

SEEC Statement Concerning Importance of VVPAT (Voter Verified Paper Audit Trail)

The State Elections Enforcement Commission *unanimously* endorsed the requirement that direct recording electronic voting machines—DREs--used in Connecticut should be required by state statute to include a Voter Verified Paper Audit Trail (VVPAT) printed in real time concurrent with each elector's casting of a ballot. The malfunction problems of DRE voting systems experienced all over the country through the 2004 presidential election have led a substantial number of *independent* computer security experts to conclude that DRE voting machines pose vulnerabilities that may be mitigated only by real-time voter-verified paper audit trail (VVPAT). This issue is emerging as the number one democracy issue of our day and is crucial to maintaining the public's continued confidence in the integrity of Connecticut elections.

In Cartaret County North Carolina, on November 2nd, 2004, 4,532 voters lost their votes permanently on a DRE voting machine because the computer stopped tabulating ballots after the first 3,005 voters entered the voting machine. This has resulted in a new election being called in the state of North Carolina *for a statewide office*. The Commission does not want this to happen in Connecticut in 2006, or at any other time--*ever*. MSNBC prime time news anchor Keith Olbermann described this and other failures as "dodging a bullet" because the DRE voting failures did not make a difference in the pluralities for the 2004 presidential contest; otherwise the nation would have been right back in the Electoral College nightmare of Florida 2000. But despite the fact that catastrophic failure didn't happen a second time to our democracy, *North Carolinians* are alarmed by the failure that affected the legitimacy of the outcome in one statewide race--as they should be! I respectfully submit that it is *irresponsible* to continue to risk the public's confidence in the integrity of election outcomes by not requiring the Voter Verified Paper Audit Trail recommended by computer experts. The President of the Unilect Corporation that manufactured the particular DRE voting machine that failed in North Carolina wrote to the Executive Director of the North Carolina State Board of Elections on November 5, 2004 explaining the defect and saying: "We can only hope and pray that these uncounted ballots will not make a difference in any race." He was wrong, **it did**. I am attaching a copy of that letter.

Presidents Jimmy Carter and Gerald Ford, who co-chaired the National Commission on Federal Election Reform established in response to the 2000 presidential election, both fully endorsed Voter Verified Paper Audit trail on DRE voting machines as an integral part of that committee's report and recommendations to the Congress. Ensuring the integrity of elections through VVPAT is a bi-partisan issue affecting all candidates and political parties. There are *many* disappointed candidates from both major parties that attribute their electoral losses to electronic voting machine failures, like former Attorney General Janet Reno in her gubernatorial loss in the 2002 Florida Democratic primary to Bill McBride, and Republican United States Senator John Ensign who lost his first race for the U.S. Senate in 1998 to Democratic incumbent Harry Reid. I am also enclosing a copy of the first two pages of the Fairfax County Republican Committee's Report concerning a failed 2003 election for board of education in which candidate selections on

DREs for one of their candidates were not “staying lit” as well a resolution from the Democratic National Committee derived from similar experiences with touchscreen voting machines. VVPAT is an idea whose day has come, is embraced by all sides--it is a truly non-partisan/bipartisan issue.

There are 7 states—Alaska, California, Illinois, Maine, Ohio, Vermont and New Hampshire--that currently require VVPAT. With the exception of New Hampshire, I am providing the committee with the world wide web links to those statutes:

>Alaska, HB-459
>http://www.legislature.state.oh.us/bills.cfm?ID=125_HB_262
>
>California, SB 1438:
>http://info.sen.ca.gov/cgi-bin/postquery?bill_number=sb_1438&sess=PREV&house=B&site=sen
>
>Illinois, Public 093-574 (this is VERY long, relevant section begins on page 130)
><http://www.ilga.gov/legislation/publicacts/fulltext.asp?name=093-0574&GA=093>
>
>Maine, LD-1759
>http://www.mainelegislature.org/legis/bills_121st/LD.asp?LD=1759
>
>Ohio, HB-262:
>http://www.legislature.state.oh.us/bills.cfm?ID=125_HB_262

