

# ***NEW YORK STATE OFFICE OF THE STATE COMPTROLLER***

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**H. Carl McCall  
STATE COMPTROLLER**



***NEW YORK STATE BOARD OF ELECTIONS  
MAINTENANCE AND REPAIR OF THE VOTING  
EQUIPMENT***

***2001-S-33***

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**DIVISION OF MANAGEMENT AUDIT AND  
STATE FINANCIAL SERVICES**

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Albany, NY 12236



H. Carl McCall  
STATE COMPTROLLER

**Report 2001-S-33**

Mr. Thomas R. Wilkey  
Executive Director  
New York State Board of Elections  
40 Steuben Street  
Albany, NY 12207-2109

Dear Mr. Wilkey:

The following is our audit report of the New York State Board of Elections' oversight of the maintenance and repair of the voting equipment in New York State during the period of January 1, 2000 through November 30, 2001.

The audit was performed pursuant to the State Comptroller's authority as set forth in Article V, Section 1 of the State Constitution; and Article II, Section 8 of the State Finance Law. Major contributors to this report are listed in Appendix A.

*Office of the State Comptroller  
Division of Management Audit  
and State Financial Services*

December 4, 2002

***Division of Management Audit and State Financial Services***

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# ***EXECUTIVE SUMMARY***

## ***NEW YORK STATE BOARD OF ELECTIONS MAINTENANCE AND REPAIR OF THE VOTING EQUIPMENT***

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### ***SCOPE OF AUDIT***

The New York State Legislature created the State Board of Elections (State Board) on June 1, 1974. The State Board is composed of four Commissioners appointed by the Governor and recommended by the chairmen and legislative leaders of each of the two major political parties.

The ongoing functions of the State Board can be grouped into three program areas: enforcement of the New York State Election Law (Election Law), disclosure of campaign financing, and election administration. At the county level, its responsibilities for implementing the Election Law and administering all elections in New York State (State) are shared with a two-Commissioner board of elections (county board) whose members have been recommended by the county's two major political parties. (New York State has 62 counties; however, election activities in the 5 counties of New York City [City] are under the combined jurisdiction of a single New York City Board of Elections [City Board]. Like the other county boards, the 10-member City Board is made up of two representatives from each of the City's counties. For the purposes of this report, it constitutes the 58<sup>th</sup> county board.)

The cost of conducting elections in New York State is primarily the responsibility of cities, towns, and counties. Expenditures for administering the election process totaled about \$94.6 million in fiscal year 2000. The State Board serves in an oversight/regulatory capacity; among other functions, it oversees the filing of petitions circulated by candidates for elective office and resolves challenges to those petitions. It issues an annual report of statistical data pertaining to primary and election activity during the calendar year that includes the number of voting machines in use, the number of problems reported during the year, the length of interruptions in the voting process, the number of registered voters by party, the Commissioners' salaries, and the number of staff employed by the State Board.

Public interest in the voting process was significantly aroused in New York, as well as in the rest of the country, during the November 2000 general election when the casting and counting of votes for President were challenged in Florida.

The controversial resolution of that crisis led to numerous studies and research projects related to the election process.

Our audit addressed the following questions about how the State Board monitored the preventive maintenance of voting machines, the training of voting machine technicians, and the development of contingency plans to handle machine problems on election days during the period of January 1, 2000 through November 30, 2001:

- Were voting machines maintained properly and certified as ready prior to election days?
- Were contingency plans established that would assure voters of adequate service if equipment fails?

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## ***AUDIT OBSERVATIONS AND CONCLUSIONS***

**W**e noted that, although the State's almost 20,000 voting machines are locally-owned, each machine, regardless of its owner, must be certified as operational under State Law. At the same time, we found that the State Board and county boards may have more authority than they have exercised to establish and enforce uniform election standards. We also found that voting machine technicians are not trained uniformly throughout the State, and that even local policies regarding their training are not always followed. In addition, although contingency plans for the continuation of voting activities in the event of a machine malfunction are generally the same throughout the State, they are not always implemented as written. Just one of the 13 counties where we reviewed voting operations had produced its own written contingency plan; the others followed the State Board's Election Inspectors Handbook, which simply directed poll workers to telephone the county board when a machine malfunctioned. In one of the other counties, entries in some of the call-in logs -- maintained by poll workers so that a record of calls about voting difficulties could be created for future reference -- did not correlate with each other. As a result, the county board was not fully aware of problems at the polls.

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## ***COMMENTS OF STATE BOARD OFFICIALS***

**A** draft copy of this report was provided to State Board officials for their review and comment. We also discussed these matters at an exit conference. Their comments have been considered in preparing this final report, and are included as Appendix B.

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# INTRODUCTION

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## Background

The New York State Legislature created the State Board of Elections (State Board) on June 1, 1974. The State Board is composed of four Commissioners appointed by the Governor and recommended by the chairmen and legislative leaders of each of the two major political parties.

The State Board's functions can be grouped into three program areas: enforcement of the New York State Election Law (Election Law), disclosure of campaign financing, and election administration. At the county level, its responsibilities for implementing the Election Law and administering all elections in New York State (State) are shared with a two-Commissioner board of elections (county board) whose members have been recommended by the county's two major political parties. (New York State has 62 counties; election activities in the 5 counties of New York City [City] are under the combined jurisdiction of a single New York City Board of Elections [City Board]. Like the other county boards, the 10-member City Board is made up of two representatives from each of the City's counties. For the purposes of this report, it constitutes the 58<sup>th</sup> county board.)

The State Board serves in an oversight/regulatory capacity, overseeing the filing of petitions circulated by candidates for elective office and resolving challenges to those petitions. It issues an annual report of statistical data pertaining to primary and election activity during the calendar year, which includes the number of voting machines in use, the number of problems that were reported during the year, the length of interruptions in the voting process, the number of registered voters by party, the salaries of the Commissioners, the number of staff employed by the State Board and certifies the official election results.

For all but three counties, the casting of votes throughout the State depends primarily on two models of the lever-style mechanical voting systems – the Automatic Voting Machine (AVM) used in most locations outside the City, and the Shoup machine used in the cities of New York and Albany. When using either model, the voter moves a lever to enable the machine, then moves another lever to make individual voting selections. These votes are actually registered as cast only

when the voter returns the first lever to its original position. Neither of these models has been manufactured since 1982. Many of the voting devices currently in use in New York are more than 50 years old. For the past 7 years, voters in 3 of the State's counties have used a different device: the Direct Recording Electronic (DRE) machine. When using the DRE machine, the voter makes a selection by pressing a bubble-type button; the vote is recorded electronically in a tape cartridge that is secured in the back of the machine. The three counties own 38 DRE machines.

Public interest in the voting process was significantly aroused during the November 2000 election when the casting and counting of Presidential votes were challenged in Florida. Since the controversial resolution of that crisis several organizations have reviewed how votes are cast and counted throughout the country. These organizations include: the General Accounting Office issued five reports on voting issues; the California Institute of Technology published a study in conjunction with the Massachusetts Institute of Technology; and the National Commission on Election Reform conducted research on the election process and issued reports with recommendations for change. The Task Force on Election Modernization, created by Governor Pataki, issued an interim report in May 2001. All of these reports address different aspects of election reform. Some touch on the reliability of the lever-operated mechanical voting machines, but they also point out the machine's physical constraints; e.g., its inability to accommodate an unlimited number of candidates, political parties, or propositions; and the fact that not all models can be used by a handicapped voter without assistance. However, none of the reports makes a definitive statement that technology is the answer to address the problems in vote-casting and -counting or that a particular technology is better than the others.

