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United States Election Assistance Commission
1225 New York Avenue, N.W., Suite 1100
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Re: Preliminary Comments on Voluntary Voting System Guidelines

I'm Bobbie Brinegar, Senior Political Advisor for the Verified Voting Foundation. I'm pleased to have an opportunity today to provide initial feedback on the Voluntary Voting System Guidelines released for comment this past Friday, June 24. Our staff has been reviewing the hundreds of pages of the Guidelines as rapidly as possible and we will provide more thorough written comments prior to the 90-day deadline. We urge the EAC to firm up plans for further public hearings on the Guidelines prior to the deadline for comments.

The EAC must recognize the importance of a truly participatory process in setting election standards for this country. Voting is the foundation of our democratic republic and voting technology is the means by which the people express their will. Without secure, reliable, and verifiable voting systems, public confidence in election results will evaporate.

The Verified Voting Foundation is a nonpartisan, nonprofit organization championing reliable and publicly verifiable election systems, including voter-verified paper ballots enabling meaningful recounts and effective random, manual audits. We are particularly concerned about public visibility into the acquisition, regulation, and operation of voting systems. For that reason, we petition the EAC to upgrade the Guidelines with measures that will make the voting system certification process transparent and encourage participation.

The Guidelines should specify that a broad spectrum of representatives from nonprofit election protection organizations, universities, and the public be able to review and provide comment on test plans for voting systems. The test plans and results should be made public before certification of voting systems. Comments from test observers should be published along with the official test reports.

Although perhaps out of scope of the Guidelines, pre-election testing of voting systems in individual jurisdictions—which should also be conducted transparently with results published—is in many ways similar to federal certification testing. We also recommend that any jurisdiction considering acquisition of a voting system establish a citizen's advisory board for that purpose as already occurs in many jurisdictions across the nation.

Voting technology vendors should not be able to select a test lab and/or pay that lab for testing as it creates a conflict of interest. The test lab is not independent and has little incentive to find problems when paid by the very voting technology vendor seeking its approval for certification, especially if the resulting test reports are considered proprietary or kept secret. The U.S. Congress should appropriate the funding necessary for testing and certification of voting systems for use in federal elections.

Test labs should take into consideration the prior errors and failures of voting technology in formulating test plans and should conduct testing using human beings, in addition to automated testing, in order to prevent a recurrence of the hundreds of e-voting errors and failures of the sort recorded in our Election Incident Reporting System during the 2004 election cycle and reported widely in the press.

Wireless devices should not be permitted on voting machines due to the security risks inherent in their use.

In addition, we recommend a more complete treatment of ballot-marking devices within the Guidelines because many jurisdictions are adopting this voting technology as the means for providing disabled accessibility for a verifiable precinct-count optical scan system based on paper ballots.

Finally, the Verified Voting Foundation recommends the use of an accessible voter-verified paper ballot (AVVPB) which enables all voters—including disabled voters—to check that their votes are recorded as intended and makes it possible for election officials to perform meaningful recounts and effective, random, manual audits. Although they are clearly not the only election reform needed, electronic voting systems cannot be secure, reliable, and verifiable without paper ballots.