



New York City Council Member

**DANIEL R. GARODNICK**

Stuyvesant Town / Peter Cooper Village • Waterside Plaza • Turtle Bay / Tudor City • West 50s • Isaacs / Holmes • Upper East Side

**Dear Wendy,**

As you may know, New York's old mechanical lever voting machines -- the kind that hardly changed over 80 years of use -- are being replaced, beginning with the primary elections this September, by optical-scan machines. Your vote will be cast on a "bubble sheet" similar to the ones students use on standardized tests and fed into a machine.

It's a pretty significant change -- but unless the Board of Elections (BOE) makes one more minor change to the system, an estimated **18,000 New Yorkers could have their votes tossed out.**

That's because of how the machines handle "overvoted" ballots -- those where the voter has selected too many candidates. In most jurisdictions across the country where the same machines are used, overvoted ballots are automatically rejected and returned to the voter, often with instructions on how to correct the ballot so the vote will not be voided. We could do this in New York, too, if the BOE would make a simple correction to the machines' settings, one that could be done in a day for no expense.

The Brennan Center for Justice at New York University has already filed a lawsuit on the matter, but we can also help by urging the BOE to protect New Yorkers' votes and to immediately change the machines' current settings. I hope you will join me in writing to the BOE. Below, I have included a sample letter you can use.

Let's make sure that all New Yorkers' votes will count.

Sincerely,

Daniel R. Garodnick

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New York, NY 10017  
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\*\*\*SAMPLE LETTER\*\*\*

Douglas Kellner and James A. Walsh  
Co-Chairs  
New York State Board of Elections  
40 Steuben Street  
Albany, NY 12207-2108

Dear Commissioners Kellner and Walsh:

I am writing because I am concerned that New Yorkers may be prompted to cast an invalid ballot by the new voting machines because of their current settings.

Specifically, I am troubled by the way the new machines handle “overvoted” ballots – ballots the machine won’t read because it believes the voter has selected too many candidates. With the old lever machines, it was impossible to cast a vote for too many candidates. However, the new machines, which are supposed to be a step forward, not only allow overvoting, they even give voters a confusing message that encourages them to “accept” and “cast” ballots that may be invalid.

Most other states like California, Connecticut, Minnesota and Wisconsin program their voting machines to automatically return overvoted ballots so that voters can correct the mistake. The State Board of Elections should give us the same protections that exist in these other states – and in time for the upcoming primary elections in September. I believe this can be easily done.

Please make this simple fix so that every vote will count.

Sincerely,

**[Your name]**

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Dan Garodnick  
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