



Working Together for Secure and Accurate Elections

July 17, 2007

Honorable Vernon Ehlers
Ranking Member, House Administration Committee
United States House of Representatives

Dear Representative Ehlers:

With H.R. 811 now out of the House Administration Committee, I would like to express a few continuing concerns on behalf of the Election Technology Council, the only trade association involving the voting industry representing over 90% of voting systems employed in the United States.

In our review of H.R. 811, as substituted and voted of committee, our concerns center on a few key provisions. Our understanding is that the bill requires two different compliance dates, either 2008 or 2010, depending on the current voting platform employed in a given jurisdiction. By 2008, all jurisdictions are confronted with deploying an optical-scan paper balloting system or a DRE with a Voter Verifiable Paper Audit Trail (VVPAT) component with an individual, durable, paper record. By 2010, any DRE system with a VVPAT component would have to comply with the full accessibility requirements for the VVPAT providing for a text-to-audio function.

If our interpretation of “individual” is correct, there is simply no DRE voting system on the market today that would be compliant with H.R. 811 by the 2008 General Election, as it is currently written, as this requires the use of a “cut” or “cut and drop” device. In addition, HR 811 requires the use of a DRE with a VVPAT which converts text to audio for voters with disabilities by 2010. This compliance date is also not adequate for the development, certification, and implementation of new voting system technologies. The key obstacles to compliance include the interpretation of “individual”, the accessibility of the VVPAT component, and the elimination of thermal reel-to-reel printers. These provisions constitute new product developments and, as such, would need 54 months for proper research, development and implementation.

In addition to the problems listed above, we wish to voice our concerns on the following provisions remaining within H.R. 811:

- The disclosure of any proprietary information which cannot be adequately protected through the use of nondisclosure agreements and established penalties. As with any industry, voting system manufacturers must establish their viability within the marketplace through the use of various tools which protect proprietary information. The Election Technology Council supports review efforts by government officials, but only under circumstances in which individuals may be held accountable for disclosing proprietary information and not by placing limits on the form and content of nondisclosure agreements.

- Auditing procedures detailed in H.R. 811 must be reexamined. The Voter Verifiable Paper Audit Trail (VVPAT) has successfully addressed matters of perception and provides a fine tool for independent verification; however, the use of the VVPAT as an “official ballot record”, regardless of the electronic vote totals, is troublesome. We feel this provision is too prescriptive and should provide greater flexibility to each state for determining how best to resolve any discrepancies. In comparing two data sources, neither should be given more weight in the acceptance of official vote tabulations.
- The elimination of thermal reel-to-reel printers as part of a VVPAT component is unnecessary. With proper administrative and procedural controls, each state and local jurisdiction can mitigate or prevent the disclosure of individual votes reflected on a VVPAT and protect the integrity of thermal paper records for the required preservation period of 22 months

For your reference, I have attached a previous publication issued by the Election Technology Council highlighting our concerns on any proposed amendments to the Help America Vote Act. This publication examines these same issues in more detail and provides a thorough explanation for the 54 month new product development timetable.

Please do not hesitate to contact me should you need further information or clarification.

Respectfully,



David Beirne
Executive Director
dbeirne@electiontech.org
713.896.9292

Encl: