Common Cause
New York
Holding Power Accountable

January 14th, 2020

New York State Board of Elections Commissioners:

We stand with Common Cause/NY (CCNY) in opposition to the certification of the ES&S ExpressVote XL voting machine for New York's elections. CCNY's recently released report, *[The ExpressVote XL Voting Machine: Bad for New York's Elections](#)*, details the ways in which the ExpressVote XL would make our elections less secure, waste taxpayer money, and has lost the trust of voters and election administrators.

But most importantly, the potential use of the ExpressVote XL voting machines in New York City's upcoming Ranked Choice Voting (RCV) elections sets us up for failure -- a change we fought hard for. The measure passed with widespread support, as voters agreed our local elections are in dire need of reform and Ranked Choice Voting is the way to do it. We remain deeply committed to ensuring the implementation and election administration of our first RCV election is well executed.

The use of an ExpressVote XL voting machine, which has well-documented issues, is particularly alarming if certified and used in a Ranked Choice Voting election in New York City. Our concerns are real:

- **The ExpressVote XL has never been used in a Ranked Choice Voting election. The largest New York City election cycle in recent history, with wide open races for Mayor, Comptroller, four Borough Presidents, and 35 City Council seats, <u>is no place for a trial run with a machine that has failed in other jurisdictions</u>.**

    - The vast majority of municipalities that have adopted Ranked Choice Voting use the traditional voter-marked paper ballot paired with an optical scanner for vote recording. Election security experts consider this the gold standard for election security.

- **The ExpressVote XL presents unique challenges for voters in a Ranked Choice Voting election.**

    - *The ExpressVote XL touchscreen's unreliability will only be compounded when voters are ranking their selections.*

        - Voters in other jurisdictions have already experienced difficulties when trying to mark their ballot such as an inability to vote for a specific candidate or a ballot is incorrectly marked because the screen was not responsive to the intended selection.

- In a crowded primary or special election, with many as 16 candidates as illustrated in the recent special election for Public Advocate, touchscreen precision is paramount when making multiple selections.

  - *The ExpressVote XL computer-generated ballot will be challenging for voters to verify for accuracy.*

    - As outlined in the CCNY report, voters have reported repeated issues when attempting to verify their vote from touchscreen to the computer-generated print ballot. Voters have reported an inability to see the paper ballot clearly due to small font size, light printing, and the opacity of the plastic barrier.

    - These problems will only be multiplied when voters are verifying their vote from touchscreen to the computer-generated print ballot in a RCV election. In 2021, voters could be verifying up to 20 selections from the touchscreen to the ballot. This will be time consuming and place an unnecessary burden on voters as voters work their way through the printout if they even verify their vote.

    - There is also no precedent or guidelines for the computer-generated print ballot to display a voter's selections in a Ranked Choice Voting election. It is not hard to imagine that the print ballot layout could easily confuse voters due to poor design.

- **The ExpressVote XL vote would be a fiscally irresponsible purchase for the New York City Board of Elections.**

  - The ExpressVote XL is one of the most expensive voting machines on the market. It will also increase the amount of time it takes to vote, therefore all but ensuring the need for a large number of machines to accommodate the largest electorate in the state. The cost multiplier effect will be exponential if the NYCBOE needs to purchase thousands of these machines. It is counterintuitive to even contemplate spending millions of taxpayer dollars on a flawed machine that hasn't been road-tested in a Ranked Choice Voting election.

New York has made tremendous progress in the last year to reform and modernize our elections. Meanwhile, New York City made history when it became the largest municipality to adopt Ranked Choice Voting. We hope the New York State Board of Elections takes heed, on behalf of all New Yorkers, and does not undermine our progress, making our elections less secure, and jeopardizing New York City's upcoming Ranked Choice Voting elections.

Respectfully,

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