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THE LEAGUE OF WOMEN VOTERS *of New York State*

Explanation of League's decision to take no action on proposed new voting systems

The League's thoughtful fact-based decision-making process has led us to be one of the most well-respected and sought after advocacy groups among our peers. This week, it was reported that the Chair of the New York Senate Elections Committee has called for a public hearing regarding state certification of a new voting system requested by ES&S. There has been a significant amount of public misinformation and speculation regarding this voting system and the certification process. We have received a number of inquiries from our members asking about our position and why we have not taken any immediate action.

To start, we want to reassure members that the process by which this system is being verified is completely legal and within the right of both ES&S and the State Board of Elections. As part of this verification process, the machine is being put through rigorous security testing by outside contractors and internally by the BOE's security officers; as well as public tests so that voters can interact with the machines and raise any concerns regarding usability. ES&S is already a contractor for voting machines within New York State. DS200 Ballot Scanners and AutoMARK ballot marking devices are used in several counties around the state.

In order for the new ES&S ExpressVote XL machine to be made available for purchase by county boards of elections in New York State, ES&S has to go through a verification process where their machine is vetted to ensure it complies with all New York State voting regulations. This process takes several months, to years to complete. At this point, the machines are still being tested for security and reviewed by the State Board of Elections. Upon completion of both internal and external testing, all information will be presented to the four BOE Commissioners to be voted on for approval or denial of verification. The machine must receive at least 3 votes in order to be verified and made available for purchase.

It should be noted, verification does not mean these machines will be mandated for purchase. Counties will have the option to purchase these machines but will not be required to change their current voting technology. The average life of electronic voting equipment is about 10 years and most counties will now be seeking to replace their aging equipment. However, there are limited funds to do so and these new machines cost upwards of \$10,000 per machine.

The League is in the process of updating all of our Election Law and Government positions, some of which are up to 40 years old. As part of that update we are looking to develop a New

York voting systems position that will keep up with evolving technology and ensure that voting systems used in New York meet the SARAT (Secure Accurate Recountable Accessible Transparent) criteria, work well with the particular needs of our state and provide fairness to all voters, including the disabled and those who do not speak English as their primary language. We have not publicly opposed this ES&S machine or the class of voting system that this belongs to pending our work on this new position. However, we are closely monitoring the process that is being used to certify this machine and have attended public testing of the machine and Board of Elections Commissioner meetings.

The ES&S ExpressVote XL machines are an all in one machine that offers ballot on demand, ballot marking, and a ballot scanner and has a verifiable and auditable paper record. The machines are easy to use and require less work for county boards of elections and poll workers on election day. The ballots are printed using a thermal printer which allows them to be reused after several years. The machines also have the option to serve disabled voters by acting as a ballot marking device with options for larger font, greater contrast in text, Sip-N-Puff, and paddle devices. The machines can hold many election district ballots and has the ability to translate ballots into dozens of different languages with the touch of a button. Counties in New York who have used the machines in village elections have reported positive feedback from voters and poll workers.

With that said, we have identified a number of issues with the machine regarding voter usability and accessibility. The machines are also rather large and voting sites can only hold a few machines at each site. Under New York State statute and regulation, voting equipment cannot have a modem meaning our machines are more secure than the ES&S machines used in other states.

We will continue to monitor the certification process of this machine and be ready to respond to any press or legislative inquiries. Please don't hesitate to reach out the state office if you have any questions. Thank you all for your thoughtful inquiries and we hope this clears up some of the confusion regarding the machine and the certification process being used.