

Open Source Election
Technology Institute Inc.
530 Lytton Avenue, 2nd Floor
Palo Alto, California 94301 USA
+1.650.600.1450
hello@osetinstitute.org



Monday, 20 June 2022

Hon. Zellnor Y. Myrie

Chairman of the NY Senate Election Committee
New York State Senate
188 State Street., Legislative Office Bldg. Room 903
Albany, NY 12247

Hon. Latrice M. Walker

Chairwoman of the Assembly Election Committee
New York State Assembly
188 State Street, Legislative Office Bldg. Room 713
Albany, NY 12248

Hon. Emily Gallagher

New York State Assembly
188 State Street, Legislative Office Bldg. Room 818
Albany, NY 12248

Hon. Robert C. Carroll

New York State Assembly
188 State Street, Legislative Office Bldg. Room 557
Albany, NY 12248

CC:

Mr. Douglas A. Kellner

Co-Chair of the New York State Board of Elections
New York State Board of Elections
40 North Pearl Street, Suite 5
Albany, NY 12207-2729

Mr. Matthew Baer

Director of Policy and Communication for NY State Senator
Zellnor Myrie
188 State Street., Legislative Office Bldg. Room 903
Albany, NY 12247

Hon. Carl E. Heastie

Speaker of the New York State Assembly
New York State Assembly
188 State Street, Legislative Office Bldg. Room 932
Albany, NY 12248

Hon. Zohran K. Mamdani

New York State Assembly
188 State Street, Legislative Office Bldg. Room 523
Albany, NY 12248

Joy London, Esq.

Associate General Counsel – Government Affairs
OSET Institute, Inc.
530 Lytton Avenue, 2nd Floor
Palo Alto, CA 94301-1541 USA

RE: A1115C – Relates to construction of voting machines and systems

Greetings –

Allow me to introduce myself. My name is [Gregory Miller](#), and I am the Co-Founder and Chief Operating Officer of the [Open-Source Election Technology Institute](#) (“OSET Institute”), a 501(c)(3) nonprofit, nonpartisan election technology research organization based in Silicon Valley. The Institute works nationwide, and even worldwide, to research and develop publicly-owned election administration technology, advise on election cybersecurity matters, and in general, increase understanding of electoral technology and ensure its verifiability, accuracy, security, and transparency. In the latter capacity, we seek to inform *not* influence—we are an educational resource comprised of leading election administration subject matter experts.

We are aware that [Bill A1115C](#)¹ relating to the construction of voting machine and systems was *not* given a vote in the Assembly, even though [S309](#),² the Senate’s version of the bill passed. The Institute would like to go on record with our support of *both* A1115C and S309.

¹ <https://www.nysenate.gov/legislation/bills/2021/A1115>

² <https://www.nysenate.gov/legislation/bills/2021/S309>



That stated, we are available as subject matter experts pertaining to the issues raised in these bills. We're here to help as an educational advisor; as a 501(3)(3) organization, we have no legal capacity to lobby for or against any legislation, only to offer information to empower fully-informed decisions. And we believe this is important given the surprising outcome of the Assembly Bill failing to even successfully exit committee for unclear reasons.

Of note, the arguments asserted by [Hazel Dukes](#), President of the NAACP—New York Conference regarding voters with disabilities, we believe invite further discussion. Currently, our Institute is involved in a large project to build absentee ballot marking devices for voters with accessibility requirements. You may want to read more about ensuring equal protection of access to the ballot for voters with disabilities in a paper³ that catalyzed our current work, published by [E. John Sebes](#), the OSET Institute's Chief Technology Officer.

Moreover, we found it equally unclear why the New York NAACP Conference has taken the position it has while its colleague organization, the North Carolina chapter of the NAACP, publicly opposed the ES&S ExpressVote XL in a 2020 lawsuit.⁴ One might summarily conclude its two separate situations—until the case is reviewed in more detail.⁵

Finally, by way of your reference of our organization, please note that [Douglas Kellner](#), [Co-Chair of the New York State Board of Elections](#), who is also a supporter of this bill, knows the OSET Institute, and our work.

In conclusion, we believe the Institute can be a valuable asset to all sides to examine, assess, and advise on these means of ballot marking and casting—a perusal of our research papers will provide evidence to this point, available at <https://osetinstitute.org/research/>.⁶

Considering the terrible lack of confidence in elections and their outcomes today, exacerbated by the events of January 6 2021, we urge the State of New York to take every possible step to ensuring both:

- Ease of access to the ballot for voters with disabilities, as well as
- A durable complete paper ballot of record with human-readable evidence of voter intent, to support post-election (risk-limiting) audits.

Please let me know if we can help your further pursuits of this matter.

Respectfully,

Gregory A. Miller

Co-Founder & Chief Operating Officer

gam@osetinstitute.org | +1 503.703.5150

³ <https://www.osetinstitute.org/research/2021/29/10/accessibilitypaper>

⁴ <https://www.courthousenews.com/naacp-sues-north-carolina-over-new-voting-machines/>

⁵ https://bit.ly/NAACP-NC_lawsuit-ExpressVote

⁶ For a specific relevant example: <https://www.osetinstitute.org/research/2019/02/01/pvrprinciples/>