BEVERLY KAUFMAN COUNTY CLERK

***Remarks of Beverly B. Kaufman, County Clerk, Harris County, Texas***
***Written Testimony Before the Commission on Federal Election Reform:***

Good morning President Carter, Mr. Baker and members of the Commission on Federal Election Reform. My name is Beverly Kaufman and I am the County Clerk for Harris County, Texas, the current jurisdiction for your hearing today at Rice University. It is my honor and pleasure to be here before you today to discuss voting technologies and the current environment that election officials find themselves in as they approach compliance deadlines this January for the Help America Vote Act (HAVA). I also hope to shed further light on the overwhelming positive response we have received from the implementation of our electronic voting system in Harris County from the voting community.

Since the enactment of HAVA in 2002, jurisdictions across the country have implemented electronic voting systems with the assistance of federal funds made available through the Help America Vote Act and under the leadership of the United States Election Assistance Commission. However, the desire to incorporate better voting technology and access for voters with language or accessibility needs has been in the field of election administration for many years prior to the 2000 election. The recent transition to electronic voting in election administration was a natural evolution of the voting process, incorporating concerns within the industry itself as a solution for lengthy ballots (often surpassing older voting system capabilities) and for the consolidation of language assistance materials. For election officials that have implemented these Direct Recording Electronic Voting Systems, the latest voting technology provides a level of integrity for election administration unprecedented in our nation's history.

For the last twenty years, critics of electronic voting systems have levied concerns that these systems are susceptible to manipulation or malicious internal behavior, either at the behest of election officials or vendors. The concerns of these critics are not new, nor should they be treated as only applying to electronic voting systems. Election law since the 1960s has focused on transparency and equal protection as core elements of election administration in an effort to reinforce the consent of the voting public and peaceful transfer of power we experience in the United States. State and federal laws have been implemented in recognition of this need for transparency due to the advent of computer assisted voting systems. These laws have been critical to the success of our elections due to the presence of third parties, either in the form of vote tabulation software or individuals who are charged with the tabulation of votes cast in our elections, and the clear procedures they must adhere to in elections. For these last forty-five years, voters, especially in urban areas, have relied on the transparency of the election process and election officials themselves for integrity in the voting process.

Critics of electronic voting systems have consistently pointed to the use of optical scan, or other paper based systems, as the preferred methods for voting as they maintain an independent record to ensure the transparency of the process. In order to provide proper context to the functioning of voting systems, it should be noted that both optical scan and punch card voting systems rely on vote tabulation software and public testing procedures to maintain the level of transparency which is so critical to our election process. It should also be noted that new programming must be conducted for paper based systems, such as punch card and optical scan voting systems, prior to each election to make sure ballots are recorded correctly. By comparison, Harris County's electronic voting system requires no new programming from election to election, rather we simply enter text information pertaining to the candidates or propositions,

but no reconfiguration is necessary in the tabulation of our votes cast or in the process of assigning votes to candidates. Punch positions or ovals are simply punch positions or ovals until such time that tabulation software reads these marks and assigns the marks as votes to particular candidates. All voting systems currently rely on testing procedures to verify the integrity of how votes are assigned or tabulated as they have for the last forty-five years. In this sense, Harris County's voting system provides a greater level of security than existed in either our earlier lever voting machines or punch card voting systems as it provides greater memory redundancy and does not require new configuration on the tabulation of votes from election to election.

The overall benefits of electronic voting systems are indisputable. Electronic voting systems provide a greater level of access and ensure a greater level of equal treatment among voters as compared to all other voting systems. This claim is easily substantiated by reviewing the circumstances of Harris County and our implementation of electronic voting systems which provide equal opportunities for individuals with disabilities to cast their ballots as well as those voters with limited English proficiency. In addition, the subjective nature of discerning "voter intent" as seen in the 2000 Presidential election is no longer an issue as electronic voting systems do not allow for speculation as to whether a voter intended to vote for a particular candidate. After all, the discernment of "voter intent" was the primary issue the United States Supreme Court was concerned with in its fateful decision in 2000. It is the issue of "voter intent" that the United States Supreme Court felt was the most problematic under equal protection claims due to the subjective nature of how ballots were being treated between counties. Electronic voting systems eliminate this issue altogether by only allowing for a positive response. The availability of multiple languages, full disability access, and ballot review pages place electronic voting systems at the forefront for ensuring equal access to the voting process among all voters. Harris County's experience and data reflect voters have responded positively to our electronic voting system.

