Board Of Elections Could Be Sued Over Lever Voting Machines Plan

Posted on Jul 16, Posted by Chester Soria Category City

UPDATED: *Board of Elections Says Disabled Voters Will Get Help-at Polls*

The Board of Elections is bracing for any potential lawsuits over its plan to bring back lever voting machines for the primary and possible runoff.

The BOE's commissioners voted to pass a revised resolution on the plan for the lever voting machines at a public meeting today, with Board President Frederic M. Umane saying that new language would be "helpful" in case the agency got sued over the plan.

"It's been suggested that there could be litigation over this and it might be helpful to lay out and delineate, to a greater extent than what we did last week, some of the concerns and reasons why we want to be using the lever machines and not the optical scanners," Umane said earlier today before the commissioners voted to approve.

Civil rights and good government groups have criticized the plan for bringing back the lever voting machines. The BOE has said that the optical voting machines are too unwieldy to use for the mayoral primary this year or for the runoff.

James Weisman, senior vice president and senior counsel at the United Spinal Association, said his organization was considering taking legal steps to stop the BOE from using the machines that date back decades.

"It's definitely on the table," he said, adding that there were numerous reasons why the lever voting machines were problematic for people with disabilities. People without manual dexterity can't pull them down and blind people can't read them, for instance, he said.

"It's unfortunate that they just keep disregarding the needs and rights of people with disabilities," Weisman said of the board.

The United Spinal Association is currently litigating a federal case against the BOE. The organization has accused the city of failing to take steps to make sure disabled voters have access to poll sites and that poll workers are sufficiently trained to assist them.

Weisman recalled what it was like for disabled voters to go to the polls when they had no choice but to use the lever voting machines.

"Either they took a poll worker in the booth with them to vote with them and so they had no privacy, or they brought a friend with them," he said.

At today's hearing of the BOE commissioners, board attorney Steve Richman complained that the new language of the resolution was formulated with input from the city's Law Department.

"I think it's a bad precedent for the board to take direction from the mayor or the Corporation Counsel," he said at the meeting.

Richman authored the original resolution.

"They don't want to have their fingerprints on this," Richman added. "So I just wanted to put on the record that it's a concern for us — that an independent agency taking direction this way — that this was made through less-than open and free communication in public

Board spokeswoman Valerie Vasquez confirmed that the Law Department regularly provides advice as a preventative measure against lawsuits.

The Law Department said it did not comment on attorney-client matters.

Tags: Tagged in: board of elections elections