The cost of conducting elections in New York State is primarily the responsibility of cities, towns, and counties -- expenditures for administering the election process totaled about \$94.6 million in fiscal year 2000.

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## ***Audit Scope, Objectives and Methodology***

**W**e audited the State Board's oversight of voting machine maintenance, of training of voting machine technicians, and of development of contingency plans for the continuation of voting activities in the event of a machine malfunction during the

period of January 1, 2000 through November 30, 2001. The objectives of this performance audit were to determine whether voting machines are maintained properly and certified as ready prior to election days, voting machine technicians were properly trained, and effective contingency plans have been established to assure voters of adequate service if voting equipment fails. To accomplish our objectives, we reviewed election laws, policies, and procedures; interviewed State Board management and county board officials; reviewed machine and accounting records; observed the maintenance of voting equipment and the election process at several poll sites and help desks.

As noted in Exhibit A, we visited 2 counties in the City (Queens and Kings and 11 counties outside the City (Ulster, Suffolk, Erie, Lewis, Madison, Orange, Otsego, Rockland, Saratoga, Sullivan, and Westchester) where we interviewed local officials, management at local Boards of Elections and staff to obtain information on various issues such as, the status of training for voting machine technicians; the contingency plans for handling machine failures on election days; and preventive maintenance of voting equipment. To select the counties for review, we calculated the machine breakdown rate per county based on the results of a survey circulated to the county boards by the State Board in 2001. Then we chose counties with the highest or lowest rates, and included all three models of voting machines. We also made an effort to select a sample that covered all regions of the State, and the number of registered voters in the sampled area totaled more than half of the number in the entire State.

As is our practice, we notified State Board officials at the outset of the audit that we would be requesting a representation letter in which agency management would assure the auditors that the evidence provided during the course of the audit would be, to the best of the agency's knowledge, relevant, accurate, and competent. This representation letter is intended to confirm oral representations made to the auditors and to reduce the likelihood of misunderstandings. In their representation letter, agency officials assert that, to the best of their knowledge, all relevant financial and programmatic records and related data have been provided to the auditors. Agency officials further affirm that either the agency has complied with all laws, rules, and regulations applicable to its operations that would have a significant effect on the operating practices being audited; or that any exceptions have been disclosed to the auditors.

However, State Board officials informed us that they would not provide representation letters in connection with our audit. As a result, we lack assurance that all relevant information was provided to us during the audit. We consider this refusal to provide a representation letter to be a scope limitation. Therefore, readers of this report should consider the potential effect of this scope limitation on the findings and conclusions presented in this report.

Except as noted in the previous paragraph, we conducted our audit in accordance with generally accepted government auditing standards. Such standards require that we plan and perform our audit to adequately assess those operations that are included in our audit scope. Further, these standards require that we understand State Board's internal control structure and its compliance with those laws, rules and regulations that are relevant to the operations included in our audit scope. An audit includes examining, on a test basis, the evidence supporting transactions recorded in the accounting and operating records and applying such other auditing procedures, as we consider necessary in the circumstances. An audit also includes assessing the estimates, judgments, and decisions made by management. We believe that our audit provides a reasonable basis for our findings, conclusions and recommendations.

We used a risk-based approach when selecting activities to be audited. This approach focuses our audit efforts on operations that have been identified through a preliminary survey as having the greatest probability for needing improvement. Consequently, by design, finite audit resources are used to identify where and how improvements can be made. Thus, little audit effort is devoted to reviewing operations that may be relatively efficient or effective. As a result, our audit reports are prepared on an "exception basis." This report, therefore, highlights those areas needing improvement and does not address activities that may be functioning properly.

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### ***Response of State Board Officials to Audit***

**A** draft copy of this report was provided to State Board officials for their review and comment. Our findings were also presented at a closing conference. Their comments have been considered in preparing this final report, and are included as Appendix B.

Within 90 days after release of this report, as required by Section 170 of the Executive Law, the Executive Director of the New York State Board of Elections shall report to the Governor, the State Comptroller, and the leaders of the Legislature and fiscal committees, advising what steps were taken to implement the recommendations contained herein, and which recommendations were not implemented, the reason therefor.



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## OVERVIEW

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By August 2001, less than a year after the controversial November 2000 presidential election, members of the current sessions of both the United States Congress and the New York State Legislature had proposed 113 pieces of voting-related legislation. Congress has 83 pieces of legislation and the New York State Legislature has 30. These proposals covered topics such as elimination of the electoral college, establishment of an election commission, establishment of national voting standards, extension of the voting period from one day to three, and the transfer of voting machine ownership from towns and cities to counties. If passed, the last proposal would be especially important to elections operations in New York State because, at present, neither the State Board nor the county boards require local election officials to either maintain their voting machines or train the technicians employed to handle such maintenance. The result is a lack of uniformity, even within the same county, in the maintenance and testing of voting machines.

Even though the State Board and most of the county boards do not own the equipment used by the voters, we concluded both may have more authority than they have exercised and thus may be able to bring about a higher level of uniformity in the State's election process. For example, Section 3-102 of the Election Law specifically authorizes the State Board to take responsibility for the promulgation of rules, regulations, policies, and procedures for the efficient operations of the election process, including the development of plans for voting machine maintenance, technician training, and contingency plans as follows:

“In addition to the enforcement powers and any other powers and duties specified by law, the state board of elections shall have the powers and duty to...issue instructions and promulgate rules and regulations relating to the administrations of the election process, election campaign practices and campaign financing practices consistent with the provisions of law; ...”

Examining the responses of local election officials to a questionnaire distributed by the State Board in 2001, we found inconsistencies throughout the State regarding the assumption

of responsibility for maintaining voting machines, training technicians, and preparing contingency plans. The State Board clearly should make an effort to help the localities achieve more-uniform standards in their election operations. However, it would be more practical and efficient to work with the 58 county boards, which already have relationships with their local communities, than to deal individually with the hundreds of towns and cities that currently own the voting machines. In addition, the State Board needs to exercise more authority than it has exercised to date, and provide the county boards with leadership. For example, by involving town and city officials as well as the county boards, it could establish more-uniform standards. It could then develop tools for a monitoring program built on performance objectives and successful models.

### **Recommendation**

1. Provide county boards of elections with more-uniform standards and identify successful models that they might follow, and prepare a plan for monitoring the results. Involve town and city officials as well as the county boards in developing the standards and identifying the models.

(In responding to the draft report, the State Board notes that county boards have heeded its suggestions and improved vendor-conducted training. However, this section of the report and the recommendation addresses more than training.)

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# PREVENTIVE MAINTENANCE OF VOTING MACHINES

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New York State comprises 15,571 election districts, where voting is conducted at 6,906 polling sites on more than 19,500 machines installed to accommodate the State's 11 million registered voters. Through their representatives on the county boards, the two major political parties appoint 67,000 election day workers – including election inspectors, poll clerks, technicians, and election coordinators – and are responsible for seeing that these workers receive the training they need to perform their duties. Only New York City and the counties of Suffolk, Nassau, and Monroe own their own voting machines; i.e., in all of the State's other counties, towns and cities are responsible for obtaining and maintaining the voting machines used by voters in their election districts.

