



Downstate New York ADAPT

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Image description:
"Downstate NY ADAPT" text over & under
image of PWD in wheelchair with arms
raised, breaking handcuffs' chain overhead,
under arching text "Free Our People"

January 12, 2021

New York State Board of Elections
Board of Commissioners

Emailed to: election_ops@elections.ny.gov

Dear Board of Elections Commissioners:

The undersigned organizations representing New York voters with disabilities submit these comments in opposition to the certification of the voting machines known as ExpressVote XL manufactured by Election Systems & Software ("ES&S") for several reasons which are set forth below.

Specifically, we understand that there are three problems with the voting machines known as ExpressVote XL that directly affect voters with disabilities. These problems are: 1-a voter cannot feed their marked ballot back into the machine to confirm that their marked ballot correctly has been marked for whom and what they wished to vote; 2-the glass guard covering on the machine prevents voters with low vision from being able to see the ballot; and 3-voters, disabled and not disabled, who wish to use the Ballot Marking Device must use a ballot which is known as the "Skinny Ballot", which dimensions are eight inches long and three inches wide, and not the standard ballot dimensions. Thus, clearly, these machines as they presently operate violate several federal and New York State laws.

The purpose of certifying any voting machine is to promote and protect the security, integrity and accessibility of voting by all New York State voters. It ensures that those voters who wish to exercise their right to vote in New York State have a secure, accessible voting machine that allows them to vote independently while maintaining their right to privacy. Significantly, the certification of the ExpressVote XL would NOT fulfill this purpose today. Thus, we strongly recommend that the certification of the ExpressVote XL be postponed until these issues as well as issues raised by other voters are corrected, assuming this is possible. In the alternative, if such issues are not resolved, that the ExpressVote XL not be certified in New York State.

In order to ensure greater voter participation by voters with disabilities, we recommend that the New York State Board of Elections create an Advisory Board. The Advisory Board should consist of New Yorkers with many different disabilities. Its role would be to assist the New York State Board of Elections meet its duty.

Finally, we ask that the New York State Board of Elections prioritize its duty to reach out to New York voters with disabilities. This would truly make New York State a great State for all New York voters.

Thank you for giving us the opportunity to submit these comments and we reserve the right to supplement and/or amend them.

We request that Ms. Kathleen Collins be allowed to testify on behalf of the undersigned organizations at the public hearing scheduled to be held on Thursday, January 14, 2021 before the New York State Board of Elections.

Very truly yours,

Michael Ring, Marilyn Tucci and Kathleen Collins,
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