December 16, 2020

A.8448 (Paulin)/S.6735 (Myrie)

**Purpose:** This legislation would empower either commissioner of a board of elections to order an escalated audit in the event of a discrepancy between audit and machine vote tallies for an election result.

**Statement of Support:** Currently, New York State election law allows boards of elections to determine when a discrepancy between audit tallies and voting machine or system tallies will require a “further voter verifiable record audit of additional voting machines or systems or a complete audit of all machines or systems” [section 9-211(3)].

Courts have interpreted this law to mean that both the Democratic and Republican commissioners of a board of elections must make such a request if an escalated audit is to move forward. But in practice this usually means that the commissioner of the party whose candidate is in the lead does not consent, so there is no further audit.

Enabling an escalated audit to be ordered by just one commissioner, which would be accomplished by this legislation, would enable a commissioner who suspects that corruption may have occurred, including rigging, hacking or computer errors, to require further investigation which might otherwise be suppressed.

A single commissioner may also want to ask for an escalated audit if there is a close vote which falls under the threshold of recently passed legislation that requires a recount for close votes of a 10 vote difference or less between candidates or 0.5% of the ballots cast for such position, whichever is greater.

It is crucial that New Yorkers have confidence that our voting system accurately and faithfully represents the voice of voters. Sometimes moneyed or partisan interests decide final outcomes of close races by campaigning to block recounts and audits. Elected officials play a significant role in decisions regarding climate change and protecting our air, water and natural places, and A.8448/S.6735 will help to ensure that candidates chosen by the people are rightfully elected.

**The Sierra Club Atlantic Chapter Strongly Urges Your Support of A.8448 /S.6735**