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PRESS RELEASE

Top Election Security Experts and Good Government Groups

Ask NYS Legislature to Urgently Ban “Bad” Voting Machine

Areas of interest: Election Protection, Election Security, Voting Technology

New York City - June 7, 2021 -- The clock is ticking down on the New York legislative session, which ends Thursday, June 10th. Andrew Appel, the Eugene Higgins Professor of Computer Science at Princeton University, has [written a letter](#) urgently asking the legislature to make sure that they protect New York voters from [“bad” voting machines](#) before they close shop. Thirty-five other top election security, auditing and technology experts, as well as national and local good government groups, have joined the request for critical passage of a piece of model election-security legislation, known as the hybrid-ban bill ([A1115A/S309A](#)).

At issue is whether voting machines in New York will be allowed to combine a ballot-marking device and a scanner/tabulator in the same piece of equipment. That design, commonly referred to as a “hybrid” voting machine, has raised [serious security concerns](#). Election security experts say that many hybrid voting machines allow the ballot, or the summary card with the votes, to pass under the printhead after it is cast by the voter. If hacked, the voting machine [“can add, delete, or change votes on individual ballots,”](#) says Appel. In an investigative series produced by SMART Elections, he called the hybrid design [“a disaster.”](#)

Professor Appel has [written extensively about voting technology](#). He has [testified before Congress](#) and been featured on the [cover of Politico magazine](#). He says in his letter, “Not only are these machines dangerous—they don’t fill any real need. Other vendors are offering better voting machines.”

The bill was introduced in the New York [Assembly by Amy Paulin](#), and in the [Senate by Zellnor Myrie](#). "At a moment when false claims and misinformation about election security are being spread by those in positions of power around the country, New York has an opportunity to set a high standard for the integrity of our votes," said Senator Myrie. Assembly Member Paulin pointed to high profile incidents, like the [Solar Winds](#) and [Colonial Pipeline](#) hacks adding, "Although some claims have not been based on evidence, our elections *are* facing increased risks. It's critical that we use voting machines which will safeguard our votes and stand up to every level of scrutiny if need be."

Even vendors who sell hybrid voting machines have other options. Hybrids are among the most expensive voting machines on the market, and critics say that vendors are pushing counties to buy them in order to increase their profits. In Philadelphia, following the certification of one hybrid, an investigation revealed that the vendor, ES&S, did not disclose lobbying and lobbyist campaign contributions, including to the two city commissioners who selected the system. [ES&S was fined 2.9 million dollars](#), but the city is still currently using the machine, called the ExpressVote XL.

Advocates say the bill's passage in New York is their top priority because hybrid voting machines, including the ExpressVote XL, could be certified before the legislature meets again. "ES&S has communicated that intent to the State Board of Elections, and to me directly," says SMART Elections Executive Director Lulu Friesdat.

The issue has also been covered by the [Washington Post](#), who called the voting machine industry "a tech backwater," and said that "voting machines were a cesspool of low reliability and low security, not to mention profiteering."

Disability rights advocates are part of the coalition fighting hybrid voting machines. Voters with disabilities often use ballot-marking devices, and they are concerned that hybrid voting machines put their votes at risk and violate their privacy. Seven disability-rights groups, led by Downstate New York Adapt, listed [privacy concerns](#) as a reason for their opposition to a hybrid voting machine in January. They noted that the machine's "skinny ballots" are a different size, and so might reveal voters' choices.

One example of just how wrong an election on hybrid voting machines can go is a 2019 Northampton, Pennsylvania, election where the ExpressVote XL [miscalculated tens of thousands of votes](#). Subsequently, the Northampton County Election Commissioners announced a unanimous "[vote of no confidence](#)" in the ExpressVote XL.

In a [letter](#) to the New York State Board of Elections, Professor Rich DeMillo, Chair of the School of Cybersecurity and Privacy at Georgia Tech, said, “These all-in-one devices pose extraordinary risks for the voters of New York and I urge you to reject their use in favor of the secure hand-marked ballot systems currently used throughout the state.” DeMillo, along with other nationally recognized election and security experts co-signed professor Appel’s request for the legislature to pass A1115A/S309A.

New York’s hybrid-ban bill will address these issues vigorously, ensuring that New York’s election systems do not have the ability to print votes onto the ballot, including as a result of unauthorized, malicious or faulty software. Systems that have already been purchased can continue to be used, but advocates say they will work with counties to develop safer protocols, including using the voting machines as ballot-marking devices, or scanners, but not both.

The bill has additional security protections for voters. It prohibits votes from being counted with barcodes or QR codes, [a safety measure](#) already adopted by Colorado. It prohibits ballots from being printed on thermal paper, a practice [experts say is risky](#) and can [allow data to fade](#). It bans voting machines called Direct Record Electronic or “DREs,” by requiring the “the use of an individual, durable, voter-verifiable paper ballot” in the polling place.

Counting votes with barcodes was a concern that was raised in January by thirty-three members of the New York Assembly, who [sent a letter](#) to the State Election Commissioners opposing certification of the ExpressVote XL, because, “The barcode printed on the summary card is not independently verifiable by the voter.”

The bill has over 65 co-sponsors between the two chambers. If passed, it would establish New York as one of the states leading the way in improved election security. That issue has been a partisan flashpoint following concerns in the 2020 election. But the New York hybrid-ban bill has trans-partisan support, with Democrats, Republicans and one Independent co-sponsoring.

Senator Myrie emphasized, “Our legislation would ensure the equipment purchased by county boards of election are capable of correctly tabulating our votes and limiting the possibility of error or malfeasance. I urge my legislative colleagues to pass this critical bill.”

SMART Elections is part of a broad nationwide coalition of partners working to bring better voting machines to New York and other states. Coalition partners sent over 500 letters to the New York State Board of Elections and over 800 letters to New York legislators, as well as making calls to New York Governor Andrew Cuomo. A [full list of coalition partners](#) can be found here.

Media Notes: To schedule an interview with [Lulu Friesdat](#), or [Assembly Member Amy Paulin](#), or to request additional information on this issue, please contact Lulu Friesdat at Lulu@SMARTelections.us. [Andrew Appel](#) and [Rich DeMillo](#) may be reached via their websites.

About SMART Elections

[SMART Elections](#) is a nonpartisan project dedicated to elevating the issue of election reform to an urgent national priority. We are collaborating to make U.S. elections more secure, accessible, accurate, and fair. To learn more, visit <https://smartelections.us>.

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