At present, the owners of the voting machines decide the quality of maintenance that will be performed on their equipment. However, except for Suffolk County and the cities of Buffalo (Erie County) and New York, none of the sites we visited had written preventive maintenance plans. In the absence of a plan management has not provided individual(s) responsible for maintaining voting machines with the information as to the work that needs to be done.

According to stickers on some of the Automatic Voting Machines, the maintenance vendor recommends that preventive maintenance be performed every five years. We were unable to determine whether this recommendation had been followed because the eight Orange County municipalities we visited, (the towns of Blooming Grove, Monroe, Goshen, Newburgh, Montgomery, and Wallkill, and the cities of Middletown and Newburgh), did not keep repair records for their voting machines. Such records would allow technicians to track problems with individual machines and spot trends so that recurring problems could be anticipated, identified, and corrected. (In response to our draft report, Orange County officials stated that they are in the process of implementing a preventive maintenance program. They will also request that each town and city in Orange County maintain vendor repair records with the town/city clerk for every voting machine, and

forward a copy to the county Board to assist in the Preventative Maintenance Program.)

In Ulster County, town and city officials told us their technicians examine the voting machines only during the set-up period that precedes a scheduled election. If a problem arises that is beyond the capability of the technician to resolve, they said, the technician contacts the town or city official responsible for calling in an outside maintenance vendor.

To verify that the outside vendor is making repairs correctly or completing preventive maintenance properly, the technician and/or another town or city official should be present when the work is done. For instance, neither an official nor a technician was present when work was performed in seven of the towns and cities we visited in Saratoga County. Some technicians were not present because they had full-time jobs that did not always allow them to observe the repair work. Regardless of whether the work was observed, the city and town clerks and their staff accepted invoices from the maintenance vendors and assumed the machines had been repaired properly. But if an official observer was not present when the voting machine was serviced, and did not actually see the machine in operation after the servicing, there is a risk that the proper work was not performed.

In addition, Suffolk, Queens, and Kings counties control the preventive maintenance of their voting machines, training full-time staff to perform repairs and preventive maintenance during the year. Suffolk uses the AVM machines, while both of the City counties use the Shoup machine and contract for supplementary maintenance service from International Election Services (IES).

### **Recommendations**

2. Establish a written preventive maintenance program for voting machines that requires election officials to keep maintenance records on the equipment. Monitor the maintenance program.
3. Remind county boards of elections to verify that preventive maintenance and/or repairs to voting machines by outside vendors are performed properly.

### **Recommendations (Cont'd)**

(The State Board responded to the recommendations by saying how difficult it is to mandate a maintenance program without providing necessary funding. Officials believe the resolution to this problem is to fix equipment ownership with the county boards. There is pending legislation that addresses the ownership issue.

Auditors' Comment: Until such legislation is passed, the State Board can establish a written preventive maintenance program and remind the county boards to verify that maintenance work is done.)



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## TECHNICIAN CERTIFICATION

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Of the 3 types of voting machines used in New York State, about 7,000 Shoup machines are used in the cities of New York and Albany; about 12,900 AVMs are used throughout the rest of the State; and 3 counties use 38 DREs. Although the Shoup and AVM machines have not been manufactured since 1982, two firms specialize in repairing and rebuilding the equipment, some of which is more than 50 years old. The DRE manufacturer is still in business.

When we visited 13 counties including the City of Buffalo, we found that full-time technicians maintain the voting machines owned by 3 of the counties and Buffalo. The other ten counties employ part-time technicians who work only during the set-up period that precedes a scheduled election and occasionally after the election.

The county boards are responsible for providing a training course that covers the set-up process and minor repairs of voting machines. According to Section 3-302 of the New York State Election Law:

“The board of elections shall as often as necessary provide a course of training and education on the preparation, use and repair of the voting machine. Attendance at such course shall be required of all voting machine technicians who have not previously completed such a course satisfactorily.”

Training records for machine technicians are not maintained in a uniform manner by town and city managers or county board officials. Attendance sheets, class results, and copies of training certificates are not kept on file for all of the voting machine technicians. In some counties, such as Westchester, a mailing list of technicians is maintained, but the list does not indicate whether the nominees who were invited for training actually attended the class. Without attendance records, there was no documentation to support that their technicians were trained, as required.

The City Board employs full-time trained Voting Machine Technicians, who are required to complete a four-day basic course and then pass a hands-on test. After completing two

years of service, they qualify to attend a three-day senior course, during which they must pass a written certification examination. Successful completion of the senior course allows the employee to be upgraded to a Senior Voting Machine Technician.

The City Board contracts with IES to provide this training. When we reviewed IES' attendance lists for the basic and senior classes the company had provided since February 1998, we found that City Board officials allowed 10 of its 52 trainees to take the senior certification test without the pre-requisite work experience. If the ten passed the examination, they were able to advance to a higher salary grade even though they did not meet the practical requirement.

Suffolk County utilizes full-time trained technicians, owns AVMs, and has its own countywide training facilities. Suffolk, Kings, and Queens counties all provided us with written training documents that had been presented either by IES or the Suffolk County board's training program.

In Otsego County, technicians employed by the county handle the set-up of voting machines, with some assistance from town technicians. Some of these individuals have not received formal classroom training in the operation and maintenance of voting machines; they gained their knowledge through hands-on experience in the presence of their predecessors. Neither Otsego nor the counties of Rockland and Ulster could produce sign-in sheets to document the attendance in courses that provide training in skills. If they complete training, technicians should provide their election managers with copies of their training certificates.

Despite the requirements of the Election Law, three technicians from the Otsego County towns of Milford, Hartwick, and Morris have not received certified training from the county board. The two Otsego County technicians said that eight of nine problems that occurred during the November 2000 election could have been corrected if town technicians and poll workers had received better instruction in dealing with the mechanics of the voting machines. They said that operational problems could also have been reduced with proper training.

We noted that technicians are sent for refresher training only when local officials think it is necessary. To make this decision, the official discusses the technician's availability for the training

as well as his or her opinion about whether the training is appropriate and necessary. Sound business practice would indicate that a technician should receive refresher training based on the needs of the election boards, not the self-perception of the technician.

### **Recommendations**

4. Require the New York City Board of Elections to enforce its own policies regarding the promotion of Voting Machine Technicians.
5. Require technicians to provide the elections managers of their counties or municipalities with copies of their training certificates.
6. Establish a skill level that voting machine technicians must attain. Urge counties and municipalities to supplement the technician's on-the-job training with formal training and periodic refresher training.



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## CONTINGENCY PLANS

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It is imperative that voting machines be operable on election days, and that those who manage elections at every level exercise prudent planning and establish contingency plans that will be implemented to make sure that for the continuation of voting activities in the event of a machine malfunction. Throughout the State, there are inconsistencies in the contingency plan that will be implemented to make sure that the voting process will not be interrupted. The State Board issued an inspector handbook that provides some general guidance. In addition, some of the City Board and local municipalities claim to have plans that rely solely on this guidance. Without a written plan that incorporates the uniqueness of the locality, operator problems and miscommunication between county boards and polling sites could result.

The State Board Election Inspector Handbook (Handbook) urges poll workers to “Make sure you follow any specific procedures provided by your County Board, when dealing with a machine breakdown.” The Handbook points out that “Emergency ballots are used when the voting machine breaks down” and that “Emergency ballots MUST be used if the machine breakdown lasts more than one hour.”

