

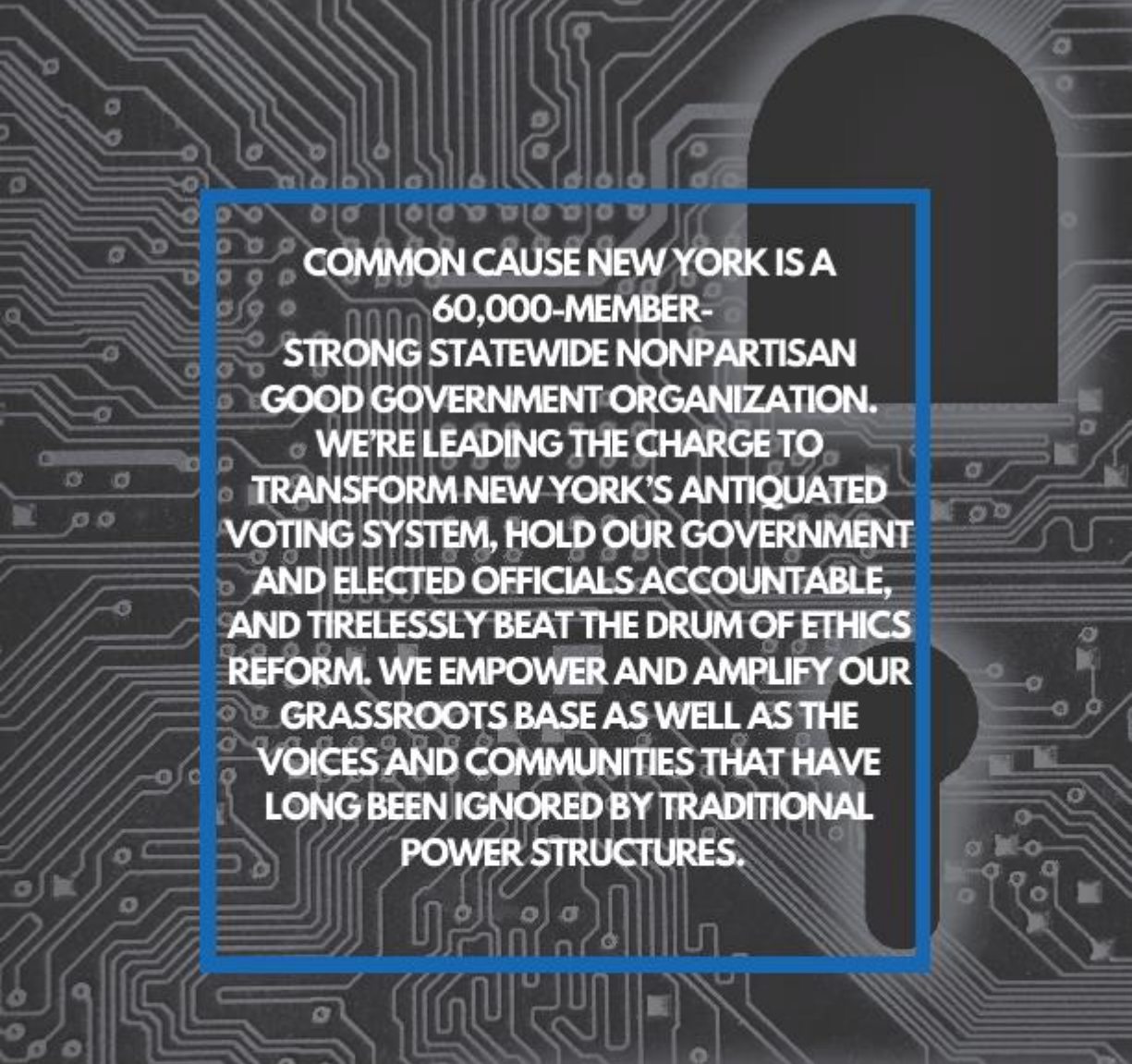
**The ExpressVote XL
Voting Machine:
Bad for New York's
Elections**

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Common Cause

New York



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THE EXPRESSVOTE XL: BAD FOR NEW YORK'S ELECTIONS

Common Cause/NY Policy Brief on the ES&S ExpressVote XL Voting Machine

New York has long held the dubious distinction of consistently problematic election administration. However, one of the rare bright spots in New York's election administration has been the widespread implementation and use of voter-marked paper ballots. **New York is among the "36 states and D.C. that use voter-marked, machine-scanned paper ballots that security experts consider the gold standard"¹ for election security. That is why Common Cause/NY is alarmed to see the New York State Board of Elections move in a direction that would undermine the security of our elections.**

Currently, the New York State Board of Elections (NYSBOE) is in the final stage of potentially certifying Election Systems & Software's (ES&S) ExpressVote XL voting machine for use in New York elections. The ExpressVote XL² is a new touch screen voting machine that would allow voters to mark their ballot electronically instead of on the traditional voter-marked paper ballots. It also functions as a 2-in-1 machine by marking ballots and then tabulating votes. Election security experts almost universally pan these types of ballot-marking devices³ (BMDs) and have serious concerns regarding their security and reliability. Our preliminary analysis shows:

- **New York would be one of the only states transitioning to a less secure form of voting.**
 - The 2016 election catalyzed a renewed sense of urgency to improve election security. The 14 states that rely on ballot-marking devices have mostly started to phase out these machines.⁴
- **The ExpressVote XL is a waste of taxpayer money.**
 - National experts question the wisdom of spending millions on something "to perform the same task as a pen."⁵
- **The ExpressVote XL has lost the confidence of voters and election administrators.**
 - In the few counties that have used the ExpressVote XL, the problems have been so widespread lawsuits have been filed to decertify the machine.

As the state grapples with key decisions on how to deal with the replacement of aging voting machines, it is vital that it occurs under the singular framework of ensuring our elections are

¹ Politico, "[The Scramble to Secure America's Voting Machines](#)," August 6th, 2019.

² To view images and an explainer video of the ExpressVote XL proceed to the Addendum.

³ [The Brennan Center for Justice](#) defines a ballot-marking device as a voting machine which "produce(s) a marked ballot (usually paper) that is the result of voter interaction with visual or audio prompts provided by a computerized interface."

⁴ Politico, "[The Scramble to Secure America's Voting Machines](#)," August 6th, 2019.

⁵ National Election Defense Coalition and FreedomWorks, "[Letter to the Secure, Accessible and Fair Elections Commission](#)," December 12th, 2018.

free, fair and secure. ES&S, whose machines serve the majority of New York voters,⁶ has spent \$615,000 lobbying⁷ New York state officials over the last 8 years. The vast majority, nearly \$600,000, was specifically spent on lobbying New York officials regarding the purchase of new voting machines.

Common Cause/NY vehemently opposes the certification of the ExpressVote XL and strongly urges the New York State Board of Elections to act in the best interests of New Yorkers and our elections.

⁶ Dominion Voting, [New York: Case Study](#), June 21, 2012.

⁷ [New York State Joint Commission on Public Ethics](#) (JCOPE) lobbying reports were accessed on 12/20/2019.