



New Yorkers for Verified Voting

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Motion to Intervene Denied in the Department of Justice/NYS HAVA Lawsuit

The Motion to Intervene in the Department of Justice/NYS HAVA lawsuit filed by New Yorkers for Verified Voting, the League of Women Voters of New York State, and other New York State citizens was denied today in U.S. District Court. Judge Gary Sharpe expressed concern about keeping the case from getting unwieldy if too many parties became involved. The Court held open the possibility that the proposed Intervenors may be allowed to participate later, at a point when a specific plan for HAVA compliance has been proposed.

In another positive development, Judge Sharpe pressed the Department of Justice (DOJ) to concede that it is not seeking to force the remedy called for in the original complaint, which called for "full and complete" HAVA compliance by September. The DOJ attorney signaled that they do not intend to try to force full compliance this year, and understand that there are physical constraints on what could be realistically accomplished in the remaining time.

In a new development, the Court ordered the State Board of Elections to produce a proposed compliance plan by April 10. The Department of Justice will then have 10 days to react. At that point, the Court will evaluate the plan and determine how to proceed. The State Board has indicated that it is still working out the details of an interim solution.

“Our constitutional right to vote and to have those votes accurately counted must be protected.” **said Bo Lipari, Executive Director of New Yorkers for Verified Voting.** “We believe that our Motion to Intervene should have been granted, so that New York State citizens have a voice in the outcome. However, we are encouraged that the Court has held the door open for us to participate later, when a specific plan is on the table.”

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