

I. In Focus This Week

News Analysis: NY counties protest abandoning lever-voting machines

16 counties pass resolution opposing switch, some refuse to participate in pilot program

By [M. Mindy Moretti](#)

While much of world has been riveted by the headlines from Iran after that country's recently contested election results, another elections-related uprising quietly began earlier this year in New York.

In early spring, a small handful of counties began to voice their displeasure with the state's mandated replacement of the much-loved lever voting machines.

To-date 16 of New York's 58 counties and New York City have in some way voiced their opposition to the state mandate to replace their level-voting machines in order to comply with the [Help America Vote Act](#) (HAVA).

In 2005, New York approved the [Election Reform and Modernization Act](#), which went beyond the requirements of HAVA by requiring counties to eliminate all lever-voting machines. A few months later, the [U.S. Election Assistance Commission](#) issued an advisory saying that lever voting machines make it very difficult to comply with certain parts of HAVA.

However at least one accessible voting machine was in place at every polling location in the state for the November 2008 election and because of this many counties are arguing that they are in compliance with HAVA and that the state's mandate to get rid of the lever-voting machines is unnecessary.

The argument against making the switch has been two-fold. Some counties have voiced their concerns about a switch to electronic voting machines and others have expressed concerns of spending funds for new voting equipment while many are facing major budgetary issues.

"The concern primarily with electronic voting machines their lack of transparency and their lack of reliability," Joanne Lukacher, the director of the [Election Transparency Coalition](#), a nonpartisan advocacy group that backs lever voting machines [told](#) a local paper. "There is no way to see or verify that your vote has counted or has been cast."

Lukacher has been [lobbying](#) local officials around the state to oppose electronic voting.

"This is very irresponsible in such a tough economic climate," Jean M. Manee, chair of the Herkimer County Committee on Administration/Veteran's Affairs [told](#) the *North Country Gazette* after her county approved a resolution opposing the switch.

Further complicating matters, New York was among the last states to comply with HAVA and was sued by the U.S. Department of Justice for failure to comply. The state is under a court order to make the voting-machine switch.

So, on May 12, the [New York State Board of Elections](#) approved a [pilot program](#) that would introduce optical-scan voting to most counties in the state.

While most counties have agreed to participate in the pilot program, — even some of those who have resolved to oppose the eventual switch — the four boroughs of New York City and eight other counties have refused to participate in the state's pilot program.

Like other jurisdictions, the City argues that supplementing the traditional lever-voting machines with at least one accessible machine fulfills the requirements of HAVA, however the City also argues that participating in the pilot program is not actually allowed by state law.

"Participation in the pilot program proposed by the State Board of Elections is not authorized by state law," Gregory C. Soumas, the Democratic [elections board](#) commissioner for Manhattan told *The New York Times*. "Any expenditures for voting systems incurred pursuant to the state board's pilot program are not authorized by law."

However Judge Gary L. Sharpe of the U.S. District Court [issued an order](#) approving the pilot project as part of the state's court-ordered compliance with HAVA.

Also complicating matters is SysTest, the company charged with certifying the election machines throughout the state. SysTest temporarily lost their federal accreditation, although it was [restored](#) in early March.

According to Douglas A. Kellner, co-chairman of the State Board of Elections, SysTest is now in the final stages of certifying the systems to be used in the state.

"We have given temporary authorization for the pilot program," he [said](#). "The pilot project is a compromise that shows the Department of Justice we are moving forward in an orderly fashion to introduce the new optical-scanning machines."

While counties and cities are arguing with the state, some counties are even arguing internally over the switch. In Chenango County, the county board of supervisors voted to oppose the switch to lever-voting machines without knowing that the board of elections had agreed to participate in the pilot program.

"This is the first I've heard of it," Board Chairman Richard Decker [told](#) the *Evening Sun*. "We should have said, 'No.' We don't want to be guinea pigs."

Decker told the paper he receives approximately three calls a week from constituents who ask him to stay with the lever machines, which is why he introduced a resolution opposing the switch.

How this ultimately all plays out remains to be seen, but Delaware County approved a resolution opposing the switch, Board Chairman James Eisel put it in perspective when he [noted](#) that the federal government and the state are not expected to change their stance, but the resolution was put forward in protest.

