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Privacy Issues Raised During the
New York State Voting Machine Pilot Project

A recurring report from many pilot counties was that voters felt their privacy was violated while marking and scanning ballots. Not only was this a recurring theme in media reports from pilot counties around New York State, but the State Board of Elections reported on it at the November 10, 2009 Commissioners meeting.

Some of the privacy issues reported noted:

1. People standing in the polling place could see over a voter's shoulder while they were marking ballots.
2. Ballots were exposed to view while carrying completed ballots from the privacy booth to the scanner.
3. Poll workers stood too close to the scanner while voters were scanning their ballots.

Privacy Problem Causes

Certainly some of the reports of privacy violations have to do with the difference between the old lever machines, where the voter was fully hidden by a curtain, and paper ballots, which must be moved from a privacy booth to scanner. But many reports have real causes such as improper polling place setup, or failure to use privacy sleeves. Some of the causes of the issues noted above are, respectively:

1. Privacy booths were positioned in a way that permitted others in the polling place to see into the booth.
2. Privacy sleeves, which cover completed ballots in transit to the scanner, were not offered to voters.
3. Poll workers, in most cases in attempting to be helpful, stood too close to the voter while they were scanning their ballots. This was exacerbated when privacy sleeves were not used, so that returned ballots were exposed.

Possible Solutions

To some extent these problems will be resolved with time, as the paper ballot system becomes more familiar to voters and poll workers. Insofar as they are not caused by unfamiliarity, some solutions are readily suggest themselves and should be easy to implement. Suggested solutions to issues noted above, respectively:

1. In polling places with sufficient room, position privacy booths so they are a minimum of 15 feet away from tables, lines of voters, or other persons. In polling places with less room, position privacy booths so they face a wall or other barrier, not facing out to the public area.
2. Train poll workers in the proper use of privacy sleeves, and ensure they are provided to all voters.
3. Require that poll workers stand a minimum of 6 feet away from a voter scanning a ballot, and that they only approach the scanner at a voter's explicit request, and only when the ballot is properly inserted in a privacy sleeve.