

# Congress of the United States

Washington, DC 20515

September 25, 2007

Mr. Paul Clement  
Acting Attorney General  
U.S. Department of Justice  
950 Pennsylvania Avenue, NW  
Washington, D.C. 20530

Dear Mr. Clement:

We write to share our concerns about any requirement that New York State have handicapped-accessible voting machines in every polling place prior to the 2008 federal elections. Specifically, we respectfully request that the U.S. Department of Justice consider several points set forth below as it continues to negotiate with New York State to develop a plan to fully comply with Section 301(a) of the Help America Vote Act of 2002 (HAVA) (P.L. 107-252).

We strongly support efforts to ensure that every polling place in New York State is eventually made handicapped-accessible. However, and regretfully, it simply is neither technologically nor financially feasible at this time. In fact, we are advised that there is not a single voting system available today that has been certified to the 2005 Voluntary Voting System Guidelines (VVSG) adopted by the Election Assistance Commission (EAC). Moreover, it is our understanding that the EAC is now developing additional standards and will not complete that process until 2009.

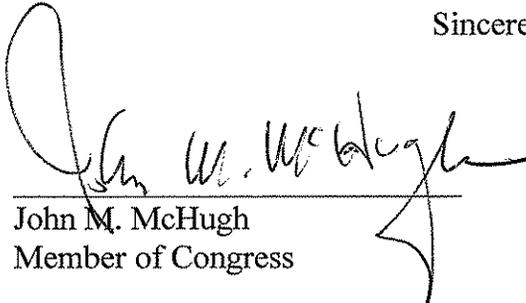
We are further advised that it would cost in excess of \$70 million to place handicapped accessible voting machines in every New York polling place. While the federal government has provided funding to the State for this purpose, it would be an abject waste of taxpayer money to purchase machines that are not certified and may have security vulnerabilities with the knowledge that that equipment will have to be replaced with certified machines within the next two years.

In addition, we are advised by our local election commissioners that if New York State has to order and use uncertified equipment for the 2008 elections, there is a great likelihood that there will be confusion and disruptions in the process that could result in voter disenfranchisement or a diminishment of confidence in the eventual results. It is worth noting that New York State has been using its current voting system for about a century, one in which voters have a high degree of trust, and has not experienced any significant disruptions.

When it enacted HAVA, Congress clearly intended to improve our nation's methods of recording votes. However, Congress certainly did not intend HAVA to require state and local election officials to waste taxpayer monies or to implement the Act in a fashion that could unnecessarily undermine the integrity of elections.

Accordingly, we respectfully request that the Department consider these factors as it works with New York State to develop a plan to implement Section 301(a) of HAVA. We thank you for your attention to this important matter.

Sincerely yours,



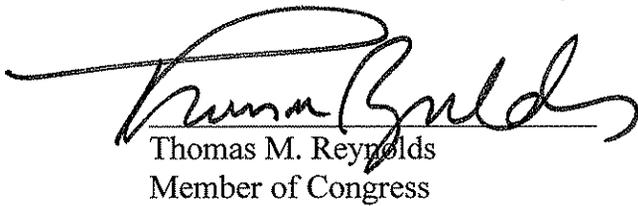
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John M. McHugh  
Member of Congress



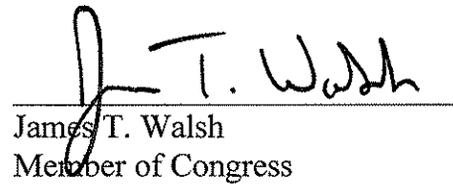
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John R. "Randy" Kuhl  
Member of Congress



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Thomas M. Reynolds  
Member of Congress



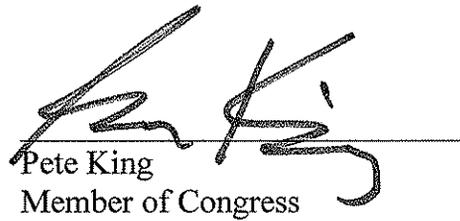
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James T. Walsh  
Member of Congress



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Vito J. Fossella  
Member of Congress



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Pete King  
Member of Congress