



SMART Legislation

MEMORANDUM OF SUPPORT

For NY A1115C/S309A

The “Protect Our Ballots” Act (aka - The Hybrid-Ban Bill)

Protect New York Voters and Candidates from Voting Machines Experts
Say “Pose Extraordinary Risks for the Voters of New York.”

SMART Legislation, a national non-profit working to enact legislation that will provide secure, fair, accessible elections that are well-administered and publicly verifiable, supports the enactment of A1115C/ S309A. This bill will keep risky, hybrid, also known as universal-use voting machines out of New York State. Security experts say hybrid voting machines “[will deteriorate our security and our ability to have confidence in our elections.](#)” These voting machines are threatening to flood our state.

What Does the Bill Do?

The bill will establish some of the best election security protocols in the nation.

It will:

- Ban “bad” voting machines that experts say have the ability to “[add, delete, or change votes](#) on individual ballots” after the voter verifies the ballot. Security experts call this design “[a disaster.](#)”
- Ensure that voters have the right to mark a ballot by hand, or use a ballot-marking device that does not have the physical ability to change the vote on a paper ballot.
- Ensure that voters can truly verify their choices by preventing the use of barcodes to count votes on ballots.
- Mandate the use of durable paper for all ballots.
- Protect us from voting systems that research and experience shows [can contribute to long lines.](#)

The Problem: Hybrid voting machines often combine a printer and tabulator in one system with a shared paper path. This is a bad design, and very dangerous, because it allows the paper ballot to pass under the printhead after it is cast by the voter.

According to cybersecurity and voting system expert Kevin Skoglund, “[It’s like giving a](#)

[cast ballot to a person holding a pen.](#)” [Research indicates this type of voting machine could be programmed by malware to add, change, or omit votes on the paper ballots.](#) This can impact, not only the tabulation of votes, but also the backup paper ballots themselves. Because of this, security experts say that elections held on these voting machines “[cannot be confirmed by audits.](#)” This is a disaster for verifiable elections.

It is urgent that New York pass A1115C now. The state's voting machines are ten to fifteen years old and must be replaced. Tens of millions of dollars have already been allocated by the state for this purpose. Two voting machines are currently applying for approval with the New York State Board of Elections that are the subject of litigation and controversy in other states. Do we want litigation and loss of confidence in our elections in New York? Absolutely not. Let's protect our voters while we have the chance. More affordable options that experts say are more secure are applying for approval. The legislature must take action immediately and pass A1115C/S309A.

Long Lines: Research indicates that [universal-use/hybrid voting machines \(also called “all-in-one” machines contribute to long lines to vote.](#) Lines as long as [10-hours to vote](#) have been documented where universal-use systems have been implemented.

Use of Barcodes: Many hybrid and universal-use systems use barcodes to count votes. [“The barcode-based setup “makes a mockery of the notion that the ballot is ‘voter-verifiable.’”](#) said Duncan Buell, a computer science professor at the University of South Carolina, because “what the voter verifies is not what is tallied.”

Many disability rights groups support the hybrid ban bill and oppose hybrid voting machines. [Seven disability groups, led by Downstate New York Adapt, wrote the NY State Board of Elections opposing certification of the ExpressVote XL.](#) There were [27 pages of complaints](#) from voters with disabilities after using the ExpressVote XL in Pennsylvania, including an inability to see their ballot, which is displayed under glass.

Reliance on Touchscreens: Everyone votes on the same machines in a universal-use or hybrid voting system. Most use a touchscreen interface, instead of allowing voters who are able to mark their ballots by hand. Touchscreen systems have many problems. [When they go out of calibration, they switch votes.](#)

Poor Performance: In Pennsylvania the ExpressVote XL, a universal-use/hybrid voting machine, arrived [30% out of calibration,](#) and voters could not choose the correct candidates. The ExpressVote XL, also [miscounted tens of thousands of votes](#) and picked the wrong winner in a PA election.

Lawsuits: Hybrid and other voting machines that would be banned by A1115C/S309A, are in litigation in both [Georgia](#) and [Pennsylvania](#), where counties are experiencing extreme buyer's remorse. Election Officials in Northampton County had a [100% vote of “No Confidence”](#) but were unable to get out of their contract for the machines.

Expense: Hybrid voting machines are some of [the most expensive on the market](#). Experts estimate a universal-use system costs at least [double what other systems cost](#). They have sold from between 8,000 to \$14,000 dollars each. New stand-alone ballot-marking devices are on the market for around \$4,000 each.

Better Options Available: New York does not need hybrid or universal-use voting machines. More affordable voting machines that security experts say are a better choice are applying for approval in New York.

Taxpayers Protected: A1115C/S309A allows for counties that have already purchased hybrid voting machines to continue to use, maintain and replace them. So taxpayer money will not go to waste.

We want New York elections to be secure, accurate and fully accessible. A1115C/S309A will go a long way to doing that. Please pass it immediately. ***Before it's too late!***

Sincerely,

Lulu Friesdat

Founder, SMART Legislation

Change is possible. Join us!