



**CITIZENS UNION FOUNDATION TESTIMONY
TO THE NEW YORK CITY BOARD OF ELECTIONS
Re: Selection of Ballot Marking Devices**

**Delivered by
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Good afternoon President Sampel and Commissioners. My name is Andrea Senteno, and I am the Program Associate at Citizens Union Foundation (CUF), a non-profit research, education and advocacy organization here in New York City. CUF would like to thank the New York City Board of Elections for the opportunity to speak today on the selection of ballot marking devices for New York City.

We are aware of the surrounding uncertainty of which machines will ultimately be permitted for purchase, and that currently the only machines approved by the State Board of Elections are the Sequoia Image Cast and Liberty DRE, as ruled in court. While recent events are understandably out of your control, the exclusion of the two proposed Automarks is unfortunate since it only limits the City Board of Elections' ability to choose the best machine possible for New Yorkers.

Citizens Union has yet to support a specific voting system, either optical scan or direct recording electronic (DRE). However we have always advocated that whichever machine is selected should be the most secure, voter friendly and accessible system available. Based on observations we have made and information received at the recent demonstrations held by the BOE last month we have made note of specific features of the different machines, and encourage you to consider them when making your final decision:

- Because both the ES&S Automark and Premier Automark feature much of the same functions and characteristics, it would be prudent to distinguish these two machines by the long term voting solutions presented by the vendors.
- Since 2006 both Premier and ES&S changed the design of their optical scan machine from those previously submitted. Both models feature larger screens that communicate to voters any undervotes and/or overvotes found on the ballot. This is an improvement we urged in 2007 and are pleased to see that optical scan machines will be able to provide information in a more informative format. The ES&S model features a full computer sized monitor that displays a voters selections for the entire ballot, and highlights any residual votes the scanner reads. The Premier model, a small color display, only identifies the first four undervotes found on the ballot to the voter meaning undervotes further down the ballot run the risk of not being displayed.

- The Premier AccuVote optical scan machine immediately returns the ballot to the voter if it reads an overvote on any of the contests. This feature could potentially allow the voter to avoid casting an invalid selection.
- In distinguishing between the ES&S and Premier optical scan systems, we noted that the ES&S model allows the voter to select the language it would like any undervotes to be displayed in. This feature is not present on the Premier model.
- The Sequoia Image Cast BMD produces its own ballot, which may be appealing in 2008, as there will be no shortage of ballots to be used with the machine, but may be less practical when used as a long term solution when ballots for voters not using the BMD will still need to be produced. In addition, excessive printing times of the ballots may lead to long lines for the BMD.
- The marks from the Sequoia Image Cast are marked with random ink patterns designed to resemble that of a voter not using the BMD function, which increases the privacy of the voter. This is an appealing function that displays increased commitment towards creating voting systems that strengthen a voter's privacy, but it should not outweigh security or usability.
- The security measures included with the Sequoia Image Cast that allow for the machine to scan and store the individual ballots are impressive and further research into this design feature should be done.

Citizens Union is not at this time prepared to make absolute recommendation on a specific voting system or machine that should be selected, but we do believe that the above points highlight some of the factors that should be weighed when selecting a BMD and corresponding long term solution. Given the current information we have, the two Automark machines appear to offer the most versatility and usability **of those machines presented to New York City at this time**. The reality we face is that the BMD selected this month will likely determine the voting system the BOE purchases to replace our lever voting machines in 2009, and so this decision is of the utmost importance.

New voting technology is only one component of making voting more accessible. Poll site configuration, poll worker training, and voter education are all crucial elements to successfully implement new machines. Regardless of the system selected, Citizens Union is prepared to work with the City Board of Elections through voter education efforts and our continuing work on poll worker recruitment.