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Do Lever Machines Provide a Better Voting System for Democracy?

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Some New Yorkers are seeking the support of our organizations for their misguided attempt to keep the lever voting machines instead of implementing the paper ballot-optical scanner system purchased last year by the county commissioners. This purchase was funded by millions of dollars allotted to New York under the Help America Vote Act (HAVA) specifically for the replacement of lever machines. Our commitment to high standards for verifiable and accessible voting prevents us from supporting retention of the levers once the scanners pass New York's rigorous certification process.

Lever voting machines, though they have worked fairly well for over 100 years, do not meet current standards for voting systems. Even if New York were not under a federal court order requiring their replacement in 2009, we believe New Yorkers have learned to ask for a higher level of accessibility and accountability than levers can provide.

In "Citizens' Right to Vote" (2006), the national League of Women Voters resolved to support only voting systems which:

- Provide a voter-verifiable paper record that is the official record of the voter's intent.
- Allow the voter to verify this paper record while still in the process of voting.
- Allow verification of vote totals by an independent hand count of the paper record.
- Allow routine audits of the paper record in every election.

Lever machines do not meet these standards. They retain no record of individual votes. During voting, one can see the small lever go down, but cannot see that the inner workings of the machine register the intended vote. In addition, levers include no record of individual votes that can be hand counted or audited to verify the totals. At the close of Election Day, they provide only the totals for each contest. Occasionally these totals have been known to be wrong; but there were no records to re-count. The federal Election Assistance Commission strongly recommends and is expected to require such records in the future.

Both HAVA and our own democratic standards ask that voting systems be accessible to persons with special needs. Lever machines are not. To compensate for this serious limitation, those advocating retention of the levers say that counties can continue to use the ballot marking devices (BMDs) used last Fall to allow persons with disabilities or with need for alternative languages to mark a paper ballot to be hand-counted. This plan shows no sensitivity to the right of persons with disabilities to cast a secret ballot using the same voting system as others. If most voters were using the levers, many poll sites would have only a small number of ballots marked with BMDs. This would make it difficult to preserve the anonymity of those ballots during Election Night hand-counts. With the paper ballot-scanner system, such ballots are submitted to the same precinct-based scanners as those marked by hand by other voters. They also are counted along with others in any re-counts and in mandated audits. This promises both independence and privacy to voters with special needs.

In addition, the attempt to keep the levers does not recognize the financial and managerial problems posed by the suggestion that the already purchased ballot markers continue to be used alongside the levers. Those who argue that keeping the levers would save taxpayers' money do not take into account that HAVA funds for the replacement of lever machines would need to be returned if levers are retained. Also significant is the fact that most counties purchased ballot markers that cannot function apart from the scanners. If this equipment is used along with levers, counties have to maintain, store, program, test, and deploy at least two large machines with different technologies for each polling place; this would increase operating costs.

The long process of gaining certification of new voting equipment for New York has been frustrating. But neither this frustration nor our sense of economic crisis should lead us to sacrifice the superior standards for verifiable and accessible voting that we have come to see as important to democracy. Lever machines cannot meet those standards.