

OSWEGO COUNTY BOARD of ELECTIONS

March 24, 2009

TO: Community and Consumer Affairs Committee,  
Kevin Gardner, Chairman

CC: Committee Members  
P. R. Church, County Administrator  
B. D. Leemann, Chairman

SUBJECT: Voting System Update

Recently you received a few emails regarding the issue of keeping, or not keeping, the old style AVM lever voting machines. We were requested to address/clarify this issue at the committee meeting and hopefully the following will help you to understand where we are, why we are where we are and some of the fiscal ramifications of keeping the AVM's.

As a result of the emails you know there is a movement by a group to retain the lever voting machines claiming HAVA does not require their replacement. At this time I believe this is a moot point because New York State's version of HAVA, ERMA, does require replacement of lever voting machines and unless or until New York State reverses this legislation, either voluntarily or by a court ruling the legislation unconstitutional, we have no choice but to move forward under New York State Law.

One of the issues raised is the increased fiscal impact on counties with the new paper ballot/scanner type systems. One can not dodge that bullet – elections with new systems will cost more. Having accepted that, we should look at some facts and figures and the impact on Oswego County.

**SOME FACTS:**

1. The manufacture of new Automatic Voting Machines (AVM's) was discontinued in the early 1980's.
2. Sequoia, the manufacturer, discontinued supplying parts and service for the AVM's in 2001.
3. Voting Machine Services Center, the only other parts and service supplier, essentially discontinued supplying parts and service in 2008.
4. We have barely enough AVM's to run a countywide election with only a few spares in case of a breakdown. Finding parts and service, unless someone starts up a business, will soon be impossible.

5. Training for voting machine custodians is no longer available and the experienced custodians we have/had is dwindling due to age and health.
6. AVM's are not accessible to people with disabilities.
7. If AVM's continue to be used, due to the fact that BMD's will be used by few people, the issue of privacy and secrecy of ballot comes into play. If you only have a few people voting on a BMD (in 2008 in most cases only one person on one system) the secrecy of their ballot is no longer secret. With new systems, the ballot marked by the machine and the ballots personally marked by the voter will be intermingled and secrecy is restored.

#### **SOME NUMBERS:**

1. In 2007 our direct election expense for labor, printing, training, travel, etc., was approximately \$185,000 to \$190,000.
2. In 2008, that number rose to \$250,000 to \$260,000 for just the September and November elections due to having to use both AVM's and Ballot Marking Devices (BMD's)
3. Our direct election expense budget for 2009, anticipating use of new systems, rose to slightly over \$350,000.

#### **THE QUESTION THAT SURFACES IS, "IF WE CONTINUE TO USE AVM'S AND BMD'S WILL THAT SAVE MONEY?"**

1. Use of dual systems requires us to run the same election on two different systems.
2. While you save on paper ballot cost, you increase costs for deployment and retrieval of two different systems – 124 AVM's and 56 BMD's.
3. We are required to train all inspectors annually. The use of two different systems increases the number of inspectors required and two different training programs.
4. We are now a centralized board and responsible for all voting machines including the AVM's. This equates to increased warehouse space, security, truck rental, set up, sealing, recanvass etc. We have already run out of warehouse space and have been granted use of space without cost for a limited time. Cost of additional space has not been included in any of the above numbers.
5. AVM's weigh, depending on age, style and size, between 600 and 900 pounds. Formerly the machines were left at the poll site or stored by the cities and towns and moved by them to and from their storage facility. This invariably resulted in a few damaged machines every year but the repair cost fell to the cities and towns. Now that expense falls to the county and how many machines can we lose before we no longer have enough?

#### **IN SUMMARY:**

1. ERMA became law in 2005.
2. Counties and New York City have spent nearly 90 million dollars since 2006 to implement HAVA/ERMA.

3. Oswego County has spent or committed in excess of 1.2 million dollars of HAVA funds so far and isn't done yet.
4. County commissioners have concerns about the new systems. They are untried and unproven, and with the recent delays, it may be 2010 before they see their first use as scanner/tabulator systems.
5. Given state law, we have no choice but to move forward.
6. Will the use of AVM's save money? In our opinion, not if we have to use dual systems.

As we have said on many occasions, due to HAVA and ERMA, elections are going to have a negative impact on county budgets and the use of dual systems, in the long run, could be even more costly.

If the argument to use AVM's and BMD's survives, ERMA has to be changed, overruled or repealed. At this time New York State law requires the use of AVM's be discontinued upon certification of new systems. Certification is still contemplated for 2009 however certification may come too late to permit use of new systems this year forcing us to again run dual systems for the 2009 elections and pushing use of new systems into 2010.

With all the time, effort and money spent, or to be spent by New York State, some 220 million dollars, it would seem to be a monumental task, with little if any savings, to keep the AVM's in service.

