

# New York State Citizens' Coalition on HAVA Implementation

Testimony of  
**The New York State Citizens' Coalition on HAVA Implementation**  
before the  
**Assembly Standing Committee on Election Law**  
on  
**Examining the Conduct of the 2004 Election in New York State**  
on  
**December 20, 2004**

The New York State Citizens' Coalition on HAVA Implementation is an *ad hoc* and diverse coalition of Good Government, Voting Rights, Racial Justice, Disability Rights, and Language Rights organizations and academics who are concerned about the way in which New York implements the Help America Vote Act (HAVA). The coalition includes the Asian American Legal Defense and Education Fund (AALDEF), the Brennan Center for Justice at NYU School of Law, Citizens Union, Common Cause/NY, DEMOS, Disabilities Network of New York City, League of Women Voters of NYS, New York Civil Liberties Union (NYCLU), New York Immigration Coalition, New York Lawyers for the Public Interest, the New York Public Interest Research Group (NYPIRG), People for the America Way, the Women's City Club, and several other organizations. The testimony we provide today on HAVA represents the collaborative efforts and opinions of this Coalition.

**First and foremost, the New York State Legislature must go back the table, reconvene the conference committee on election systems, and come to an agreement on one package of election reform bills.** Even if the Senate will not meet, we recommend that the Assembly begin the process to ensure that New York State does not lag behind the rest of the country in our electoral reforms.

**Second, on behalf of the Coalition, I would like to resubmit testimony, which we gave on April 14, 2003 before the Committees on Election Law and Government Operations of the New York State Assembly.**

HAVA holds great promise to improve election administration in New York State, but also holds great peril that decades of long fought reforms to enfranchise the state's diverse populations will be thwarted at the polls. All our groups are committed to ensuring that HAVA is fairly implemented in New York State and look forward to working with you toward that goal.

- Adopt a clear, inclusive list of acceptable forms of identification for HAVA compliance.
- Train poll workers and educate voters concerning identification requirements.
- Implement the statewide voter registration database as soon as possible.
  - Require county Boards of Elections to provide postage-paid mailers for HAVA identification compliance.
  - Ensure proper definition of first time voters who register "by mail."
- Count affidavit ballots as voter registration applications.
  - Establish toll-free number and internet website to notify voters outcome of their affidavit ballots.
- Uniform voting experience and universal accessibility, including voting machines.

- Consider full range of new technologies, including those without "full face ballot,"
- Develop open, public contracting selection process for new machines.
- New voting machines must provide a real paper "audit trail."
  - Independent review and verification of hardware, software, and source code.
  - New machines should be versatile enough to meet New York's diverse needs.
  - Adopt broad definition of disability and express timetable for compliance.
  - Consider findings of recent survey of accessible voting machines.
  - Voting machine vendors must minimize the need for strength, manual dexterity, height, and reaching ability.
  - Voting machines must provide full accommodation for blind and visually impaired voters.
  - Voting machines must provide full access to voters with other disabilities.
  - Voting machines must maintain privacy and independence.
  - Correct on-the-ground deficiencies in providing language assistance at polling sites.
  - Expand language assistance under HAVA.
  - Ensure access for voters with disabilities who require alternative language assistance.
- Ensure state responsibility for statewide voter list maintenance.
  - Use additional statewide databases to update voter list.
- Ensure that the database contains names and registration information for every legally registered voter in the state.
  - Local access to voter registry.
  - Voters must be able to correct errors before being purged.
  - Prevent identity theft but maximize information for voters.
- Set state standards for processing registrations.
  - Integrate the maximum number of state databases with voter registration list.
  - Ensure that a registrant's failure to provide a valid driver's license or social security number does not prevent voter registration or produce disparate treatment.
  - Train the trainers.
  - Test the inspectors and coordinators.
  - Training videos should be distributed widely.
  - Hire and train interpreters.
  - Educate voters on new machines.
  - Educate voters on new ID requirements.
  - Timely resolution of complaints.
  - Hearing records and expenses.
  - Access to the complaint process for voters with disabilities and voters with limited English proficiency.
  - The Alternative Dispute resolution must be independent.
  - The Alternative Resolution Procedure must provide basic procedural protections without sacrificing timely resolution.
  - All proceedings and communications must be accessible to voters with disabilities and voter with limited English proficiency.

*me*

*requirement which are not as like congressional compatible with multiple languages + disability access*

*new DRE + electronic other voter styles machines*

*us DRE + other*

*new electronic machines*