



NATIONAL CONFERENCE *of* STATE LEGISLATURES

*The Forum for America's Ideas*

September 5, 2007

The Honorable Nancy Pelosi, Speaker  
United States House of Representatives  
H-232 Capitol Building  
Washington, D.C. 20515

Honorable John A. Boehner  
House Minority Leader  
204 Capitol Building  
Washington, DC 20515

**Donna D. Stone**  
*State Representative*  
*Delaware*  
*President, NCSL*

**Sharon A. Crouch Steidel**  
*Director, Information Systems*  
*Virginia House of Delegates*  
*Staff Chair, NCSL*

**William T. Pound**  
*Executive Director*

**RE: H.R. 811**

Dear Speaker Pelosi and Minority Leader Boehner:

I urge you to oppose H.R. 811, the "Voter Confidence and Increased Accountability Act of 2007" because it is overly preemptive of state laws governing election administration, creates an unfunded federal mandate of unknown proportions and seeks to micromanage state and local election administration procedures to such a degree as to make its provisions impossible to implement. H.R. 811 represents the antithesis of state flexibility and rejects the idea of an intergovernmental partnership on election reform matters. The process of drafting, vetting and including all relevant stakeholders, which includes the National Conference of State Legislatures (NCSL) and other state and local government groups, never took place, leaving this bill fraught with problems. The state impact of this bill was never considered, and compromises were made without including the state perspective.

If passed, H.R. 811 will require states to have voting systems that provide a paper receipt or "trail" of the voter's ballot choices. While most states agree with the concept of H.R. 811-- that there ought to be some sort of paper trail--concurrence with the requirements of H.R. 811 ends there. Direct recording-electronic voting machines, or "DREs" are not considered to be compliant with the provisions of H.R. 811. These machines will need to be either scrapped or retrofitted with a paper printer. Both options are expensive. In the most recent iteration of the bill, it appears automark machines are not compliant either. Even more troubling is the requirement for a one-size-fits-all audit scheme that is not based on any state's current practices and would therefore

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preempt laws in all 50 states. The audit process contemplated by H.R. 811 would also be very expensive. Several states recently rejected audit provisions similar to those in H.R. 811 because they were cost prohibitive; Indiana and Virginia are two such states.

There is no secure funding mechanism in place for the mandates contained in H.R. 811. Preliminary CBO estimates place the state cost between \$1.7-2.0 billion. There is no guarantee that states will receive a dime of federal money to implement H.R. 811. This will be just one more unfunded federal mandate falling upon the shoulders of the states.

Again, I urge you to vote against H.R. 811 when it is considered on the House floor this week. The ramifications of hasty action on this ill-conceived piece of legislation are immense and far-reaching. A more deliberate approach and the opportunity to further work on this legislation with NCSL and other state and local government groups are vital to ensuring fair and full elections for all Americans. If you have any questions, please contact NCSL staff person Susan Parnas Frederick at 202-624-5400 or by email at [susan.frederick@ncsl.org](mailto:susan.frederick@ncsl.org).

Thank you.

Sincerely,

A handwritten signature in black ink, appearing to read "Donna Stone". The signature is fluid and cursive, with the first name "Donna" being larger and more prominent than the last name "Stone".

Donna D. Stone  
Delaware House of Representatives  
President, NCSL

Cc: Members of the House of Representatives