In 2002, Harris County conducted exit polling in partnership with the University of Houston for voters' impressions about the new eSlate electronic voting system upon its initial full countywide use. These exit polls have shown that 82.5% of all men and 79.4% of all women surveyed had a positive or very positive experience with the eSlate. When adding in the numbers of those who were neutral on the eSlate, these numbers rise to over 92% for both genders.

In Harris County, we attribute our overall success and overwhelming positive response in our voting system implementation to our tiered approach. Beginning in 2001, Harris County began using electronic voting during the period of early voting, during the two weeks leading up to Election Day. During this initial phase, Harris County launched an aggressive outreach campaign to educate the public on the use of the eSlate voting system and its ease of use. Media outlets such as local television networks and the Houston Chronicle provided valuable support and free coverage to help educate voters as a general reflection of the public interest in a smooth implementation. Although voter education is a core element, the successful deployment of electronic voting systems ultimately relies on fundamental management principles including accountability and overall responsiveness to logistical challenges, both internally and externally.

We also attribute our success with both voters and election officials to the institution of our aggressive regimen of training on the equipment itself for no less than four election officials from each polling place. These minimum training standards were adopted by the Harris County Commissioners Court, the governing authority in Harris County, and state that each individual attending one of our 4-hour hands-on training classes must achieve a minimum proficiency score prior to working. In addition to our training modules, our success has also relied on our ability to respond in the field to any issues that arise. With the use of technical support personnel defined into compact service areas for quick response, the ability to maintain continuous service is maintained in order to avoid causing an undue impact on Election Day itself.

Harris County is just one example of the many successful implementations of electronic voting systems throughout the country, but even with a successful implementation there will be problems. There have been stories regarding problems that have occurred in our county, but all of these problems can be prevented with continuing improvements to training or addressed with the use of our technical support networks on Election

Day. No problem that Harris County has ever experienced has resulted in the loss of cast vote records. Again, this is a direct result of our system's memory redundancy and the current integrity of the latest generation of electronic voting technology.

My statements today are not to suggest that election administration, in its entirety, is not without need for improvement, this would be contrary to history. My statements today are intended to focus on the current benefits of electronic voting systems and provide context on how we should move forward with improvements to election transparency and integrity without implementing efforts which serve no structural purpose nor do anything to solve system integrity issues. Our efforts to improve voting system integrity need to focus on the certification and process-control measures which election officials must adhere to prior to administering an election. At a minimum, each state should adopt the federal voting system standards adopted by the Election Assistance Commission as mandatory compliance measures for each voting system manufacturer. Yet at the same time, voting system integrity is only one aspect of election administration. Until such time that a thorough and honest discussion is conducted on how best to instill integrity in the voter identification process, then any election reforms proposed, or enacted, regarding the use of paper based voting systems or paper supplements to electronic voting systems will only be serving one aspect of the overall integrity of election administration.

Our efforts to improve the election administration process should focus on historical precedents and embrace our current system of election administration in order to improve upon it. The notion that a paper based voting system somehow provides voters, or election officials, with a substantive sense of integrity is misleading at best and inherently false at worst. Any future election reform efforts should be founded on substantive issues and should not serve as a reflection of individual perceptions or hyperbole. Harris County's experience with electronic voting has been a positive one for election officials and voters alike. The level of integrity and access Harris County's voting system provides was unattainable with a lever or other paper based voting system and we should embrace this progress and improve upon it without taking steps backward in our ability to provide access to the voting process.

## Harris County eSlate Exit Polling – Crosstabulations (Combined)

### *Gender Crosstabs*

**GENDER * Eslate Experience Crosstabulation**

| | | | Eslate Experience | | | | | |
|---|---|---|---|---|---|---|---|---|
| | | | Very Negative | Negative | Neutral | Positive | Very Positive | Total |
| GENDER | male | Count | 6 | 19 | 37 | 71 | 222 | 355 |
| | | % within GENDER | 1.7% | 5.4% | 10.4% | 20.0% | 62.5% | 100.0% |
| | female | Count | 5 | 22 | 51 | 74 | 226 | 378 |
| | | % within GENDER | 1.3% | 5.8% | 13.5% | 19.6% | 59.8% | 100.0% |
| Total | | Count | 11 | 41 | 88 | 145 | 448 | 733 |
| | | % within GENDER | 1.5% | 5.6% | 12.0% | 19.8% | 61.1% | 100.0% |

