Memorandum of Support

January 9, 2020

S.6733 (Myrie)/A.8597 (Paulin)

Title: An act to amend the election law, in relation to construction of voting machines' ballot boxes.

Purpose: This bill would improve the security of our elections by requiring that any hybrid voting machines certified by the State Board of Election should be constructed so that it is physically impossible for additional marks to be mechanically added to the ballot once it has been cast by a voter.

Statement of Support: The threat of computerized intrusion into the machines that we rely on for free, fair, and democratic elections is real and requires us to take precautions to protect the bedrock of our republic and all our other rights as Americans - our right to vote.

Since 2006, New York has used paper ballots that are hand marked by the voter and fed into standalone scanners for counting. This creates a paper trail based on the voter marked ballots that can be audited to check the accuracy of the machine count. There are many different types of machines that provide secure electronic voting with a paper backup, bringing into question the security and potential physical flaws of so-called "hybrid" voting machines, which combine a scanner and a ballot-marking device. Ballot scanners that incorporate printers undermine the validity of the paper trail because marks can be made on the ballot after the voter has cast it, thus potentially changing or invalidating the vote.

Proposed federal legislation includes language barring this type of voting machine nationwide due to security flaws. Examples of this type of voting machine are the ES&S Expressvote XL and the Dominion Imagecast Evolution (ICE). In New York State, 14 counties have already purchased hybrid machine models. This means that there are approximately 1.3 million eligible voters who could use machines that are especially vulnerable to hacking, due to their design.

New Yorkers are aware that we need to take impactful steps toward protecting our environment, both now and in the future. It is crucial that New Yorkers have
confidence that our voting system accurately and faithfully represents the voice of voters, and that it does not fall victim to the antagonistic actions of hackers. People and companies that are wealthy and influential enough to keep hidden their assaults on the environment, from evading pollution standards to failing to disclose toxic ingredients in products, are likely also powerful enough to possess the resources necessary to hack an election.

Elected officials play a significant role in determining important decisions made regarding our air, water, and natural places, so it is critical that the candidate chosen by the people is rightfully elected. Since the risk that an electronic voting machine could be hacked through malware or some other means can never be eliminated entirely, the least we can do is guarantee the physical security of paper ballots by ensuring it cannot physically be altered once cast by the voter. Sierra Club Atlantic Chapter, with over 50,000 members in New York State, strongly supports this bill.

The Sierra Club Atlantic Chapter Strongly Urges Your Support of S.6733/A.8597.

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