We found that the contingency plans for handling voting machine failure are generally the same throughout the State; i.e., the county boards instruct poll workers to notify their offices before using an emergency ballot because of a machine problem. The workers are also instructed to call a hotline telephone number that connects them to either a voting machine technician or a help desk, which is supposed to dispatch a technician to repair the machine.

However, these plans do not provide the poll workers or local officials with definitions of a machine breakdown, a failure of cross-endorsement straps, or a problem with inspector operations. Therefore, it is difficult to determine whether problems that arise on election days should be attributed to the voting machine or some other aspect of the election process. At each of the sites we visited, if a voting machine malfunctioned, paper emergency ballots were used to continue the voting process until the technician arrived.

Of the 13 counties where we reviewed voting operations, Saratoga County was the only one that had produced a written contingency plan for its elections. This plan is distributed to all county and municipal technicians, as well as poll workers. At the other sites we visited, technicians follow the Handbook or give verbal instructions to poll workers during training.

Suffolk County, maintains an extensive training and repair facility, but did not have a written contingency plan. However, our conversations with Suffolk County board officials revealed that they do extensive planning to provide support throughout the county. They explained that they load replacement AVMs onto trucks before the election, then park them in strategic locations so that the machines can be transported promptly to the polling site that has reported a problem.

In Westchester County, we were able to obtain copies of the call-in logs for the City of Yonkers, the Town of Greenburgh, and the county board. Westchester County poll workers are required to call the county board if they have voting difficulties, especially if emergency ballots are to be used, and each call is to be logged. However, entries in the logs did not correlate with each other and it was not possible to determine whether the differences were due to poll site workers not calling in or the person receiving the call was not recording each one that was received, creating a record that could be used for future reference. As a result, the county board was not fully aware of voting difficulties. It appeared that poll workers were calling their local municipalities instead to obtain replacement machines.

### **Recommendations**

7. Promote the need for county boards to publish and distribute copies of their contingency plans throughout their jurisdiction so that each person with relevant responsibilities will know exactly what procedures to follow.
8. Encourage municipalities to contact their county boards of elections regarding all voting machine problems. Point out to county boards the importance of logging in each such contact, and categorizing the reported problems, to create a record that can be used to spot trends or recurring problems.

### **Recommendations (Cont'd)**

(In responding to this report, State Board officials essentially agreed with our recommendations. They pointed out the need to keep the election going so votes are not lost and voters not disenfranchised. Documentation of problems is secondary.

Auditors' Comment: We agree that continuing the election is important and should be the poll inspector's focus; however, it is essential that workers' document problems as they occur and review those problems once the crisis is over. This process will provide local and State officials with information that will help them determine the cause of problems and to develop a corrective action plan.)



**REPORTS OF MECHANICAL BREAKDOWNS ON  
NOVEMBER 2000, ELECTION DAY**

<b>County</b>	<b>Sites Visited</b>	<b>Number of Machines/Records Reviewed</b>	<b>Number of Reported Mechanical Breakdowns on November 2000 Election Day</b>
Ulster	6	91	1
Queens	1	49	84*
Kings	1	50	169*
Suffolk	1	50	67
Erie	3	615	6
Lewis	17	30	1
Madison	3	30	3
Orange	8	162	16
Otsego	7	53	9
Rockland	2	200	2
Saratoga	7	126	2
Sullivan	4	48	4
Westchester	3	466	N/R#

\*  
Note  
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(In response to the draft report, information for each of the 5 counties was provided and the chart was revised.)

# Westchester County responded to the survey with N/A for number of reported mechanical breakdowns and did not keep copies of any phone logs. Therefore we could not determine how many, if any, mechanical breakdowns occurred in this county.

\*See State Comptroller's Notes, Appendix C.

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## MAJOR CONTRIBUTORS TO THIS REPORT

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State of New York  
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August 5, 2002

Hon. H. Carl McCall  
Comptroller - State of New York  
110 State Street  
Albany, New York 12236

RE: Report 2001 - S - 33

Dear Comptroller McCall;

We appreciate the opportunity to respond to the Comptroller's draft audit report (2001-S-3), as it pertains to voting machines in New York State. Please know that the audit itself was handled in a unique manner, beginning with the fact that it was mentioned in a passing manner and almost as an afterthought, when representatives of the Comptroller's office presented their opening conference on an audit of our compliance with the National Voter Registration Act, in April of 2001. The intent of a voting machine audit was never properly presented to us, nor was its focus made clear. Details of the Comptroller's plan were only relayed to us during the various interviews the audit team had with State Board staff.

The Comptroller's staff representatives were stationed in our offices throughout the balance of 2001, and had unlimited access to State Board staff members, for purposes of consultation. On the topic of voting machines, the position and sentiments of the State Board were made clear to them at all times, in a variety of different ways, thus our decision to not respond to the draft report in writing. Rather, we chose to reserve our comments for this stage of the process, in the hopes that our discussions might have been better represented in same.

As to the auditors' comment concerning the fact that no letter of representation was filed, we believe we made it clear, that the bulk of questions being asked of us should have been asked at the local level. Since all of the information being requested was available

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Note  
1

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Note  
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\* See State Comptroller's Notes, Appendix C

almost completely at the county board level or from the municipalities being surveyed, letters of representation should have been secured from those entities. All surveys in our custody were copied and shared with audit staff, and were supplemented by very frank and full conversation with State Board staff.

The opening comments in the audit report claim that we take a limited view of our authority to establish and enforce uniform election standards. The State Board, as well as our county boards, take all of our mandates most seriously, but it is clear to us, and we had hoped we made it just as clear to the auditors, that we can hardly create and enforce regulations over equipment and its maintenance, when the equipment is owned by other entities of government, over which we have no jurisdiction. With the exception of New York City, and the counties of Suffolk, Nassau and Monroe, every voting machine in the State of New York is owned by a city or town - local funds purchased the machines, and to this day, those municipalities remain responsible for the expenditure of monies relative to maintenance, storage, and even training, as the technicians responsible for any maintenance and use of the machines, are paid by those municipalities and not county boards of elections.

It is unimaginable that we should or could order municipalities to expend such funds, when we have no such jurisdiction. Our point is supported and illustrated very clearly, by noting that the legislature understood these problems, and empowered the State Board, by statute, in matters concerning voting machines made and purchased after 1986. We promptly developed a comprehensive certification program, complimented by detailed evaluation and maintenance programs, which have been copied in a number of other jurisdictions across the country. Further, the State Board has sought legislation which puts the purchase and ownership of voting machines in the hands of county boards of elections, along with the responsibility for compensating all election day workers, including voting machine custodians. The State Board has been joined in its request for such legislation, by the Election Commissioners' Association of the State of New York, and Governor Pataki's Task Force on Election Modernization. The Comptroller's support of our initiatives in this regard, would be welcomed and appreciated.

Our direct responses to numbered recommendations are as follows:

1. Citing New York State Election Law, section 3-102, the audit report implies we have been lax in providing rules and regulations for this particular aspect of the election process. However, section 3-302, which specifically addresses technicians, training programs and the like, is a more appropriate reference point. It is important to note that our county boards have been very creative in making their responsibilities and our suggestions, a reality. They have pooled their resources and arranged for vendor-conducted training, on a regional/local level. In those instances where no money for training is available from the municipalities, county boards have relied on the good

will of non-trained technicians to attend (in many instances, without compensation), training sessions conducted by senior technicians already in service. The State Board and our county boards have achieved mutually beneficial successes, through sheer good will and unstinting cooperation. Until such time as ownership and compensation are changed, hardships will continue to manifest themselves, and the State Board, along with our county boards, will have to continue to be creative in the manner in which such issues are managed.

