A.1115-A (Paulin)/S.309-A (Myrie)

Note: In the 2023-24 session, this bill will be entitled “Protect our Ballots Act”, and its bill numbers will change in both the Senate and Assembly.

Purpose: This bill would improve the security of our elections by requiring that any 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. NY also offers ballot markers to any voter who would like to use one, including voters with disabilities. This creates a paper trail based on the voter marked ballots that can be audited to check the accuracy of the machine count. Security experts recommend ballot scanners that are completely separate from ballot-markers and printers, because when these functions are combined, marks can be made on the ballot after the voter has cast it, thus potentially changing or invalidating the vote.

However, New York State Board of Elections has already approved one voting machine that combines these functions, called a hybrid, or all-in-one voting machine. It is in the process of approving another hybrid voting machine. Security experts are recommending these voting machines be banned, and the Sierra Club agrees. We must protect the integrity of 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, at least 28 counties are already using hybrid voting machines. 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 they 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 Urges Your Support of The NY Protect Our Ballots Act