Vermont, Vermont [S. 0202](#), enacted 4/15/2004.
<http://www.leg.state.vt.us/docs/legdoc.cfm?URL=/docs/2004/acts/ACT094.HTM>

In addition, State-level legislation that has been introduced in the current legislative session of 12 states, including Connecticut, which are pending, as follows, with links provided:

Arizona [HB 2491](#), introduced 1/12/2005 and [SB 1342](#), introduced 1/27/2005

Arkansas [HB 1360](#), introduced 2/1/2005

Colorado [SB05-79](#), introduced 1/17/2005.

Connecticut [S.B. 55](#), introduced 1/5/2005.

Florida [S. 504](#), introduced 12/5/2004.

Hawaii [HB 1740](#), introduced 1/27/2005 and [SB 1325](#), introduced 1/27/2005

Maryland [SB 9](#), introduced 1/12/2005.

New Jersey [S 2627](#), introduced 5/3/2004 and [S 1583](#), introduced 5/10/2004.

New York [S 1669](#), introduced 2/1/2005.

Texas [SB 94](#), introduced 11/16/2004.

Virginia [HB 1549](#), introduced 1/12/2005.

Washington [HB 1025](#), introduced 1/10/2005 and [SB 5395](#), introduced 1/24/2005

At least three other states—Washington, Nevada, and Missouri—require voter verified paper audit trail by direction of their chief state election official through administrative regulation or executive order.

States that have acquired DRE voting systems with VVPAT have done so utilizing HAVA federal grant funds. The federal Election Assistance Commission (EAC), established by the Help America Vote Act of 2002 (HAVA), is aware of this and the Commission has received assurances from both the Executive Director of the EAC and its General Counsel that the EAC will *not* pull back HAVA funds if a state, such as Connecticut, purchases DREs equipped with VVPAT. Any future EAC voting system standards, like those issued in 1990 and 2002 by the Federal Elections Commission, are only *voluntary*, not *mandatory*, guidelines. It is the EAC's *expectation* that the election officials will be purchasing voting equipment that conform to their own election codes: like the full-face ballot, which is the unique law requirement of Connecticut and New York, and like a voter verified paper audit trail, which the Commission urges on this Assembly. Further, neither Conn. Gen. Stats. §9-241 or the Secretary of the State's Regulations, found at Reg. of Conn. State Agencies §9-241-1, requires the Secretary of the State to meet the voluntary standards enunciated in the future by the Election Assistance Commission--that would require a statutory/regulatory change. In this regard, Reg. of Conn. State Agencies §9-241-1 states that the Secretary of the State may approve only direct recording electronic voting machines accredited by the National Association of State Election Directors as meeting the voluntary performance standards adopted by the Federal Election Commission on January 25, 1990, as amended from time to time. The Connecticut Regulations and statutes are *silent* as to any voluntary performance standards adopted by the newly created Election Assistance Commission. In this regard, the EAC in their future regulations may disapprove *all* of the current round of DREs being offered for sale to the states because many of them tabulate the vote on secret, proprietary software code that the companies will not disclose to even a federal court. This is quite controversial, runs contrary to the recommendations of the CALTECH/MIT Voting study of 2001, and is likely to be subject to overhaul by the EAC and the National Institute of Standards and Technology (NIST), which has a giant role in the development of future EAC standards.

Only a *real time paper record* that confirms each elector's choices as indicated on the electronic screen display, and that provides the elector with an opportunity for correction before casting a ballot, can give the public the necessary assurance that every vote will be counted and that there will be a fully auditable paper record against which the electronic vote tabulation can be compared. VVPAT voting systems have audio components for the sight impaired voter, which the United States Department of Justice has consistently stated fully complies with the accessibility requirements of HAVA and the ADA (Americans With Disabilities Act). The Commission *urges* this Assembly to enact Senate Bill 55, *An Act Promoting Voting System Accuracy, Integrity and Security Through Voter-Verified Paper Records*.