- 2 and 3      Municipalities should be following the maintenance programs provided by equipment vendors, in order to protect their initial investment, which was substantial. It would be most difficult to order the performance of a sophisticated and ongoing maintenance program, without having the enforcement or financial wherewithal to ensure the implementation of same. Performing and/or monitoring any maintenance programs, means expending substantial funds. The ongoing, age-old argument, as we pointed out many times to the audit team, and which no doubt they heard, many times, in the field, consists of only a few words - 'you bought it, you pay to maintain it', countered by 'you use it, you pay to maintain it'. There is no resolution to this dilemma unless voting equipment is owned by the county boards of elections, and the staff responsible for maintenance and programming, are county board employees.
4.      The New York City Board of Elections has developed and deployed an extensive training and promotion program for its voting machine technicians and custodians, which is monitored by borough and central office staff. Since the reference the audit team makes to the City's lack of consistency in following its own prescribed requirements is based on records dating back to 1998, and does not provide data based on the audit period of January 2000 through November 2001, there is no way for either the State Board or the City Board to either evaluate your recommendation or comment on it.
5.      We would be happy to remind boards to obtain copies of the most recent training certificates awarded to their voting equipment custodians and technicians, when the training is provided by a vendor. The in-house training to which many boards have been forced to resort, does not offer a certificate. We can, however, ask that when such training is conducted, the board receives a copy of the attendance sheets for each such session, and responds with a letter of confirmation.
6.      The skill level one needs to handle all aspects of voting machine use, is obvious. Absent a direct line of responsibility and adequate funding, all training, including the supplemental sort mentioned in your recommendation, happens only due to the good

will generated between the board and the municipality, and the willingness of technicians and custodians to attend training sessions and perform tasks, for which they receive little or no compensation. Obviously, urging more similar cooperation is a noble pursuit, but without an enforceable agenda and funds for compensating participants, this recommendation cannot become a reality.

- 7 and 8. The contingency plan for voting equipment problems is clear in the inspector manual provided by the State Board, to all inspectors. They also receive instructions in inspector training programs, and boards also provide other means of explaining instructions and documenting procedures. The problem is a simple one - if a machine does not work, emergency ballots are to be used, and assistance is to be requested, following their county's directives. As to receiving assistance and documenting same, inspectors do the best they can, in the heat of the moment, to be sure votes are not lost and voters are not disenfranchised. Custodians and technicians also do the best they can, even to the extent of replacing problematic machines on site, if necessary. Thus, at that moment in time, importance is placed on the resumption of voting and diminishing the negative impact of the problem, both on voting itself and voters. We will continue to urge the documentation of such matters, in such a manner as to keep boards aware of election day problems and their resolution.

With further regard to items 7 and 8, we question the basis on which any valuable recommendation can be made. Primary day in 2001 was scheduled for September 11, and due to the horrific attack on New York, voting was suspended at approximately 10:00 a.m. This means that the ability to evaluate voting in those few counties which commenced voting at 6:00 AM, was nominal. In those counties in which voting commenced at noon, no evaluation could be made, since the postponement order was issued before most sites were opened. No on-site evaluations were rescheduled or conducted, to the best of our knowledge, for either the new primary or the subsequent general election.

With regard to the statistics provided in the audit report, we recommend the correction of data, including the figures reported for New York City. Total problems there, as reported, numbered 412, of which 84 were in Queens, with 1679 machines in use. In Kings, 169 problems were reported, with 2001 machines in use. We have attached a copy of our 2000 Voting Machine Breakdown Review, as a component of our response. This is an extensive review of data we collected from over 750 cities and towns and 62 county boards of elections. This document further serves to demonstrate our commitment to our responsibilities for and oversight of the electoral process. This summary was provided to your audit team, however we are unable to correlate the figures reported, with those provided in your chart in Exhibit A.

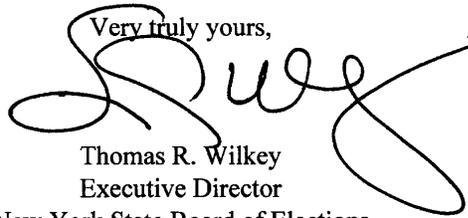
\*  
**Note**  
3

\* See State Comptroller's Notes, Appendix C

In conclusion, the State Board is most anxious to see additional support for its' recommendation for centralized boards of elections, and would welcome the support of the Comptroller in this effort. At present, the State Board's staffing and funding is limited, thus affecting the implementation of a number of our equipment and maintenance initiatives. Only with the consolidation of election equipment and services, can direct lines of responsibility and recourse be drawn. Only when Boards of Elections are funded and staffed at appropriate levels, can the provision of services be standardized and monitored by professionals. Only with this delineation of responsibility, can enforcement become part of the State Board's oversight responsibilities. What baffles many election administrators is that boards of elections are not perceived as full-time, year-round operations. Only when they are recognized in that manner, and are centralized, funded and staffed at that level, will there be single-source solutions to the various situations that occur when jurisdiction and responsibility are shared. When solutions come from one source and the funding that enables the solutions to become a reality, comes from another, the only result is unresolved differences of opinion and a lack of action.

Comments received to date, from participating county boards, are attached. If additional comments are provided to us, we will promptly forward same. Thank you for the opportunity to comment on the audit report.

Very truly yours,

A handwritten signature in black ink, appearing to read 'T. Wilkey', written over the typed name.

Thomas R. Wilkey  
Executive Director

New York State Board of Elections

Attachments:      2000 Voting Machine Breakdown Review  
                          Comments from New York City Board of Elections  
                          Comments from Rockland County Board of Elections  
                          Comments from Orange County Board of Elections  
                          Comments from Suffolk County Board of Elections  
                          Comments from Ulster County Board of Elections  
                          Comments from Otsego County Board of Elections  
                          Comments from Westchester County Board of Elections



TERRENCE C. O'CONNOR  
PRESIDENT  
NANCY MOTTOLA –  
SCHACHER  
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FREDERIC M. UMANE  
VINCENT J. VELLELLA  
STEPHEN H. WEINER  
COMMISSIONERS

## BOARD OF ELECTIONS

IN  
THE CITY OF NEW YORK  
EXECUTIVE OFFICE, 32 BROADWAY  
NEW YORK, NY 10004-1609  
(212) 487-5300  
FAX (212) 487-5349

DANIEL DE FRANCESCO  
EXECUTIVE DIRECTOR

JOSEPH L. GENTILI  
DEPUTY EXECUTIVE  
DIRECTOR

JON R. DEL GIORNO  
ADMINISTRATIVE  
MANAGER

July 30, 2002

Mr. Thomas R. Wilkey  
Executive Director  
New York State Board of Elections  
40 Steuben Street  
Albany, New York 12207-2109

Dear Mr. Wilkey:

The following is the Board of Elections in the City of New York response to audit 2001-S-33 *Maintenance And Repair of the Voting Equipment*. When the Office of the State Comptroller conducted the audit, they approached the New York City Board of Elections and asked to review our best and worst warehouse facility. The overall comments to the "Maintenance and Repair of Voting Equipment" for the City by the State Comptroller was overwhelming positive. However there is a point that must be corrected. Page 12 of the report it implies that the City does not enforce its own internal policies:

"Require the New York City Board of Elections to enforce its own policies regarding the promotion of Voting Machine Technician"

The Board on January 20, 1998 developed the following criteria for its Senior Technicians upgrade.

