



**CITIZENS UNION FOUNDATION TESTIMONY
at the Board of Elections of the City of New York
Public Hearing on Review Voting Systems
March 4, 2009**

Good evening President Umame and Commissioners. My name is DeNora Getachew, Director of Public Policy & Legislative Counsel of Citizens Union Foundation, a nonprofit research, education and good government advocacy organization here in New York City. We applaud the Board of Elections of the City of New York (Board) for remaining proactive to achieve full compliance with the Help America Vote Act of 2002 (HAVA) despite many setbacks and the lack of clarity regarding certification of new voting systems. We also commend the Board for holding another set of five borough demonstrations for voters to learn about and test the two systems under consideration by the State Board of Elections. Thank you for the opportunity to testify today on this important issue.

Citizens Union Foundation has never taken a position on any specific voting system, but has consistently spoken on the need for the State and City Board to responsibly and timely comply with HAVA. Our organization strongly pushed the State Board to adopt strict guidelines for evaluating, testing and certifying voting systems to ensure that certified systems are not only high functioning, but also user-friendly and secure. We are mindful that the selection process and timeframe for full compliance has experienced ongoing delays, however, we are encouraged by the efforts the Board has made to keep the public informed about and engaged in this process through holding additional borough demonstrations and today's hearing to allow the public to provide input on the two systems.

Citizens Union Foundation attended the public demonstrations in Manhattan and Queens and after informal analysis of the two voting systems available, our testimony outlines some of the benefits and challenges associated with each system – the Sequoia ImageCast and the ES&S IntEllect DS200.

Machine Observations:

- ES&S IntEllect DS200 color screen provided voters with the most user-friendly display of their ballots. The screen displayed the total number of over-votes and under-votes on the ballot, and also provided the voter with a list of the races in which they cast such a vote.
- The Sequoia ImageCast displayed ballot irregularities on a smaller screen that provided the voter with a notification that there were over-votes or under-votes found on the ballot; however, the machine did not provide a number summary of such votes or specific information that would prompt the voter as to which race they cast such a vote. In order to find this information the voter must then scroll through to see all their selections, and below the individual race the irregularity was indicated.
- If the voter wanted to correct any residual votes on their ballot the Sequoia ImageCast may cause difficulties, specifically for disabled and elderly voters. It returns the ballot fairly quickly, with no support to hold the ballot in place for the

voter to take, meaning the ballot could easily fall on the floor. The ES&S DS200, on the other hand, returned the ballot, but held it in the scanner until the voter removed it.

- The Sequoia ImageCast appeared to be less sensitive to “x” or “√” marks made as selection indicators on the ballot than the ES&S DS200.
- Overall the instructions on the ES&S DS200 screen were clearer and more comprehensive than those on the Sequoia ImageCast.
- Both machines would require poll worker assistance for disabled voters who wanted to review any residual votes that were displayed at the optical scanner. If the voter had used the Automark they would already have been notified of these votes, and presumably would have either corrected them or made them intentionally. While did not test the accessible device on the Sequoia ImageCast, we hope that the system has the same function and allows voters to review their ballot before printing.

In general, we believe the most notable differences between the two machines is the hardware design. While the Sequoia machine houses both the optical scanner voters use to cast their ballots and the accessible voting device disabled voters use to mark their ballots together in one device, the ES&S system has provided these two functions separately. As the Board makes its transition to a new voting system and prepares poll site locations for the new machines, it would be wise to consider how this difference will affect poll site configuration. Is the best location to place a ballot marking device within a poll site the best location to also place a possible line of voters waiting to scan their ballots, or does keeping the two machines separate allow for more flexibility in determining the most rational poll site management and operation?

We also would urge the Board to consider the fiscal constraints it will face this year and next year in selecting the permanent voting system. The city already owns a citywide fleet of Automark ballot marking devices compatible with the ES&S system. Without price figures from the vendors to determine the cost of the machines and what the additional cost of purchasing all accessible devices as part of the Sequoia system would run, it appears that this calculation should be a major factor in the Board’s final decision.

We hope that you keep these considerations in mind as you deliberate your decision. Lastly, we reiterate the importance of a widespread public education campaign once a new voting system is selected. Many groups here today I’m sure, including Citizens Union Foundation, are willing to help the Board in its creation of a public education campaign and have varied experiences with the public and networks of constituents that can be a valuable resource when necessary. We encourage the Board to reach out to the good government and voting community as it plans and executes its campaign to increase its reach and coordinate efforts to ensure all voters are aware of the impending changes, especially during fiscal shortfalls when partnerships and strong working relationships can maximize minimal resources.

Thank you for the opportunity to speak today. Citizens Union Foundation looks forward to continuing to provide the Board with much needed poll worker applicants and hopefully to assist with public education efforts in the future.