
- **Improving the provision of federally-mandated assistance to language minority voters under the Voting Rights Act.** Better training and the hiring of bilingual poll workers, among other methods should be undertaken;
- **Enfranchising under-represented populations.** For example, local Boards should be officially notified of the renewed eligibility status of ex-felons who have completed parole through standardized administrative procedures (the current plan only prioritizes notifying Boards of ineligible voters);
- **Reversing the current burden on voters of an exact match standard in the process of verification of registrations while a looser standard is applied towards identifying potential duplicates or targets for purges;**
- **Urging that the state change HAVA's ID requirement back to only being required of 'unverified' first time voters who mail in forms (not those forms which are hand delivered or brought in through NVRA registrations);**
- **Requiring a state standard that mandates the use of affidavit ballot information to automatically update registration records.** This would also serve to eliminate the current disparate treatment of such voters from county to county across the state;
- **Improving access for voters with disabilities.** Election inspectors, poll clerks and election coordinators shall receive mandatory training on how to effectively operate the

ballot marking devices, encourage their use, conduct public outreach with the disability community, learn disability etiquette, and polling place accessibility standards;

- **Setting a standard of one trained and dedicated poll worker be deployed per ballot marking device; and**
- **Affirming that New York will only use federally and state-certified voting systems to replace lever machines.**

All our organizations look forward to working with the Task Force in a constructive dialogue to help prepare the amended Implementation Plan. To that end, we respectfully request that this letter be distributed to our fellow members of the Task Force in advance of the meeting.

The provisions of the Help America Vote Act hold great promise to improve election administration across the state. Our groups are committed to ensuring that HAVA's provisions are fairly enacted in New York and look forward to working with you towards that goal.

Sincerely,

Margaret Fung, Executive Director
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cc: Task Force Members