



**Update on Lobby Spending of Voting Machine Vendors:  
*Lobbying by Voting Machine Vendors Continues as NYSBOE Works on  
Final Machine Regulations***

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January 25, 2005: Today, Common Cause/NY released updated data showing that voting machine vendors have spent \$1.47 million dollars lobbying in New York on voting issues since 2002.

While the Department Of Justice considers legal action against the state for failing to implement the federal Help America Vote Act in a timely fashion and the public waits anxiously to hear what voting systems will be certified by the State Board of Elections for use in NYS, voting machine vendors have continued to retain insider lobbyists to make their voices heard in Albany.

The New York State legislature finally passed a package of bills implementing HAVA late in the 2005 session, but that hasn't stopped voting machine vendors from continuing their lobby efforts. The vendors reported lobbying throughout the fall and winter of 2005, citing state and local Boards of Elections as well as the Executive Branch and other lawmakers as targets of their efforts.

The lobbying continues because the decision on what voting machine will be used in New York State has yet to be made. Instead of taking the opportunity to select a single machine for use throughout the state at the end of the 2005 session, the State Legislature punted this decision to the State Board of Elections (which must certify a list of machines for use in the state) and, ultimately, to localities that must choose a machine from the state list. The State Board of Election has yet to certify any voting systems, and the localities have been left in limbo.

Sequoia Voting Systems leads the pack among machine lobbyists, having spent \$523,822 since 2002. Election Systems and Software comes in second, spending \$299,133. Diebold Election Systems spent \$275,000, coming in third, but the company terminated its contracts in 2004. Danaher Controls, Inc (\$162,500) and Liberty Election Systems (\$96,753) trail behind, and Vote Here, Inc and Accupoll, Inc and Voting Machine Services Center, Inc. come in last spending \$55,000 and \$42,283 and \$15,000 respectively.

“When we see voting machine vendors spending almost a million and a half dollars to lobby in our state over the past few years, we have to wonder whether this spending impacted the Legislature’s decision to avoid selecting a voting machine themselves by punting the question down to the State Board and localities. Furthermore, it raises concerns that the continued lobbying by these companies is impacting the choices the State and Local Boards are making. This is too important a decision to be decided by insiders with a profit motive rather than by the public that will be voting on these machines for generations to come,” stated Rachel Leon, Executive Director of Common Cause/NY.

Common Cause/NY last released research on voting machine vendor lobbying in June, 2005 and has updated this data through the last lobbyist disclosure filing for 2005. The group found that in the last six months, voting machine vendors have spent \$207,293 beyond the total that was reached in June of last year. All told, from 2002 through December, 2005, voting machine vendors have spent a total of \$1,469,402 lobbying in New York.

Voting machines vendors spent \$468,436 lobbying in 2005, which is just short of their peak of \$491,713 in 2004. However, the average vendor spent more in 2005 (\$93,687) than in any prior year--\$81,967 in 2004, \$78,875 in 2003 and \$36,000 in 2002. This change is largely due to the fact that several vendors terminated their contracts in 2005 after it became clear that the state legislature would not revoke the full-face ballot requirement (which severely limits the number of voting technologies the state can consider), while all of the remaining vendors increased their spending.

Vendors currently lobbying in NYS include: Danaher Controls, Election Systems and Software, Liberty Election Systems, and Sequoia Voting Systems.

In an interesting development, only two of the vendors to date have registered with the Lobby Commission notifying the state of their so-called “procurement” lobbying, or lobbying for state contracts. Both Liberty Election Systems, LLC (as represented by Featherstonhaugh, Wiley, Clyne and Cordo, LLP) and Sequoia Voting Systems, Inc (as represented by Patricia Lynch Associates) have registered to undertake both procurement and non-procurement lobbying as defined by the new lobbying law which went into effect on January 1, 2006.

It is too early to tell if spending patterns will change based on the new procurement law, and it is unclear how enforcement will unfold this year. Nevertheless, the Lobby Commission has made it clear that lobbyists must be registering as of January, 2006 if they fall under the new procurement definition, and this year may well represent a first chance to learn what additional sums voting machine vendors might be spending to secure what will be a very valuable contract to provide voting machines to our state.