1. Warehouse Experience – Minimum of four years employment with an evaluation rating of good or better or two years experience with an overall rating of outstanding.
2. Not on probation or suspension.
3. Ability to process paperwork and appropriate documentation, trucking receipts, preventative maintenance reports, police envelopes and seal sheets.
4. Must be able to perform common machine repairs and maintenance such as shear pins, spinning key locks, power cords, paper rolls, adjust party lights, repair officer handle, etc.
5. Ability to diagnose and perform election day repairs and problems, incorrect pins and comps, adjust endorsement, incorrect poll straps, missing or wrong levers and ballots.

\*  
Note  
4

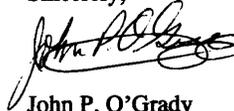
\* See State Comptroller's Notes, Appendix C

6. Must be able to understand a lot sheet, political calendar, candidates list and should have the ability to perform a set-up with these lists and to establish the order of the ballot (for a primary must know what parties are designated on each column).

According to the Boards personnel records all staff that attended and took the Senior Technician upgrade meet the above-mentioned criteria.

Thank you for the opportunity to review and respond to said audit. If you have any questions, please me at (212) 487-5457

Sincerely,



John P. O'Grady  
Chief Voting Machine Technician

Cc: Daniel DeFrancesco, Executive Director  
Joseph Gentili, Deputy Executive Director  
Jon Del Giorno, Administrative Manager



**ROCKLAND COUNTY BOARD OF ELECTIONS**

11 NEW HEMPSTEAD ROAD  
NEW CITY, N.Y. 10956  
(845) 638-5172  
Fax. (845) 638-5196

ANN MARIE KELLY  
Commissioner

KATHLEEN M. PIETANZA  
Deputy Commissioner

JOAN M. SILVESTRI  
Commissioner

RUTH A. VEZZETTI  
Deputy Commissioner

August 1, 2002

Ms. Anna E. Svizzero  
Director of Election Operations  
New York State Board of Elections  
40 Steuben Street  
Albany, NY 12207-2109

Dear Ms. Svizzero:

With reference to the audit completed by the State Comptrollers office during the period of January 1, 2000 through November 30, 2001, this is to advise that the Rockland County Board of Elections was not asked to provide copies of Voting Machine Services certification Certificates. These certificates would have been available on request since it is mandatory that all machine custodians in Rockland County be certified before the Board of Elections confirms them.

A problem log submitted by the custodians after Election Day showing the following was produced upon request.

TOWN, DATE OF ELECTION, TIME CALLED, DISTRICT, LOCATION,  
PROBLEM, TIME COMPLETED

Gerry Gershon, a certified custodian from Clarkstown provided his time to discuss Voting Machine Services and how problems are handled.

Yours truly,

Ann Marie Kelly  
Joan M. Silvestri  
Commissioners of Elections

2002 AUG -5 11:12:33  
NEW YORK STATE  
BOARD OF ELECTIONS  
ALBANY, NY 12242

\*  
Note  
5

AMK:JMS:kp

\* See State Comptroller's Notes, Appendix C

## *Orange County Board of Elections*

25 Court Lane, P.O. Box 30  
Goshen, New York 10924-0030  
Tel: 845-291-2444 Fax: 845-291-2437

SUSAN BAHREN, Commissioner

DAVID C. GREEN, Commissioner

January 10, 2002

Anna E. Svizzero  
Director of Election Operations  
New York State Board of Elections  
40 Steuben Street  
Albany, NY 12207

Dear Anna,

After reviewing the Comptroller's report on voting machines we have a number of observations that we would like to share with the State Board of Elections.

We fully acknowledge and agree with the Comptroller's Office with the need of a preventative maintenance program for the county's voting machine. In our discussions with the Comptroller's office we indicated to them that Orange County was in the process of implementing a maintenance program, that was going to be commenced following the 2001 general election. The first inspection of voting machines is set to begin this month by our machine technicians and the town custodians. Reviewing the Comptroller's report, there is no indication of our discussion with their staff that Orange County had taken the steps to implement a maintenance program.

One comment we do take exception on page 4 to in the report is that "without a written plan or machine maintenance schedule, vendor maintenance services may only cover easily accomplishable aspects of machine maintenance on easily repairable machines". We are not aware of any instances in Orange County where voting machine repair has been neglected on basis that the repair was simply not easy.

The report notes that the individual towns surveyed by the Comptroller's office did not maintain repair records for their voting machines. We will make the request to each town and city in Orange County that they maintain vendor repair records with the town/city clerk for every voting machine. As an additional step we will request that they forward a copy of any repair record to the Board to assist in our Preventative Maintenance Program. However, as long as ownership of the individual machines remains with the local municipality the County Board will not be responsible for maintaining machine repair records.

\*  
**Note**  
6

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**Note**  
6

\*  
**Note**  
6

\* See State Comptroller's Notes, Appendix C

The Comptroller's report makes reference that this county may have machines needing to be overhauled or discarded. Similar to any other county in the State, Orange County is using voting technology that dates back to the 19<sup>th</sup> century and machines at a minimum 30 years old. Based on our experiences on Election Day these machines adequately performed. Many of the problems surfacing on Election Day were inspector related rather than mechanical. Most other problems were repairable by the town custodians. Reducing machine downtime in Orange County is attributed to the annual training provided through our Board to the election custodians. The county's machine technicians hold classes twice each year instructing proper machine set up for the election. In error, the Comptroller's report stated that "custodians are sent for refresher training when it is felt by local municipal officials that training is needed". In Orange County the custodians are directly notified in writing by our Board to the date of training sessions. We have found in Orange County that a number of experienced custodians attend training sessions annually. All new election custodians must attend the training sessions as part of their certification by the Board before working on Election Day.

\*  
**Note**  
6

The report also states that "attendance sheets, class results, and copies of training certificates were not kept on file for all the voting machine custodians throughout the state." This is in error as Orange County provided a list of custodians that attended training to the Comptroller's Office.

\*  
**Note**  
7

This Board agrees with the Comptroller's recommendation to develop a written contingency plan to cover election continuation for machine malfunctions. Such policy will be developed in 2002 and implemented prior this year's election. This written policy will be included in the supplies sent to the polls on Election Day.

If you have any questions or require additional information please feel free to give us a call.

Sincerely,



Susan Bahren



David C. Green  
Commissioners of Election

\* See State Comptroller's Notes, Appendix C



Suffolk County Board of Elections  
P.O. Box 700  
Yaphank, NY 11980-0700  
Office: 516-852-4511  
Fax: 516-852-4590

# facsimile transmittal

**To:** Anna Svizzero **Fax:** 1-518486-4546

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**From:** GG Collins **Date:** 1/11/2002

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**Re:** **Comptroller's Report** **Pages:**

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**CC:**

I read the report and the only thing that I don't understand is where they came up with the numbers for us on page 3. They did not go out in the field, and Dominic did not inspect 50 machines when they were here. Also we had 58 Mechanical breakdowns in November of 2000 not 67.

Have a great week-end and I'll talk to you next week.

