



ELECTION COMMISSIONERS' ASSOCIATION OF THE STATE OF NEW YORK 2009 - 2010

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Co-Executive Directors of the New York State Board of Elections

Dear Directors,

As president and officers of the Election Commissioners Association of the State of New York we would like to express serious concerns with the proposed 6210.18 regulations as they affect county boards of elections. We believe that our duty to our counties and the local election process is to present the opinions of our fellow association commissioners.

We have these areas of concern;

1. **The cost of implementation.** The proposed rules will cost local boards of election a substantial increase in expenditures that we have not planned for in this budget cycle. As demonstrated by Oswego County's Commissioner Wart with an extensive study of the "real world" implementation of the regulation we will require increased staff and additional staff hours that are disproportionate to the resulting outcome.
2. **Number of counted ballots.** We have always understood it was the intent of the audit to check machine operation/programming and not to test each candidate. In reality the three percent audit was to test the machines functionality and not to do a partial "re-count" of candidates (ballot styles) throughout each municipality. Original legislation we believe did not require partial recounts but a three percent verification of the accuracy of the machines tabulation.
3. **Need for an expansive audit.** We presently do an extensive test decking procedure on each and every machine which is public and recorded. These procedure(s) clearly verify the correct operation of the system, the programming and the correct number of ballots. The three percent audit in our belief (delete) was to check that procedure after the election. The regulations in reality to many counties mean a minimum one third count of all ballots in a county. As previously stated in point one this is a substantial cost and we consider it totally unnecessary given the test deck procedure.



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As an Association which represents both the commissioners and counties involved in this process we firmly believe that present regulations are unnecessary, overburden our election system, and are not needed. Our present procedures provide the public the assurance that we have a process that insures a system that truly represents interests of all New Yorkers.

Sincerely,

William W. Scriber,
President
On behalf of the Association

*Cc: Commissioners, New York State Board of Elections
Cc: NYSAC, New York State Association of Counties*