



THE ASSEMBLY
STATE OF NEW YORK
ALBANY

January 22, 2021

Peter S. Kosinski, Co-Chair
Douglas A. Kellner, Co-Chair
Andrew J. Spano, Commissioner
Anthony J. Casale, Commissioner
NYS Board of Elections
40 North Pearl Street, Suite 5
Albany, NY 12207-2729
+1 (518) 474-6220

Dear Co-Chairs and Commissioners,

We write to express our strong opposition to the certification of the ExpressVoteXL voting machine for use in New York State.

We believe the ExpressVoteXL voting machine does not meet all technical requirements for certification, in particular **the language and independent voter verification requirements**.

The US Election Assistance Commission, which is responsible for federal certification of machines, has certified this ExpressVoteXL machine. This federal commission states that the machine is sufficient to meet the disability and language requirements. However, their criteria are notably less thorough than state election certification procedures and accepting their findings is voluntary to follow by states. We hope you will take the prudent action of not certifying the ExpressVoteXL machine in New York to protect the quality, security, and accessibility of our state election process.

As noted above there are two technical issues with the summary card of the vote that is printed for verification by the voter:

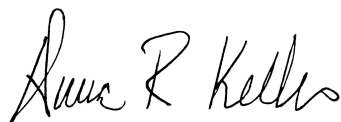
- The **summary card is only in English and does not meet the language requirement** for certification in New York. The touch screen ballot marking process does ask voters to select a language for marking the ballot but once the ballot is marked it prints out a summary card under glass for independent verification. This summary card is only in English. If the voter wants to translate the summary card then they must submit the card to a scanner that will translate it and then it gives an electronic summary of this translation. Voters must rely on the machine translation. To meet the language requirement the printout itself should be printable in multiple languages.

- The **barcode printed on the summary card is not independently verifiable by the voter.** Technically speaking, the barcode is “the ballot” because that is what the scanner reads to cast the vote. Because it is not possible to independently verify the bar code, it does not meet the technical requirement.

In summary, we believe the ExpressVoteXL voting machine does not meet all technical requirements for certification, in particular **the language and independent voter verification requirements.**

We urge you to act prudently and not vote to certify the ExpressVoteXL voting machine in New York State.

Sincerely,



Anna Kelles
Member of Assembly
125th A.D.



Jeffrey Dinowitz
Member of Assembly
81st A.D.



Joseph P. DeStefano
Member of Assembly
3rd A.D.



Harvey Epstein
Member of Assembly
74th A.D.



Monica Wallace
Member of Assembly
143rd A.D.



Michael Lawler
Member of Assembly
97th A.D.



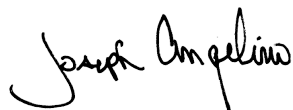
Emily Gallagher
Member of Assembly
50th A.D.



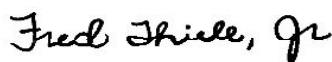
Michael Montesano
Member of Assembly
15th A.D.



Patricia Fahy
Member of Assembly
109th A.D.



Joseph Angelino
Member of Assembly
122nd A.D.



Fred W. Thiele, Jr.
Member of Assembly
1st A.D.



Christopher Friend
Member of Assembly
124th A.D.



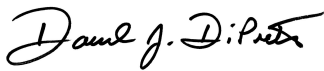
Robert Carroll
Member of Assembly
44th A.D.



Donna Lupardo
Member of Assembly
123rd A.D.



Jessica González-Rojas
Member of Assembly
34th A.D.



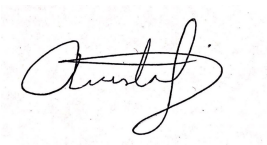
David DiPietro
Member of Assembly
147th A.D.



Josh Jensen
Member of Assembly
134th A.D.



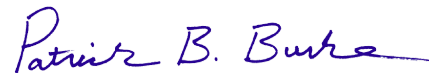
Steve Englebright
Member of Assembly
4th A.D.



Amanda Septimo
Member of Assembly
84th A.D.



Sarah Clark
Member of Assembly
136th A.D.



Pat Burke
Member of Assembly
142nd A.D.



Sandy Galef
Member of Assembly
95th A.D.



Chantel Jackson
Member of Assembly
79th A.D.



Dick Gottfried
Member of Assembly
75th A.D.



Rodneyse Bichotte Hermelyn
Member of Assembly
42nd A.D.

Yuh-Line Niou
Member of Assembly
65th A.D.



Ron Kim
Member of Assembly
40th A.D.



Linda B. Rosenthal
Member of Assembly
67th A.D.



Chris Burdick
Member of Assembly
93rd A.D.



Carmen De La Rosa
Member of Assembly
72nd A.D.



Karines Reyes
Member of Assembly
87th A.D.



Phara Souffrant Forrest
Member of Assembly
57th A.D.

Jo Anne Simon
Member of Assembly
52nd District