



September 5, 2007

The Honorable Rush Holt  
U.S. House of Representatives  
1019 Longworth House Office Building  
Washington, D.C. 20515

Dear Representative Holt:

As you know, the National Association of Counties continues to be opposed to H.R. 811 as it is currently written. Despite misrepresentations that have circulated on Capitol Hill, the vast majority of our most serious concerns with this legislation have not been addressed. **In fact, the latest version imposes new and far more expensive mandates on counties, requiring the entire country to adopt next-generation accessible voting equipment that does not yet exist before 2012. Counties not currently using voting equipment that prints a paper ballot would have to replace their equipment twice – once with current-generation equipment for 2008, and then again with the yet-to-be-developed equipment for 2012.** The draft manager's amendment has been mistakenly characterized by some as a "compromise" that provides a delay in the deadline and some additional flexibility and funding to state and local officials. In fact it only delays the deadline because it requires different technology than the prior version of H.R. 811. It is not a "compromise" on the concerns raised by state and local officials, but on concerns raised by advocacy groups seeking to mandate differing specifications for voting equipment. It provides no additional funding authorization beyond the \$1 billion that the House Administration Committee had initially approved simply for upgrading existing technology to paper for 2008.

In recognition of our partnership role with the federal government, NACo has maintained that **we would support federal legislation to ensure the accuracy and integrity of voting equipment and procedures and the transparency of audits and recounts as long as that legislation sets realistic standards and allows sufficient time, flexibility and funding for implementation. Unfortunately, H.R. 811 continues to fail in each respect.** It remains overly prescriptive and would eliminate existing, successful practices that meet the objectives of the legislation and have been demonstrated in a real world environment in favor of a theoretical, untested, one-size-fits-all model. It is a sweeping rewrite of the Help America Vote Act that would:

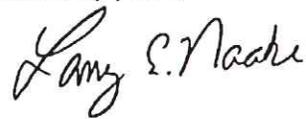
- impose a multibillion-dollar unfunded mandate;
- create havoc throughout the nation's election system;
- set a specific date for every county in the nation to purchase next-generation of electronic voting equipment that does not yet exist and for which there are no federal standards;
- postpone indefinitely the certification of election results;
- create a tide of private lawsuits; and
- require counties to rush implementation and cut corners in ways that will destroy public confidence rather than bolster it.

H.R. 811 as written affords states and local governments virtually no flexibility to develop a statewide or local plan to determine the specific methods of compliance in their own jurisdiction, instead dictating specific administrative procedures. It anticipates enforcement of its vaguely worded requirements by unrestricted private right of action in federal court. It would create a burdensome requirement for parallel electronic and paper voting systems and turn back the clock on popular innovations such as early voting, out-of-precinct voting and vote centers.

Attached you will find line-by-line comments that are reflective of the breadth of remaining objections to the requirements of H.R. 811 as written. We hope that you will support amending the manager's amendment to address these and other concerns that have been raised by state and local officials. We also hope you will support efforts to ensure full funding of H.R. 811 and to defer the 2008 deadline at least until 2010, when counties can more reasonably be expected to properly implement new equipment. In addition, since H.R. 811 requires technology that does not yet exist, for which there are no standards, and for which the price cannot be estimated, we hope that at minimum you will support efforts to ensure that the deadline to purchase nonexistent technology does not take effect until the Election Assistance Commission certifies that the technology exists and Congress provides full funding.

If you have any questions about our position on any provision of the manager's amendment, please contact Alysoun McLaughlin, Associate Legislative Director, at 202-942-4254 or [amclaughlin@naco.org](mailto:amclaughlin@naco.org).

Sincerely yours,

A handwritten signature in black ink that reads "Larry E. Naake". The signature is written in a cursive, flowing style.

Larry E. Naake  
Executive Director