*
Note
8



\* See State Comptroller's Notes, Appendix C



**Westchester County Board of Elections**

25 Quarropas Street

White Plains, New York 10601

Telephone 914-995-5700 Fax 914-995-7753/3190

**IN RESPONSE TO REPORT ON VOTING MACHINES:**

**PHONE LOGS (PG. 3): A PHONE LOG IS KEPT BY WESTCHESTER COUNTY BOE. WE HAVE A WORKSHEET THAT IS GENERATED FROM THE PHONE CALLS. WHEN MATERIAL MUST BE DELIVERED TO A POLLING PLACE THIS LOG FACILITATES OUR DRIVER IN DELIVERY OF SUPPLIES, ELECTION INSPECTOR'S NAME, ELECTION DISTRICT NUMBER, STREET NAME, PHONE NUMBER IF ANY, ETC.**

**TECHNICIAN TRAINING (PG.7): THIS IS INCORRECT. WE HAVE A LIST OF WHO ATTENDS, PLUS VOTING MACHINE SERVICES CERTIFIES THE ATTENDEES.**

**CALL-IN LOGS (PG.10): (2 WAYS)**

- 1. ELECTION INSPECTORS CALL THE WESTCHESTER COUNTY BOARD OF ELECTIONS TO REPORT MACHINE PROBLEMS AND ASK TO GO ON EMERGENCY BALLOTS IF NEED BE OR;**
- 2. THEY CALL THE TOWN CLERK, REPORT MACHINE PROBLEM TO THE CLERK, AND THEN THEY CALL THE BOE TO REPORT SAME AND GET PERMISSION FOR EMERGENCY BALLOTS. THE REASON THIS OCCURS SOMETIMES IS BECAUSE THERE IS LIMITED PHONE ACCESSIBILITY AT THE POLLING PLACE.**

.....

**OTSEGO COUNTY  
BOARD OF ELECTIONS**  
197 MAIN ST  
COOPERSTOWN NY 13326  
PHONE (607) 547-4247



# facsimile transmittal

**To:** Anna **Fax:** 518-486-4546

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**From:** Sheila M Ross **Date:** 1/9/02

---

**Re:** Letter for the Grant looks good. **Pages:** 2

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Election Operations

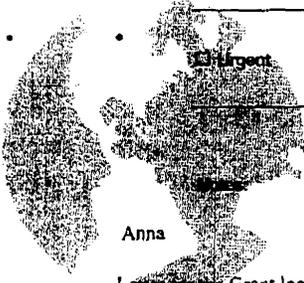
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**CC:**

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Urgent     For Review     Please Comment     Please Reply     Please Recycle

---



Anna

Letter for the Grant looks good.

We have a comment on the Election Operations

Page 8 Otsego County Custodians handle the set up of voting machines in the county with some assistance from town custodians. The only thing the town custodians do is to have the machine or machines cranked up. All of the setting of the machines is done by county custodians. Also the county custodians have sign in sheets for the classes that they did for the town custodians in August for the last three or four years and will have a copy in our office by Monday. We have the list for 2001. As to the three town that did not attend the custodian class we had called and ask you if we would send a letter to the town and tell them that they would not be able to use their town custodian because they had attended any machine class and we were going to advise

.....

them that they were going to have to use our County Custodians and Pay the county custodians the fee that they would have been paid to the town person. The deputy's and the county custodian did machine classes for the election inspectors on October 19th and 22. we sent letters to all inspectors that would be working for the General Election. We did eight classes in two day through the county with classes on printomatic and non printomatic . At that time we found out that some town, the custodian opens and closes the machines for the inspectors . They were very happy the have the class. We at Otsego County would like to see the machines ownership be transferred to our county . If this happened we are not sure where we would store them?

Thanks  
Sheila

**COUNTY OF ULSTER**  
**BOARD OF ELECTIONS**  
284 WALL STREET  
KINGSTON, NEW YORK 12401-3818  
845-334-5470 • FAX 845-334-5434

**THOMAS F. TURCO**  
*Commissioner of Elections*  
845-334-5425

**JOAN M. MILLHAM**  
*Deputy Commissioner*  
845-334-5427



**HARRY M. CASTIGLIONE**  
*Commissioner of Elections*  
845-334-5423

**KATHLEEN CAREY MIHM**  
*Deputy Commissioner*  
845-334-5429

Anna Svizzero  
Director of Election Operations  
NYS Board of Elections

Re: Comptroller's Report on Voting Machines

Dear Anna,

After reviewing the Comptroller's Report we would like to offer the following:

The report and concluding recommendations, in our opinion, are accurate and logical. We would like to see these recommendations put into place, however there are a few issues that need to be addressed. And these issues have been discussed by our Association and brought before the State.

The first recommendation: "transfer ownership of the voting machines to the SBOE or the CBOE's", is the foundation for the rest of the report. With centralized control the task for initiating all the recommendations in this report become possible. We realize a very small number of counties are centralized, however, who is going to take the first step to centralize the election process in the rest of the counties? With centralization we believe there will be more control and greater efficiency. Achieving these benefits does not happen without a price, both financially and regarding interaction between governing entities. Financially, the increased cost to the counties has to be addressed. Are the towns going to reimburse the counties for their share of the process? Are funds going to be available from the State? The hiring of custodians, their salaries, storage and transportation of machines, all Town responsibilities, have to be addressed.

As you can see, the report touches the tip of the iceberg. We would like to improve the election process whenever possible. If we can be of further assistance, please feel free to contact us.

Sincerely

Handwritten signature of Thomas F. Turco.

Thomas F. Turco  
Commissioner of Elections

Handwritten signature of Harry M. Castiglione.

Harry M. Castiglione  
Commissioner of Elections

**"Ulster County Makes it Happen"**

Ulster County Web Site: [www.co.ulster.ny.us](http://www.co.ulster.ny.us)

