

RESOLUTION NO. 130

REQUESTING THE NEW YORK STATE BOARD OF ELECTIONS TO CERTIFY AN OPTICAL-SCAN VOTING MACHINE AS PART OF THE HAVA VOTING MACHINE CERTIFICATION PROCESS

Introduced: 4/10/06

By Messrs. Morse, Frederick, Shafer, Ethier, Messercola, Steck, Gordon, Law Committee, Messrs. Aylward, Domalewicz, Joyce, Mayo, Monjeau, Nichols and Reilly:

WHEREAS, The Albany County Legislature is considering a resolution endorsing the use of optical-scan voting machines and urging the Albany County Board of Elections to purchase approved optical-scan machines for the voters of Albany County, and

WHEREAS, Under the rules for implementing the federal Help America Vote Act (HAVA), counties can choose only from among the voting machines certified by the New York State Board of Elections, and

WHEREAS, Proponents of optical-scan voting machines say they are easy to use and maintain, more accurate, easier to verify in cases of recounts and are less likely to be tampered with or break down than other kinds of voting machines, and

WHEREAS, Optical-scan machines cost less to purchase, repair and store and, according to New Yorkers for Verified Voting, could save Albany County taxpayers more than \$1 million, and

WHEREAS, Optical-scan voting machines allow all voters to use the exact same and identical ballot-face for paper ballots, absentee ballots and military ballots, and

WHEREAS, Nonpartisan voting rights groups such as Citizen Action for New York State, New Yorkers for Verified Voting and the League of Women Voters strongly endorse the use of optical-scan machines for the reasons stated above and to maintain integrity and trust in the electoral process, now, therefore be it

RESOLVED, That the Albany County Legislature requests the New York State Board of Elections to certify an optical-scan voting machine as part of the HAVA voting machine certification process, and, be it further

RESOLVED, That the Clerk of the Legislature is directed to forward certified copies of this resolution to the New York State Board of Elections, Albany County Election Commissioners James M. Clancy and John A. Graziano and to the appropriate County Officials.

Referred to Law Committee. 4/10/06

Resolution was amended by Mr. Clouse, Mss. Benedict, Comella, Prentiss, Mr. Tunny, Ms. Barlette and Mr. Melchionni as follows:

“In the Title:

DELETE: “An Optical-Scan Voting Machine”

and

ADD: “Reliable HAVA Compliant Voting Machines”

To Read: REQUESTING THE NEW YORK STATE BOARD OF ELECTIONS TO CERTIFY RELIABLE HAVA COMPLIANT VOTING MACHINES AS PART OF THE HAVA VOTING MACHINE CERTIFICATION PROCESS

and,

In the First WHEREAS clause:

DELETE: entire clause

and

ADD: WHEREAS, The federal Help America Vote Act (HAVA) gives the sole responsibility to the State Board of Elections to establish a list of certified and HAVA compliant voting machines, and

In the Third WHEREAS clause:

DELETE: entire clause

and

ADD: “WHEREAS, Albany County is quickly approaching the existing deadline for HAVA compliance, now therefore be it”

In the Fourth, Fifth, and Sixth WHEREAS clauses:

DELETE: The entire clauses.

and,

In the First RESOLVED clause:

DELETE: “An optical scan voting machine”

and

ADD: “reliable HAVA compliant voting machines, quickly and diligently”

To Read: RESOLVED, That the Albany County Legislature requests the New York State Board of Elections to certify reliable HAVA compliant voting machines, quickly and diligently, as part of the HAVA voting machine certification process, and, be it further”

On roll call vote on the amendment the following voted in favor: Mss. Barlette, Benedict, Mr. Clouse, Mss. Comella, Prentiss and Mr. Tunny - 6.

Those opposed: Messrs. Aidala, Beston, Clay, Collins, Commisso, Ms. Connolly, Messrs. Cunningham, Dawson, Domalewicz, Ethier, Feeney, Frederick, Gordon, Houghtaling, Infante, Joyce, Ms. Maffia-Tobler, Mr. Mayo, Ms. McKnight, Messrs. Messercola, Monjeau, Morse, Nichols, Reilly, Riddick, Shafer, Steck, Mss. Wiley and Willingham - 29.

Amendment was defeated.

Resolution was adopted by voice vote. 5/8/06