

**RESOLUTION NO. 09-259**  
**(June 09, 2009)**

By Mr. Berwanger, Chairman of the Committee of the Whole:

**RESOLUTION URGING THE NEW YORK STATE ASSEMBLY,  
SENATE AND GOVERNOR AND THE NEW YORK STATE BOARD OF  
ELECTIONS TO ENACT LAWS, RULES AND REGULATIONS THAT  
SPECIFICALLY AUTHORIZE THE CONTINUED USE OF LEVER  
STYLE VOTING MACHINES AS A SOLUTION TO UNWARRANTED  
EXPENSES TO THE CITIZENS OF WYOMING COUNTY RELATIVE  
TO HAVA – BOARD OF ELECTIONS**

**WHEREAS**, For many decades Wyoming County has successfully used mechanical lever-style voting machines, with very few problems, and is desirous of continuing to do so, and

**WHEREAS**, New York State enacted the Election Reform and Modernization Act of 2005 (ERMA) and other laws that require all lever machines to be replaced and prohibit the use of any lever machines in any future elections in New York State, and

**WHEREAS**, Said New York State legislation relating to voting machines far exceeds the federal requirements of Help America Vote Act (HAVA), and

**WHEREAS**, While Wyoming County has been the recipient of federal funds to implement HAVA, the state's additional requirements and method of allocating funds has created undue financial hardship with mandated expenses far exceeding formula based revenues , and

**WHEREAS**, Said HAVA funding formula is not equitable to the smaller counties in that after purchasing the necessary voting machines and a minimal amount of training there are no funds left for the remainder of training and purchasing of the hardware and software necessary to operate the machines and the hiring of additional personnel to program machines, do the necessary quarterly testing, ballot definition, etc. as there is for the larger counties, and

**WHEREAS**, This inequitable formula is placing a severe burden on counties that have a smaller population and tax base with less ability to raise the funds necessary to purchase the hardware, software and additional training; and

**WHEREAS**, Both in terms of efficacy and cost efficiency, Wyoming County believes that the continued use of lever-style voting machines is in the best interest of the public and should be permitted to be used in future elections, and

**WHEREAS**, The State's statutorily required elimination of lever-style voting machines is unnecessary, inappropriate, and costly to Wyoming County taxpayers, and in these difficult economic times the cost to implement elections with these new machines will not be paid for by New York State and is an unfunded mandate, now therefore,