II. Election Reform News This Week

- [Hillsborough County, Fla. supervisor of elections Phyllis Busansky](#) died suddenly this week at the age of 72. On Tuesday, Busansky was found dead on the floor of a St. Augustine hotel room. She was attending a conference of Florida elections supervisors and, by mid-morning, news of her death rippled the conference floor and through BlackBerry and Twitter messages sent across the state. "She was one of a kind and we are fortunate that she walked amongst us," Hillsborough County Commissioner Jan Platt, who served on the board with Busansky for eight years told the *St. Petersburg Times*. "She was ethical, professional, and she was a public servant." After a failed Congressional bid, she turned her attention to the supervisor of elections office, having witnessed first-hand Buddy Johnson's handling of the job. She was unimpressed and decided to challenge him. "She was always very confident that she could win, and that she could turn that office around," Tampa Mayor Pam Iorio told the paper. Busansky prevailed. Upon taking office, she was left with a deficit of at least \$2 million. In January, she held a news conference announcing that her office had discovered a batch of uncounted ballots in a warehouse. Gov. Charlie Crist is expected to name an interim replacement until a 2010 special election determines

a new supervisor. Many wonder what might have been. "She had a mission," Mary Repper, Busansky's former political consultant told the paper. "She wanted to make that office so good and so consumer-friendly. The good thing is, she went out a winner."

- A key part of the landmark [Voting Rights Act](#) survived a constitutional challenge yesterday in the Supreme Court, but justices made it clear that a law forged in the darkest days of the nation's civil rights struggles may no longer be appropriate in a new era of American racial politics. A surprisingly unified court (8 to 1 with Justice Thomas as the sole dissenter) found a compromise that allowed it to sidestep questions about whether the key provision of the law is constitutional, thus avoiding a divisive showdown with Congress, which just three years ago found that the 1965 act was still needed. But the opinion by Chief Justice John G. Roberts Jr., joined by the court's liberal members, raised doubts about whether the law's restrictions would survive a future challenge. [Response](#) to the ruling was mixed, with members of the Northwest Austin Municipal Utility District No. 1 board saying they will probably apply for the right to move their voting booths to or from garages without having to prove that doing so will not disenfranchise minority voters. The ruling's affect on other areas, however, may not be so quick to emerge, even though the court changed the way the law has long been applied.
- Election officials throughout the country seem to have found one sure-fire way to lower their costs during these tough economic times: eliminate/consolidate polling places. This week, [Hawaii](#) announced plans to eliminate 66 polling places among the five islands that make up the state. The elections office is trying to "cut costs and recognize the dire financial circumstances that the state and the Office of Elections is facing for the 2010 elections," Kevin Cronin, the state's chief elections officer told the *Honolulu Observer*. "Money is very tight. We're very concerned." Polling places are on the move again this year in [New York](#), despite objections raised last year when they were relocated. And in West Springfield, [Massachusetts](#), the city is considering trimming its number of polling places by half in order to save money.
- The under-18 set most likely will [not be rocking the vote this fall with their parents in Minneapolis](#) unless Kids Voting Minneapolis can find the needed funds. Kids Voting Minneapolis has raised less than a third of its roughly \$50,000 annual budget that allows students to come to the polls with their parents and vote at separate voting booths. According to the *Minneapolis Star Tribune*, barring more money arriving by next Friday's meeting of the board that runs the city program, it's likely to call off the voting portion of the project, which often helps get parents to the polls as well. Classroom programs about voting, democracy and civic participation would continue where teachers elect to use them. "It's really dismal," said Roberta Worrell, part-time director of the Minneapolis program, describing the fundraising climate. "We're out there talking to people to see if there's anyone willing to write a check, and making some individual appeals." Most places focus only on national and statewide elections, but Minneapolis also let kids vote during the 2005 city elections and planned to do so again this year. It hoped to introduce them to the city's new voting method in which voters rank candidates.

III. Research and Report Summaries

electionline provides brief summaries of recent research and reports in the field of election administration. Please e-mail links to research to sgreene@pewtrusts.org.

[When Voters Move](#) – Myrna Perez, The Brennan Center for Justice at New York University School of Law, June 2009: This report summarizes state rules for dealing with voters who move and describes how sometimes these voters can be disenfranchised because they did not update their registration records when they moved. Additionally it finds that federal and state laws protecting voters who move are too limited and are applied inconsistently. A guide for voters explaining procedures for voting when moving within a state is also provided.

[Permanent Voter Registration](#) - Adam Skaggs Jonathan Blitzer, The Brennan Center for Justice at New York University School of Law, June 2009: Permanent voter registration is described as a system where

when a voter registers to vote and then moves within a state, they do not have to reregister. The report points to tools that facilitate permanent registration, notes states where these tools are already employed, and describes three basic models states have used to achieve permanent registration. Recommendations are made for states to develop effective permanent registration systems.

[The Canvass: States and Election Reform](#) – A Newsletter of the National Conference of State Legislatures, June 2009: This month's issue covers voter registration modernization, cost-savings methods in election management, and coverage of state and federal election legislation.

