

June 15, 2005

New Voting Machine Update for Connecticut Municipalities

Why does Connecticut have to buy new voting machines?

By January 1, 2006, the HAVA (Help America Vote Act) requires that each polling place have one machine that allows persons with disabilities, including non-visual accessibility for the blind and visually impaired, to vote privately and independently in a manner that provides the same opportunity for access and participation enjoyed by non-disabled voters. The Secretary of the State's Office (SOTS) has issued an RFP (request for proposal) to purchase 771 voting machines (one machine for each of Connecticut's 769 polling places and two machines for the SOTS).

What are federal Help America Vote Act voting machine requirements?

In addition to HAVA mandating that by January 1, 2006, each polling place have one voting machine available that is accessible for individuals with disabilities, HAVA also requires that all voting systems 1) permit the voter to verify selections in a private and independent manner, 2) provide the voter the opportunity to change their choices before the ballot is cast and 3) produce a permanent paper record (with a manual audit capacity) of the total votes cast after the election. *Since all of the requirements found in HAVA are federal law, the State of Connecticut must comply with its provisions or face review by the Department of Justice.*

Does HAVA mandate that there be more than one machine per polling place that is accessible to persons with disabilities?

HAVA mandates that each polling place in the country have at least ONE accessible voting machine in place by 1/1/06 so that persons with disabilities can vote privately and independently. This one machine will be in addition to the number of lever machines already in use at each polling place.

Did Connecticut receive enough federal funds to comply with HAVA and to replace all lever voting machines in the state?

The SOTS received approximately \$33 million in federal funding that will be used to purchase the accessible voting machines by 1/1/06 as required by HAVA. Since the SOTS is still in the process of reviewing bids, the cost per voting machine is not yet known. Once that figure is known, the SOTS can determine if the remaining \$33 million in federal funding is sufficient to replace all lever voting machines.

Do lever voting machines meet federal HAVA requirements?

The fate of remaining lever machines is still unknown, however, it is very likely that they will not meet the federal audit requirements of HAVA. *While HAVA does not specifically prohibit their use, HAVA does require that any machine used in a federal election produce a paper record of the total votes cast after the election. We are aware that a number of lever machines do produce this record by use of the "Print-o-Matic" function and that several more can be retrofitted to use this function as well.* The Voting Machine Service Center, a business that services lever machines, testified that they have a "Print-o-Matic" attachment to the lever machine that produces the audit capacity required under HAVA. The SOTS wrote to the Voting Machine Service Center in 2003 asking them to outline how the lever voting machine can be retrofitted to meet this requirement. The SOTS did not receive a response from the Voting Machine Service Center, therefore, many of the lever machines in their current form do not meet the audit trail capacity requirement found in HAVA.

What will happen to the lever voting machines?

Municipalities Do NOT need to replace all lever voting machines by 1/1/06. SOTS will purchase one machine per polling place prior to the federal 1/1/06 deadline with federal funds already received.

Will the new voting machines have a full-faced ballot like the lever machines?

Yes. Connecticut General Statutes mandate that all voting machines used in the state must have a full-faced ballot. In other words, the voter must be able to see or hear all candidates on the same screen.

Can lever machines still be used for elections held after 1/1/06?

Yes. Lever voting machines can still be used for elections held in 2006. However, after 2007, lever machines must meet the minimum standards established pursuant to HAVA, the most significant of which is to produce a paper record of the vote totals at the end of the election. Unless the lever machines can be retrofitted to meet these requirements, municipalities will be forced to replace the machines. Municipalities have the option to take advantage of the remaining federal HAVA funds and purchase electronic machines from the current RFP. *In addition, HAVA does not allow towns to use federal HAVA money to upgrade lever machines under any circumstance.* Towns will have to use municipal funds to upgrade their lever voting machines in order to meet the federal HAVA requirements of a paper record of the total number of votes at the end of the election. If municipalities chose to retrofit existing lever machines with the "Print-o-Matic" function, they must do so with existing municipal funds.

Will Optical Scan Voting Machines be considered for purchase?

Any voting machine vendor could have submitted a bid on Connecticut's voting machine purchase if they believed that their systems fully complied with both Connecticut Election Law and existing Federal Law. In addition, our General

Statutes require that ANY voting machines used in an election must have federal certification and this federal certification must have been received prior to submitting a bid for the RFP. Even though some vendors may have been in the process of applying for federal certification at the time of the RFP, they must have had federal certification prior to submitting a bid.

What happens at the polling place on Election Day when a person with disabilities enters the polling place to vote?

The voter will be directed to the new voting machine since that machine is accessible to persons with disabilities. Poll workers will be trained on how to interact with persons with disabilities.

Will there be a spare new voting machine at each polling place in case it is needed?

HAVA does not mandate that a spare accessible voting machine be available at each polling place. However, Connecticut Law requires that either a spare be available (based on the population of voters) or emergency paper ballots be on hand in case of a system failure. In addition, our RFP for new voting machines requires each vendor to describe where the spare machines will be stored and how the machine will be delivered if necessary.

How do we know that the machines are secure and that votes are counted accurately?

Each machine, at the minimum, will have three layers of protection for each vote. First, each machine will print a paper audit trail that gives the poll worker the total numbers of votes cast (vote by vote) on that machine at the end of the election. Second, the removable flash memory card located in the machine contains the total number of votes cast. Third, the internal memory of the machine also contains the total number of votes cast. In case of a discrepancy regarding the total number of voters, the registrar of voters can review all of these methods.

Will the machines be audited?

If there is a discrepancy at the end of the election between the number of votes cast on the machine and the number of voters that were checked off the voter registration list, the registrar of voters would audit the machine by reviewing the paper audit trail, the removable flash memory card and the internal system hard drive.

