

# The Election Center

national association of election and voter registration officials

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03/01/06 Member Alert

Members:

Today the Justice Department filed suit against the State of New York, so you are informed of the actions of the Justice Department we have made the full press release available below.

[WWW.USDOJ.GOV](http://WWW.USDOJ.GOV)

JUSTICE DEPARTMENT SUES NEW YORK STATE OVER VOTING RIGHTS

Lawsuit Seeks to Vindicate Rights of Disabled Voters and Federal Election Reform Efforts

WASHINGTON, D.C. - The Justice Department announced today that it has filed suit against the State of New York alleging violations of the Help America Vote Act of 2002 (HAVA). The lawsuit was filed in the U.S. District Court for the Northern District of New York, in Albany.

The government's complaint contends that the state has failed to comply with two of HAVA's requirements governing federal elections: that states (i) adopt voting systems that are fully accessible by disabled voters and are capable of generating a permanent paper record that can be manually audited, and (ii) create a statewide computerized voter registration database. The lawsuit is the first filed to vindicate these important federal obligations.

"HAVA contains important reforms designed to ensure that elections for federal office will both allow access to all voters and ensure the integrity of the process," said Wan J. Kim, Assistant Attorney General for Civil Rights. "We believe today's lawsuit will help ensure that New York voters enjoy the benefits of these important reforms."

HAVA was enacted with bipartisan support after the 2000 presidential election and was signed into law by President Bush on October 29, 2002. States had nearly three years to comply with the provisions enforced under today's lawsuit, which took effect January 1, 2006.

This suit is the culmination of an extensive effort by the Civil Rights Division to ensure timely and full implementation of HAVA. The Division met with representatives from states around the country to appraise and assist with their implementation efforts. As part of this process, the Division closely reviewed New York officials' steps to comply with HAVA. The Division repeatedly urged to New York to come into compliance on a voluntary basis. As of the January 1, 2006 deadline, however, New York was not close to compliance with either provision.

HAVA was the first federal statute to provide federal funds to states to support reform of federal elections. As the government's complaint alleges, New York received approximately \$221 million to assist its implementation of HAVA's requirements. This included more than \$49 million specifically designated to assist the state replace its lever voting machines. Under HAVA, New York stands to lose these earmarked funds if it fails to replace these machines by the September 2006 primary election.

Today's lawsuit seeks a determination that the State of New York is not in compliance with HAVA's voting systems and database requirements, and an order requiring the state to submit promptly a plan demonstrating how it will come into full compliance.