

Warren County Board of Supervisors

RESOLUTION NO. 189 OF 2011

Resolution introduced by Supervisor Bentley

RESOLUTION ON RETENTION OF LEVER VOTING MACHINES

WHEREAS, the Towns in Warren County own seventy (70) lever voting machines in working or reparable condition, and

WHEREAS, the lever voting machines provide a reliable method of counting votes with an adequate paper record, and

WHEREAS, Warren County has successfully utilized lever voting machines for many decades without significant problems, and with the ability to successfully remedy any problems with trained, local staff, and

WHEREAS, upon information and belief, the Help America Vote Act of 2002 (HAVA) allows for the continued use of lever voting machines provided that the accessibility requirements of the Act can be met by the State's voting system, and

WHEREAS, upon information and belief, the combined system of lever voting machines with ballot marking devices such as those already in use in New York State satisfies the accessibility requirements of HAVA, and

WHEREAS, New York's Election Reform and Modernization Act of 2005 (ERMA) does not allow the use of lever voting machines for county elections and requires that votes be tabulated by electronic optical scan systems, and

WHEREAS, these optical scan systems require more expense and labor associated with an election, and

WHEREAS, the mandated discontinuance of lever voting machines constitutes an unfunded state mandate upon Warren County and significantly increases the costs of elections to the County's citizens, and

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WHEREAS, school districts and villages are permitted to use lever voting machines until the end of 2012, a sunset date that could be extended, and

WHEREAS, litigation filed by Nassau County is underway regarding use of optical scan voting technology and the reinstatement of lever voting machines augmented with ballot marking devices as New York's voting system, and

WHEREAS, the Constitutional issues raised by Nassau County and others seeking to litigate the voting systems issue are not bound by any statute of limitations and could therefore be challenged at any time in the future, now, therefore be it

RESOLVED, that Warren County hereby calls upon all local election jurisdictions within its boundaries that have possession of lever voting machines to continue to store these machines indefinitely so that they can be used in all elections where feasible now and in the future, and be it further

RESOLVED, that a copy of this resolution be forwarded to every local jurisdiction in Warren County currently in possession of one or more lever voting machines.