IV. Opinion

Voting Rights Act: [I](#), [II](#), [III](#), [IV](#), [V](#), [VI](#), [VII](#), [VIII](#), [IX](#), [X](#)
National: [Voting machines](#); [Department of Justice](#); [Paper ballots](#)
California: [Instant-runoff voting](#)
District of Columbia: [Voting rights](#)
Florida: [Hillsborough County](#)
Illinois: [Recount](#)
Louisiana: [Voting Rights Act](#)
Maryland: [Voter registration](#)
New York: [Voting machines](#)
Texas: [Voter ID](#)
Wisconsin: [Early voting](#)

***some sites require registration*

V. Funding Resources/Training Sessions

Help America Vote College Poll Worker Program (College Program). The United States Election Assistance Commission (EAC) will award a total of \$750,000 in competitive grants under the Help America Vote College Poll Worker Program (College Program) to recruit college students to serve as poll workers. The two-year grant award will be used to recruit, train and support college students to assist state and local governments in the administration of elections by serving as nonpartisan poll workers or assistants. Proposals should include a two-year project plan and a budget supporting activities for election cycles in both 2009 and 2010. If an organization received a College Program grant last year, they are eligible to apply only as a re-competing grantee. These grantees must develop innovative programs to recruit poll workers with disabilities and develop training material to help poll workers create receptive and accommodating polling place environments on Election Day. New applicants are eligible for awards up to \$75,000, and re-competing applicants are eligible for awards up to \$20,000. Applications are due before 5:00 p.m. Eastern Time on Thursday, July 16, 2009, and must be mailed or hand delivered to the EAC. Applications submitted electronically or by fax will not be accepted. The grant application and instructions can be downloaded at www.eac.gov/grants. Questions regarding the program can be directed to Mark Abbott by sending an e-mail to HAVACollegeProgram@eac.gov. He can also be reached by calling (866) 747-1471 toll-free. **Eligibility Requirements** This competition is open to state-controlled institutions of higher education, private institutions of higher education, community colleges and nonprofit organizations. **Grant Restrictions** Funds cannot be used to support any partisan, voter registration or get-out-the-vote (GOTV) activities.

2009 Help America Vote Act Mock Election. *US Election Assistance Commission (EAC)* announces funds to organize and administer mock elections for high school students. The purpose of the program is to allow students to become more familiar with voting processes and technologies so that when they become eligible to vote they will be more comfortable with their civic duties. **Eligibility:** State governments and nonprofit organizations. **Deadline:** June 30, 2009. **Funds:** \$300,000 is available to fund 7 awards, ranging from \$30,000-\$75,000. **Information:** Mark Abbott at (202) 327-1883 or mabboteac@gmail.com; or visit the [Web site](#).

Election Management Institute in Best Practices in Election Management and Observation: The program is intended to provide hands-on, practical training to improve and promote best practices in election management and observation. The program includes workshops offered by renowned electoral academics and experts, and visits to relevant electoral institutions in the Washington, D.C., area, New York and Richmond. The program takes place at American University and in the Washington, D.C., area, and includes day trips to New York (City Campaign Finance Board) and Richmond (Virginia State Board of Elections). For the application form and for more information, please visit the [Web site](#). **Dates:** August 24 - September 4, 2009. **Cost:** \$1,980 for applications received by July 15, 2009. **Contact info:** Center for Democracy & Election Management; American University, 3201 New Mexico Avenue, NW Suite 395, Washington, DC 20016-8026, Telephone: (202) 885-1527.

VI. Job Opportunities

All job listings must be received by 12 p.m. Eastern on Wednesday for publication in our Thursday newsletter. Job listings are free but may be edited for length. Whenever possible, include Internet information. Please email job postings to mmoretti@electionline.org

Elections Director—State of Oregon (Salem) -- responsible for providing strategic policy recommendations, direction, and proposals to promote the successful execution of the objectives of the Elections Division. This is accomplished in part, but not limited to: developing comprehensive policies to meet both state and federal constitutional and statutory mandates; explaining and interpreting laws, rules and policies and procedures to clients in order to ensure compliance with and understanding of election law; serving as an information source for election officials and the general public; monitoring all phases of the initiative process, verification of initiative petitions, campaign and political finance processes, election complaint process, as well as conflict of interest and oath processes; developing and managing the Help America Vote Act (HAVA) program; creating and maintaining a high performance environment through positive leadership and a strong team orientation. This is an extremely visible, high profile position. The incumbent must act as role model within and outside the Agency, maintaining professional composure at all times. This position has frequent contact with hostile or angry people, works under extremely tight deadlines, and in highly public settings with strict media and legislative scrutiny. This position reports to the Deputy Secretary and serves as a member of the Agency's executive management team. This position serves at the pleasure of the Secretary of State. **Qualifications:** Your resume and/or cover letter must demonstrate experience in the following: A minimum of five (5) years of progressive experience in administration and management in the public sector; including four (4) years of demonstrated and effective experience in an elections related area; and knowledge of changes in Federal, State and County Municipal laws and regulations relating to elections. Incumbent must be or become a registered voter in the state of Oregon. Incumbent must **not** be a candidate for public office, hold a public office or position in a political party. **More Information.** **Application:** sos.jobs@state.or.us (subject line: Application). **Deadline:** June 30, 2009 at 4:00 p.m.