2000 Voting Machine Breakdown Review												
COUNTY	Number In Use	Number of Problems	Set-up Mistakes	Operation Problems	Failed Straps	Mechanical Breakdown	Other	Length of Interruption	Auto Emergency Ballots	Auto Call Custodians	Call BOE Before	Call BOE After
ALBANY	464	46	2	41	1	7	0	10 to 60 min	YES	YES	X	
ALLEGANY	48	10	4	3	1	0	2	20 to 60 min	NO	NO		X
BROOME	199	9	0	1	0	8	0	1 hr	YES	YES	X	
CATTARAUGUS	92	8	3	3	1	1	0	none	NO	NO	X	
CAYUGA	77	6	3	0	0	1	5	several min	YES	YES	X	
CHTAWAUQUA	157	1	0	3	0	1	0	1hr	YES	YES		X
CHEMUNG	105	10	0	1	0	1	9	15 min	YES	NO	X	
CHENANGO	56	0	0	0	0	0	0	0	N/R	N/R	X	
CLINTON	78	6	2	2	0	4	0	6 1/2 min	YES	YES	X	
COLUMBIA	32	0	0	0	0	0	N/R	10 min	YES	YES		X
CORTLAND	49	4	2	1	0	1	0	a few min	NO	NO	X	
DELAWARE	65	2	2	0	2	0	0	30 min	YES	YES	X	
DUTCHESS	250	17	1	11	0	5	0	15 min	YES	YES		X
ERIE	1054	6	0	0	0	6	15	30 min	YES	YES		
ESSEX	52	3	1	0	0	2	0	30 min	NO	YES	X	
FRANKLIN	49	0	0	0	0	0	0	N/A	YES	NO		X
FULTON	51	6	0	10	0	0	1	5 min	YES	YES	X	
GENESEE	54	1	0	0	0	1	0	25 to 30 min	YES	NO	X	
GREENE	N/R	N/R	N/R	N/R	N/R	N/R	N/R	N/R	YES	YES		X
HAMILTON	13	1	0	0	0	0	0	N/R	NO	NO	X	
HERKIMER	78	0	0	0	0	0	0	N/A	YES	N/R	X	
JEFFERSON	93	9	0	6	0	3	0	10 to 15 min	YES	YES		X
LEWIS	30	2	2	0	1	1	0	30 min	NO	NO	X	
LIVINGSTON	57	0	0	0	0	0	0	N/A	YES	YES		
MADISON	58	4	0	1	0	3	0	5 min	YES	YES	Emer	Cust
MONROE	856	21	0	13	0	2	16	10 to 15 min	NO	NO	X	
MONTGOMERY	53	0	N/A	N/A	N/A	N/A	N/A	N/A	NO	NO	X	
NASSAU	1,350	246	0	46	27	18	N/R	15 min	YES	YES		X
NIAAGARA	184	5	0	3	0	2	0	5 to 10 min	NO	YES	X	
ONEIDA	285	N/R	1	N/R	1	N/R	N/R	30 min	YES	NO		X
ONONDAGA	521	32	4	11	5	12	4	10 min to 1.5 hr	YES	YES		X
ONTARIO	89	0	N/A	N/A	N/A	N/A	N/A	N/A	NO	YES	X	
ORANGE	329	45	7	22	0	16	N/R	1 hr	YES	YES		X
ORLEANS	40	0	0	0	0	0	2	N/A	NO	NO	X	
OSWEGO	123	15	4	6	0	3	0	NONE	YES	YES		X
OTSEGO	72	9	0	2	0	9	3	15 min	Sometimes	Sometimes		
PUTNAM	144	3	2	2	0	1	N/R	15 min	YES	NO	X	
RENSSELAIR	208	16	3	8	1	4	0	20 min	YES	YES	X	
ROCKLAND	290	25	2	19	0	2	N/R	10 min	YES	YES	X	
SARATOGA	217	6	4	2	0	2	0	30 min	YES	YES		X
SCHENY	178	13	5	2	0	7	4	15 to 30 min	NO	YES		X
SCHOHARIE	35	8	0	8	0	1	N/R	minutes	YES	YES		X

2000 Voting Machine Breakdown Review													
COUNTY	Number In Use	Number of Problems	Set-up Mistakes	Operation Problems	Failed Straps	Mechanical Breakdown	Other	Length of Interruption	Auto			Call BOE Before	Call BOE After
									Emergency Ballots	Auto Call Custodians	Emergency Ballots		
SCHUYLER	18	10	3	6	0	0	0	Not Significant	N/A	YES	YES	X	
SENECA	30	2	0	0	0	1	1	NONE	NO	NO	NO	X	
ST LAW	106	2	0	0	0	2	0	1 hr	YES	YES	YES		X
STEBEN	98	3	1	1	0	1	0	2 hrs	YES	YES	YES	N/R	N/R
SUFFOLK	1410	225	2	104	45	67	8	15 min	YES	YES	YES	SAME	SAME
SULLIVAN	79	7	1	2	0	4	0	30 min	N/R	N/R	N/R	X	
TIOGA	49	0	0	0	0	0	0	N/A	N/R	N/R	N/R	X	
TOMPKINS	70	16	6	6	0	3	1	20 min	NO	YES	YES	X	
ULSTER	192	27	0	N/R	N/R	N/R	1	10 min	YES	YES	YES		X
WARREN	64	1	0	0	0	0	1	N/R	YES	YES	YES		X
WASH	54	1	0	0	0	1	0	30 min	YES	YES	YES		X
WAYNE	74	1	0	0	0	0	0	NONE	NO	N/R	N/R	EMER	CUST
WESTCHTR	1102	45	7	N/A	N/A	N/A	0	N/A	NO	YES	YES	X	X
WYOMING	39	6	6	N/R	0	0	0	N/R	YES	YES	YES	X	X
YATES	22	0	0	1	0	0	1	5 to 10 min	YES	YES	YES	X	X
<b>SUB TOTAL</b>	<b>949</b>	<b>398</b>	<b>78</b>	<b>348</b>	<b>85</b>	<b>215</b>	<b>79</b>						
BRX	912	40											
KGS	2001	169											
NY	1445	104											
ONS	1679	84											
RCH	317	15											
<b>NYCTOTAL</b>	<b>6,454</b>	<b>462</b>	<b>189</b>	<b>85</b>	<b>11</b>	<b>459</b>	<b>182</b>	<b>45 to 60 min</b>	<b>YES</b>	<b>YES</b>	<b>YES</b>	<b>SAME</b>	<b>SAME</b>
<b>Grand Total</b>	<b>11,896</b>	<b>1,388</b>	<b>277</b>	<b>482</b>	<b>95</b>	<b>815</b>	<b>255</b>						

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## ***State Comptroller's Notes***

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1. We held one opening conference for two Board of Election audits – the National Voter Registration Act Registration Process, and the Maintenance and Repair of the Voting Equipment. We did so to attain efficiency for Board officials and ourselves whereby we could avoid having two meetings with the same individuals at which we would discuss similar topics. We fully discussed this audit at that meeting during which we outlined our audit scope and objectives and obtained pertinent information. This audit was not mentioned “in a passing manner” or “as an afterthought.”
2. We requested a representation letter whereby State Board officials would have attested to the availability of their records, their system of internal controls, known irregularities, and compliance with certain laws, rules, and regulations. State Board officials could have responded to the extent of their responsibility or modified the letter, as other agencies have done.
3. Although the poll sites were open for a short period on September 11, 2001, it was apparent that the poll workers would have used emergency ballots in the event of a machine malfunction. This process is stated on page 17 of the report. In addition, our conclusions were not based solely on Primary Day observations; we requested the written plan at each of the 13 counties visited and just one county had a written contingency plan. Therefore, our recommendations have merit and should be implemented in an effort to improve the election process.
4. State Board officials declined to comment on recommendation #4. In regard to the fifth recommendation, State Board officials agreed to remind boards to obtain training certificates for vendor-provided training. For in-house training, they will ask that attendance sheets be maintained. They agreed with recommendation #6 but stated that, without funding, it cannot be implemented. We don't think establishing a skill level for technicians requires a great deal of funding, and neither does urging counties and municipalities to supplement training already in place.

The New York City Board of Elections claimed that all staff who took the Senior Technician upgrade met the criteria. We maintain our position that ten of them had not spent a minimum of two years as a Voting Machine Technician.

5. Rockland County officials replied that they were not asked to provide certificates for the custodians. While we did not request the Commissioners of Elections to provide the certificates, we did request the certificates of some of the town officials within Rockland County who did not have the certificates for all of the custodians. A reconciliation of the information on file at the County and Town levels may disclose the differences and the reasons they occurred.

6. The report has been revised to reflect information in the agency's response.
7. The report is not incorrect. Although Orange County had its attendance records, some of the other counties did not have theirs.
8. The information in Exhibit A for Suffolk County represents the number of machines for which we reviewed the log of problems called in during the General Election in 2000 and the resolutions to those problems. The table indicates these are the records we reviewed and does not mention inspections that were done. The source for the number of breakdowns (67) in Suffolk County is from the State Board's statistical breakdown for the 62 counties. This schedule is part of the State Board's response, specifically page B-17.