**GENDER * Compare eslate to punch cards Crosstabulation**

| | | | Compare eslate to punch cards | | | | |
|---|---|---|---|---|---|---|---|
| | | | Better | Same | Worse | Not Sure | Total |
| GENDER | male | Count | 268 | 38 | 14 | 13 | 333 |
| | | % within GENDER | 80.5% | 11.4% | 4.2% | 3.9% | 100.0% |
| | female | Count | 269 | 64 | 13 | 16 | 362 |
| | | % within GENDER | 74.3% | 17.7% | 3.6% | 4.4% | 100.0% |
| Total | | Count | 537 | 102 | 27 | 29 | 695 |
| | | % within GENDER | 77.3% | 14.7% | 3.9% | 4.2% | 100.0% |

**GENDER * Time it took to vote from arrival at polling place Crosstabulation**

| | | | Time it took to vote from arrival at polling place | | | | | | |
|---|---|---|---|---|---|---|---|---|---|
| | | | Less than 10 min | 10-19 min | 20-29 min | 30-39 min | 40-59 min | One hour plus | Total |
| GENDER | male | Count | 165 | 111 | 43 | 24 | 11 | 3 | 357 |
| | | % within GENDER | 46.2% | 31.1% | 12.0% | 6.7% | 3.1% | .8% | 100.0% |
| | female | Count | 210 | 121 | 33 | 11 | 4 | 5 | 384 |
| | | % within GENDER | 54.7% | 31.5% | 8.6% | 2.9% | 1.0% | 1.3% | 100.0% |
| Total | | Count | 375 | 232 | 76 | 35 | 15 | 8 | 741 |
| | | % within GENDER | 50.6% | 31.3% | 10.3% | 4.7% | 2.0% | 1.1% | 100.0% |

**GENDER * Time it took to vote once getting to eSlate machine Crosstabulation**

| | | | Time it took to vote once getting to eSlate machine | | | | | |
|---|---|---|---|---|---|---|---|---|
| | | | Less than 5 min | 5-9 min | 10-14 min | 15-19 min | 20 plus min | Total |
| GENDER | male | Count | 170 | 121 | 50 | 11 | 6 | 358 |
| | | % within GENDER | 47.5% | 33.8% | 14.0% | 3.1% | 1.7% | 100.0% |
| | female | Count | 190 | 128 | 52 | 9 | 4 | 383 |
| | | % within GENDER | 49.6% | 33.4% | 13.6% | 2.3% | 1.0% | 100.0% |
| Total | | Count | 360 | 249 | 102 | 20 | 10 | 741 |
| | | % within GENDER | 48.6% | 33.6% | 13.8% | 2.7% | 1.3% | 100.0% |

# Harris County eSlate Exit Polling – Crosstabulations (Combined)

**GENDER * Asked Poll Worker for Assistance After Starting on Machine Crosstabulation**

| | | | Asked Poll Worker for Assistance After Starting on Machine | | |
|---|---|---|---|---|---|
| | | | yes | no | Total |
| GENDER | male | Count | 90 | 268 | 358 |
| | | % within GENDER | 25.1% | 74.9% | 100.0% |
| | female | Count | 123 | 259 | 382 |
| | | % within GENDER | 32.2% | 67.8% | 100.0% |
| Total | | Count | 213 | 527 | 740 |
| | | % within GENDER | 28.8% | 71.2% | 100.0% |

**GENDER * Rate the eSlate Assistance you recieved Crosstabulation**

| | | | Rate the eSlate Assistance you recieved | | | | | |
|---|---|---|---|---|---|---|---|---|
| | | | Not Helpful | 2.00 | 3.00 | 4.00 | Very Helpful | Total |
| GENDER | male | Count | 3 | 7 | 11 | 18 | 59 | 98 |
| | | % within GENDER | 3.1% | 7.1% | 11.2% | 18.4% | 60.2% | 100.0% |
| | female | Count | 7 | 5 | 12 | 19 | 91 | 134 |
| | | % within GENDER | 5.2% | 3.7% | 9.0% | 14.2% | 67.9% | 100.0% |
| Total | | Count | 10 | 12 | 23 | 37 | 150 | 232 |
| | | % within GENDER | 4.3% | 5.2% | 9.9% | 15.9% | 64.7% | 100.0% |

