Douglas W. Jones
816 W. Park Rd
Iowa City, IA 52246
Feb 3, 2022

The Honorable Kathleen Hochul
Governor of the State of New York

The Honorable Carl Heastie & The Honorable Andrea Stewart-Cousins
Speaker of the New York Assembly
Majority Leader of the New York Senate

The Honorable Latrice Walker & The Honorable Senator Zellnor Myrie
Chair of the *New York Assembly Election Law Committee*
Chair of the *New York Senate Elections Committee*

New York State Board of Election Commissioners

     Douglas A. Kellner / Co-Chair

     Peter S. Kosinski / Co-Chair

     Anthony J. Casale / Commissioner

     Andrew J. Spano / Commissioner

Dear Honorable Elected and Election Officials,

Regarding a revision to New York's voting machine laws.

On Feb. 2 1897, Justice Horatio Rogers of the Rhode Island Supreme Court wrote:

> … a voter on this voting machine has no knowledge through his senses that he has accomplished a result. The most that can be said, is, *if* the machine worked as intended, then he has made his hole and voted. It does not seem to me that that is enough.

>   *In re Voting Machine*, 19 R.I. 729, 36 A. 716 (R.I. 1897)

He was objecting to a voting machine that recorded votes on paper inside the machine, but his argument applies broadly to any voting system where the voter's choices are recorded or may be altered by mechanisms inside the machine and not observable by the voter.
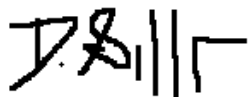
For a century after Judge Rogers wrote this, most of the United States voted on machines that would not have satisfied him. Recently, the situation has been improved by increased use of hand-marked paper ballots. But, a new generation of all-in-one combined ballot-marking devices and scanners threatens this.

These combination devices allow a voter to use a touch-screen to make their choices, print those choices on a ballot or summary card, and then scan the printed result. Some of these can also scan hand-marked paper ballots. The problem is that the printer in most of these machines is on the same paper path used by the scanner, and a voter has "no knowledge through his [or her] senses" that the ballot inserted in the machine for scanning is not in fact altered by the printer on its way to the ballot box.

We have examined the [February 3, 2022B draft of A1115A/S309A](#) and concluded that this legislative proposal takes a responsible approach to banning the further use of such combination devices and phasing out the use of such devices where they are already in use.
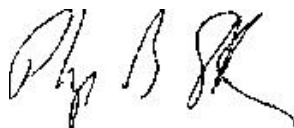
Douglas W. Jones, Dept. of Computer Science, University of Iowa, Retired

David Siffert, Legislative Affairs Committee Chair, Village Independent Democrats,

Adjunct Professor of Clinical Law, NYU School of Law

Philip Stark, Professor of Statistics, University of California

Andrew W. Appel, Professor of Computer Science, Princeton University

Affiliations are listed for identification only

ADDITIONAL SIGNATURES BELOW

We, the undersigned, agree with Professors Jones, Siffert and Stark and urgently request the New York legislature to pass, and the Governor to sign, [A1115A](#)/[S309A](#), commonly referred to as the Protect Our Ballots Act.

This bill must pass **as soon as possible** to protect New York voters from voting machines that security experts say can add votes to individual paper ballots after the voter casts their ballot. These voting machines are proliferating around our state, even as experts warn about the "[extraordinary risks](#)" they pose. Any delay in the passage of this bill opens the door for more risky voting machines to be certified. Experts are calling that "[a disaster."](#) We must protect the integrity of our elections and the confidence of our voters. Please take action today.

The Protect Our Ballots Act will set high standards for New York voting machines, and establish New York as a leader on election security. It ensures that:
- No additional voting machines will be purchased or certified that have the ability to change votes on a paper ballot.
- NY voters will have the option to vote with a hand-marked paper ballot or a non-tabulating ballot-marking device in every polling place. (Strongly recommended by security experts.)
- Voting machines will not encode votes on ballots with barcodes or QR codes.

Time is running out. We strongly encourage the New York Legislature to pass this bill and for Governor Hochul to sign it into law immediately.

Sincerely,

Elections, Election Security, Auditing and Technology Experts*
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Michigan Election Reform Alliance

NYPAN - New York Progressive Action Network

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Stand Up America

Village Independent Democrats