General Registrar, Fairfax County, Va. -- serving Fairfax County, the largest locality in the Commonwealth of Virginia, and a suburb of Washington, D.C., is currently recruiting qualified candidates with exceptional senior leadership and management experience for the position of a non-partisan General Registrar to serve a four year term. With over 600,000 registered voters, and using advanced technology, the incumbent will be responsible for the oversight of a large and complex voter registration and election administration agency. Duties include adherence to Virginia Code Sec. 24.2, and other federal, state and local codes. Additional responsibilities include: monitoring relevant legislation at all governmental levels, conducting public education programs; speaking before diverse groups; working with federal and state agencies, professional organizations and advocacy groups regarding voting programs and voting rights; and monitoring relevant legislation at all governmental levels. **Qualifications:** Any combination of experience equivalent to graduation from college with bachelor's degree in a related field; plus four years experience in voter registration and elections management. Must be a legal resident and registered voter in Fairfax County, Virginia at time of appointment. Certification as an Election Administrator, or is eligible to obtain certification. Strong leadership skills; ability to build good working relationships; experience working with elected officials and board appointees. **Salary:** \$97,147+ (negotiable) **Application:** Submit your resume on-line through the [AIMS system](#). If this is the first time you have applied for a position with

the [AIMS system](#), follow the link and [create an account](#). It takes just a few minutes. Once you have established your AIMS account you can use the Resume Builder to create a resume in a step-by-step process, or simply paste in an existing resume. If you already have an AIMS account, [Apply For This Job Now!](#) **Deadline:** June 27

Summer Policy Internship, U.S. Election Assistance Commission, Washington, D.C.—the division is seeking a highly qualified Policy Intern to work 40 hours per week during the summer or, if applying for the fall or spring semester, a minimum of 15 hours per week. Applications received for this recruitment may be used to fill other EAC vacancies as they occur. The Research, Policy and Programs Division is responsible for carrying out studies to promote the effective administration of Federal elections specified in Title II, Subtitle C of HAVA, identifying and completing other relevant research projects, and developing policy and guidance as required by Title III, Subtitle B, and Title VIII, Subtitle A of HAVA. Principle policy development areas cover voluntary guidance for provisional voting, voting information, computerized voter registration list requirements, and providing support in the implementation of the National Voter Registration Act (NVRA). The Division also administers EAC's Language Accessibility Program. **Qualifications:** Successful candidates will possess strong research, writing, and oral communication skills; be organized, detail-oriented, and self motivated; and demonstrate a willingness to be diplomatic, flexible and creative in addressing challenges. Candidates must be a U.S. citizen to qualify for this position. **Salary range:** \$11-\$20 hourly. **Application:** Applications for this position are being received by the EAC Office of Human Resources (OHR) through e-mail. Please no calls. To obtain information about this internship and TO APPLY, please send a cover letter, résumé, and contact information for three references. In addition, a writing sample of no more than 2 pages is requested. Please send the application package to resumes@eac.gov. In the subject line of the email, write "Summer Policy Internship." For more information, visit the [Web site](#).

Superintendent of Elections, King County, Wash.— responsible for over-all executive level management, oversight and planning for the conduct of local, state and federal elections in King County. It reports directly to the elected Elections Director and is responsible for the day-to-day management of elections and the supervision and oversight of program managers for voter registration, mail ballot processing and delivery, and operation sections. The position is an exempt, "appointive position", which is subject to confirmation by the King County Council. King County Elections serves more 1 million registered voters in the nation's 14th largest county. We are located in Renton, Washington in a new state-of-the-art facility dedicated to elections. This position requires an individual with strong management skills, independent judgment, project management skills and professional managerial knowledge to formulate policies and direct the strategic and logistical needs of all election processes and operations. We are looking for a strong leader to join King County as the largest all-mail voting jurisdiction in the nation. We support accurate and transparent elections, believe in accountability, respect and teamwork and invite those that share these values to join our team. **Qualifications:** Appointment to this position is subject to confirmation by the King County Council. The most competitive candidates will provide effective, strategic leadership and have demonstrated competency in the administration of a complex, highly scrutinized, public sector organization. A significant record of progressively responsible management experience in mail ballot processing, voter registration and elections operation of a large jurisdiction is highly desirable. The candidate should be skilled in developing and guiding a strong team with a commitment to reliable, transparent and accountable election services and an emphasis on professional practices. **Salary:** \$94,440.11 - \$119,708.37. [More Information and Application](#)