

1 **2009 Fall Seminar**
2 **NYSAC Board of Directors**
3 **Resolution #01**

4
5 **RESOLUTION CALLING ON THE GOVERNOR, NEW YORK STATE LEGISLATURE**
6 **AND THE NEW YORK STATE BOARD OF ELECTIONS TO ENACT LAWS, RULES**
7 **AND REGULATIONS AS SPECIFICALLY AUTHORIZED TO FULLY FUND AND**
8 **PROVIDE MORE FLEXIBILITY WITH THE IMPLEMENTATION OF THE NEW**
9 **YORK STATE ELECTION REFORM AND MODERNIZATION ACT**

10
11 **WHEREAS**, the federal Help America Vote Act of 2002 (HAVA) established
12 minimum, nationwide, election administration standards for state and local governments, which
13 New York State exceeded by enacting the Election Reform and Modernization Act of 2005
14 (ERMA); and

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16 **WHEREAS**, counties have been the recipients of federal funds to implement HAVA, but
17 the state's additional requirements and method of allocating funds has created undue financial
18 hardships with mandated expenses far exceeding formula based revenues; and

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20 **WHEREAS**, HAVA funding formula is not equitable to certain counties in that after
21 purchasing the necessary voting machines there are no funds available for the necessary future
22 operation of machines and the future hiring of personnel to program machines or to do the
23 necessary quarterly testing, ballot definition, etc.; and

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25 **WHEREAS**, the expense of the computerized voting machines is exorbitant and will no
26 doubt increase annually and there will be uncertain costs and expenses; and

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28 **WHEREAS**, these requirements as implemented by the New York State Board of
29 Elections places a severe burden on counties whom do not have the population or tax base with
30 the ability to raise funds necessary to maintain the demands of the optical scan voting machines;
31 and

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33 **WHEREAS**, both in terms of efficacy and cost efficiency, counties believe that these
34 poorly funded and implemented mandates are not in the best interest of the county taxpayers, and
35 in these difficult continuing unstable economic times, the cost to implement elections with these
36 new machines will not be paid for by New York State and is an unsustainable new burden on
37 local real property taxpayers; and

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39 **WHEREAS**, it is necessary for counties to receive time and financial flexibility to
40 implement such changes in addition to all other county financial and administrative
41 responsibilities;

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43 **NOW THEREFORE BE IT RESOLVED**, that the New York State Association of
44 Counties (NYSAC) calls upon the Governor, the New York State Legislature and the New York
45 State Board of Elections to enact laws, rules and regulations as specifically authorized to fully

1 fund this new unfunded mandate and to provide additional flexibility with the implementation of
2 the New York State Election Reform and Modernization Act; and

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4 **BE IT FURTHER RESOLVED,** that the New York State Association of Counties shall
5 forward copies of this Resolution to Governor David A. Paterson, the New York State
6 Legislature and all others deemed necessary and proper.