How will a recount on a new machine be handled?

In the event of a recount, the total number of votes cast on a new voting machine will be reviewed just like they are on a lever voting machine.

What must municipalities do to prepare for the new voting machines?

It is vital that municipalities have accurately reported the correct number of polling places in their town to the SOTS because it is this number that will dictate

how many machines each town will receive. For example, if a town reported that it has 10 polling places, it will receive 10 machines.

How much money does the town need to appropriate in its local budget?

Municipalities DO NOT need to purchase these machines or appropriate funds to purchase the “one per polling place” machines. The SOTS received approximately \$33 million in federal funding that will be used to purchase these machines.

Will there be any hidden costs for the municipality?

Since a municipality already pays for the cost of printing materials, moderator training, and storage of the lever voting machines, there will very few additional costs above what a municipality already budgets for these items. These additional costs may be printer paper, computer disks and related items.

How much does a new voting machine cost?

It will depend on the make and model of the machine. The State of Connecticut is purchasing all 771 voting machines in order to increase our buying power with the price of the machines.

What is the timeline for use of new voting machines?

The new voting machines will be delivered to municipalities before the 1/1/06 HAVA-mandated deadline and will be available for use in any federal election held after 1/1/06. Therefore, the initial goal for use of new voting machines for the November 2005 election has been changed. Since multiple vendors have submitted bids to the state, their review and evaluation is very lengthy. The RFP Evaluation Team is in the process of rating all bids to ensure that the voting machines meet the federal Help America Vote Act requirements and have passed all federal and state certification. In addition, proper training and education is imperative prior to the use of the new voting machines. In particular, local election officials must have thorough training on the use of the new machines before they are used.

Will local election officials, municipal leaders and the public have a say in Connecticut’s voting machine purchase?

Yes. In October of 2005, the top vendors will participate in public demonstrations in each of Connecticut’s five Congressional Districts where Mayors, First Selectmen, Registrars of Voters, Town Clerks and members of the public (including persons with disabilities) will be given an opportunity to rate and evaluate the machines. The University of Connecticut will manage the process and report on the evaluation of each machine. This evaluation criterion will then be used to determine which machine will win the final contract. A final vendor will be chosen and the voting machines will be rolled out to each town prior to 1/1/06.

Who is responsible for training of local elected officials?

The chosen vendor is responsible for training of local officials prior to the use of the new machine for any federal election held after 1/1/06. The training will begin soon after voting machines are delivered to each municipality. The local election officials will also rate the vendor on their methodology and effectiveness of the training.

Who is responsible for making sure that the new voting machines are used?

Municipalities, not the Registrars of Voters, are ultimately responsible to ensure that their town will use the new voting machines (one in each polling place) for any federal election held after 1/1/06. If the local election official decides not to use the machines, the municipality may be liable for non-compliance due to possible American with Disabilities Act violations and will face possible State Elections Enforcement Commission and Department of Justice action.

How long will the new voting machines last?

The chosen voting machine vendor is responsible for maintaining the voting machine. The voting machine will have a useful life of 20 years and an internal warranty of five years. The RFP contains a service contract for maintenance and requires vendors to provide free of charge software upgrades for the life of the machine.

What if there is a power outage?

Both federal and state certification requires that each machine have a 16-hour battery back up.

Who is responsible for storage?

Each municipality is still responsible for storage of this new machine. *Since this machine will be electronic, the municipality must ensure proper storage of the machine in a suitable climate and conditions.* The chosen vendor must contact each municipality to discuss storage and ensure that the storage location meets proper machine needs. Each machine that is federally certified will have already been tested, among other things, to ensure that the machine can withstand various temperature changes and accidental droppage.

What will happen to the lever machine mechanics?

The vendor must also train the new voting machine mechanics. *A municipality can still use the same mechanics for their current machines* or they can hire other certified mechanics that are familiar with electronic voting machines.

How many voters can vote on one new electronic voting machine?

The total number of voters that can vote on one electronic voting machine vary by machine. This number is unknown until the vendor tells us how many voters can vote on their particular machine. However, Connecticut law currently requires that up to 900 voters may vote on each voting machine

How long will it take a voter to vote on the new voting machines?

It is estimated that it may take 1-2 minutes to vote on a machine since it will have a full-faced ballot. However, it may take a voter with disabilities a longer time to cast a ballot.

Will the new machines have a voter verified receipt?

HAVA does NOT mandate that the one machine available in each polling place by 1/1/06 have a Voter Verified Receipt. However, the Connecticut General Assembly recently passed Senate Bill #55 which mandates their use. In anticipation of this legislation, the SOTS has asked all vendors that bid on the RFP to provide this type of attachment in the event that Congress or the State Legislature mandates its use. The passage of S.B. #55 will not impact the timeline of the RFP.

What are the next steps for municipalities?

After 1/1/06, each municipality will have the option to decide if 1) they want to maintain the use of their lever machines if such machines comply with the requirements of HAVA; or 2) arrange through the SOTS to purchase new machines (with \$33 million in federal funds already received) that will replace all of their existing lever machines.

How will this happen?

The SOTS will be contacting each municipality after 1/1/06 to inform them of this option. Each municipality, through a vote by its Legislative Body, must notify the SOTS if they wish to replace their lever machines or continue to utilize the lever machines. The SOTS has established a revolving loan fund in order to provide municipalities with funding.

Can a municipality decide to split the number of new voting machines used and lever machines used after 1/1/06?

Yes. A municipality can keep using any number of lever voting machines that they wish. However, the amount of federal HAVA funds available to the municipalities is unknown at this time because 1) we do not know how much it will cost to purchase the initial 771 electronic machines and 2) we do not know how many municipalities will choose to participate in this program and to what extent.