

July 9, 2010

New York State Board of Elections
40 Steuben Street
Albany, NY 12207-2108

To Whom It May Concern:

It has come to my attention that the voting machines New York will use this fall may result in the invalidation of thousands of New Yorkers' votes.

Many voting rights advocates have expressed concern that the current configuration of the new machines may unintentionally confuse voters, since the machines do not adequately explain that voting twice in the same race (an "overvote") will result in their ballot being voided in the overvoted race. To provide an example of how this can effect an election, several counties in Florida that set their machines the way that the New York machines are set had an overvote rate that was fourteen times higher than that of counties that automatically rejected overvoted ballots (a practice common in the rest of the country). Research suggests the elderly, African Americans, Latinos, and voters not fluent in English are most affected by this setting.

I understand however that there is a simple fix to this potential problem: have the machine automatically reject an overvoted ballot. This can be done by simply checking a box in the "configuration file" for the machines in Albany and does not require any reprogramming of the machines. This small change will cost the State Board of Elections nothing and would preserve thousands of votes.

Such a fix would bring the machines in line with most jurisdictions including California, Connecticut, Minnesota and Wisconsin.

I hope that the New York State Board of Elections will consider implementing this simple fix.

Sincerely,

A handwritten signature in black ink, appearing to read "Brad Lander".

New York City Councilmember Brad Lander
39th District