## *Race/Ethnicity Crosstabs*

**RACE * Eslate Experience Crosstabulation**

| | | | Eslate Experience | | | | | |
|---|---|---|---|---|---|---|---|---|
| | | | Very Negative | Negative | Neutral | Positive | Very Positive | Total |
| RACE | Anglo | Count | 4 | 7 | 24 | 79 | 269 | 383 |
| | | % within RACE | 1.0% | 1.8% | 6.3% | 20.6% | 70.2% | 100.0% |
| | Black | Count | 9 | 26 | 47 | 42 | 102 | 226 |
| | | % within RACE | 4.0% | 11.5% | 20.8% | 18.6% | 45.1% | 100.0% |
| | Hispanic | Count | 3 | 11 | 21 | 28 | 91 | 154 |
| | | % within RACE | 1.9% | 7.1% | 13.6% | 18.2% | 59.1% | 100.0% |
| | Asian | Count | 1 | 2 | 2 | 4 | 17 | 26 |
| | | % within RACE | 3.8% | 7.7% | 7.7% | 15.4% | 65.4% | 100.0% |
| Total | | Count | 17 | 46 | 94 | 153 | 479 | 789 |
| | | % within RACE | 2.2% | 5.8% | 11.9% | 19.4% | 60.7% | 100.0% |

# Harris County eSlate Exit Polling – Crosstabulations (Combined)

**RACE * Compare eslate to punch cards Crosstabulation**

| | | | Compare eslate to punch cards | | | | |
|---|---|---|---|---|---|---|---|
| | | | Better | Same | Worse | Not Sure | Total |
| RACE | Anglo | Count | 307 | 37 | 13 | 6 | 363 |
| | | % within RACE | 84.6% | 10.2% | 3.6% | 1.7% | 100.0% |
| | Black | Count | 141 | 42 | 18 | 11 | 212 |
| | | % within RACE | 66.5% | 19.8% | 8.5% | 5.2% | 100.0% |
| | Hispanic | Count | 108 | 25 | 6 | 12 | 151 |
| | | % within RACE | 71.5% | 16.6% | 4.0% | 7.9% | 100.0% |
| | Asian | Count | 19 | 2 | 1 | | 22 |
| | | % within RACE | 86.4% | 9.1% | 4.5% | | 100.0% |
| Total | | Count | 575 | 106 | 38 | 29 | 748 |
| | | % within RACE | 76.9% | 14.2% | 5.1% | 3.9% | 100.0% |

**RACE * Time it took to vote from arrival at polling place Crosstabulation**

| | | | Time it took to vote from arrival at polling place | | | | | | |
|---|---|---|---|---|---|---|---|---|---|
| | | | Less than 10 min | 10-19 min | 20-29 min | 30-39 min | 40-59 min | One hour plus | Total |
| RACE | Anglo | Count | 214 | 106 | 31 | 18 | 10 | 6 | 385 |
| | | % within RACE | 55.6% | 27.5% | 8.1% | 4.7% | 2.6% | 1.6% | 100.0% |
| | Black | Count | 113 | 79 | 24 | 9 | 3 | 1 | 229 |
| | | % within RACE | 49.3% | 34.5% | 10.5% | 3.9% | 1.3% | .4% | 100.0% |
| | Hispanic | Count | 72 | 55 | 22 | 6 | | 1 | 156 |
| | | % within RACE | 46.2% | 35.3% | 14.1% | 3.8% | | .6% | 100.0% |
| | Asian | Count | 12 | 7 | 2 | 4 | 2 | | 27 |
| | | % within RACE | 44.4% | 25.9% | 7.4% | 14.8% | 7.4% | | 100.0% |
| Total | | Count | 411 | 247 | 79 | 37 | 15 | 8 | 797 |
| | | % within RACE | 51.6% | 31.0% | 9.9% | 4.6% | 1.9% | 1.0% | 100.0% |

**RACE * Time it took to vote once getting to eSlate machine Crosstabulation**

| | | | Time it took to vote once getting to eSlate machine | | | | | |
|---|---|---|---|---|---|---|---|---|
| | | | Less than 5 min | 5-9 min | 10-14 min | 15-19 min | 20 plus min | Total |
| RACE | Anglo | Count | 204 | 132 | 37 | 7 | 5 | 385 |
| | | % within RACE | 53.0% | 34.3% | 9.6% | 1.8% | 1.3% | 100.0% |
| | Black | Count | 110 | 65 | 38 | 9 | 7 | 229 |
| | | % within RACE | 48.0% | 28.4% | 16.6% | 3.9% | 3.1% | 100.0% |
| | Hispanic | Count | 65 | 56 | 28 | 6 | 1 | 156 |
| | | % within RACE | 41.7% | 35.9% | 17.9% | 3.8% | .6% | 100.0% |
| | Asian | Count | 9 | 13 | 4 | 1 | | 27 |
| | | % within RACE | 33.3% | 48.1% | 14.8% | 3.7% | | 100.0% |
| Total | | Count | 388 | 266 | 107 | 23 | 13 | 797 |
| | | % within RACE | 48.7% | 33.4% | 13.4% | 2.9% | 1.6% | 100.0% |