



# MEMO OF SUPPORT

## [A3992 \(Carroll\) / S2385 \(Myrie\)](#)

### *Bans Hybrid Voting Machines*

May 3, 2023

#### **TITLE OF BILL**

An act to amend the election law, in relation to construction of and requirements for voting machines and systems.

#### **SUMMARY OF PROVISIONS**

Section 1 adds a new section 28 to Election Law §7-104 requiring ballots to be printed on durable paper, and defines “durable paper.”

Section 2 amends Election Law Section 7-200(1) to eliminate the rule that limits local boards of election to using just two types of voting machines at a single election.

Section 3 amends paragraphs (b), (e), and (j) in Election Law §7-202(1) to prohibit machines that do not accept paper ballots, give voters the right to vote on hand-marked paper ballots or “nontabulating ballot marking devices” (which is defined), and provide that paper ballots are retained in a way designed to protect voter privacy. It also amends paragraphs (s) and (t) adds new paragraphs (u), (v), and (w) to ban machines that can add unauthorized votes to ballots, bar certification of hybrid voting machines, and prohibit voting machines from encoding votes with recording codes (bar codes, QR codes, etc.) that cannot be verified by the voter without a code-reading device.

Section 4 amends subdivision 4 and adds a new subdivision 5 to Election Law 7-202 to require local boards of election to purchase ballot scanners and nontabulating ballot marking devices, eliminate the option to purchase direct recording electronic voting machines, and require local boards of election to give voters the option to mark paper ballots by either hand or nontabulating ballot marking devices.

Section 5 states that the bill takes effect immediately, with some exceptions for local boards of elections that have already purchased hybrid machines.

### **STATEMENT OF SUPPORT**

Reinvent Albany supports this bill because we believe that banning hybrid voting machines will improve election security in New York State.

Experts have found that hybrid voting machines pose serious election security risks, as they can be [infected by malware](#) and [are difficult to confirm by audit](#). The machines allow for ballots to be both marked and scanned on a single device, making it possible for paper ballots to be marked after they are inserted into a machine. If a machine became infected and marked voters' ballots, entire elections could be thrown into turmoil.

New York should ban the machines, which have already led to controversies in states such as [Pennsylvania](#) and [Georgia](#). The voting fiascos of the past decade have repeatedly tested New Yorkers' trust in our elections, and hybrid voting machines threaten to undermine that trust even further.

We urge the Legislature to pass the bill.