

## FAQ on H.R. 811: Voter Confidence and Increased Accessibility Act of 2007

Over the past few years, several independent studies have revealed serious security vulnerabilities in the electronic voting machines used across the United States. Over the same period of time, a number of these machines have broken down and/or lost votes on Election Day.

The good news is that experts who have looked at these machines believe that there are some simple steps that can be taken to make them significantly more secure and reliable. Many of the most important steps recommended by these experts are incorporated in the Voter Confidence and Increased Accessibility Act (H.R. 811) sponsored by Congressman Rush Holt (D-NJ). Last week, this bill was voted out of the Committee on House Administration. It currently has 216 co-sponsors (it needs only 218 votes to pass the House) and is expected to receive a floor vote shortly. Senator Dianne Feinstein plans to introduce a similar bill in the Senate.

### What does the bill do?

The bill mandates several measures to make electronic voting substantially more secure and reliable. Most dramatically, the bill bans paperless electronic voting in all federal elections. By November 2008, all states will have to use voting systems that produce a voter-verifiable paper record. In other words, voters will vote on systems that give them an opportunity to review or fill out a piece of paper that contains a record of their votes.

Just as importantly, the bill mandates random “audits” or manual counts comparing that voter-verified paper to the electronic tallies, in order to “check” the electronic count and ensure that programming errors, software bugs or other corrupt software did not cause the electronic voting machine to miscount federal election results. Currently, only 13 states require this important security measure.

The bill also bans the use of most wireless components on voting machines. Security experts have warned that wireless components on voting machines can be particularly dangerous, because they can allow a member of the general public to send or receive signals from the voting machines from a distance – potentially triggering attacks against the voting systems with a handheld device such as a PDA.

Finally, the bill ends the practice whereby vendors pay and choose the testing laboratories that certify their machines. Voting integrity experts have long decried this system, which creates conflicts of interest for testing laboratories. In determining whether to certify a machine as secure and reliable, testing labs must be aware that a denial of certification might affect a voting machine vendor’s decision to use the laboratory for additional certifications in the future.

Not surprisingly, this system has produced terrible results. The testing laboratories have certified many machines that have been shown to have serious security defects that

violated federal guidelines. Under H.R. 811, the Election Assistance Commission will hold money for testing laboratories in escrow and assign testing laboratories for machine certification at random.

Does the bill ban direct recording electronic (DREs) voting machines?

There are two main types of electronic voting machines in use in the United States. One is the "Optical Scan" machine, which allows a voter to fill out her ballot by penciling in bubbles on a piece of paper, much as she might fill out a lottery ticket. The second, is the "touch screen" or DRE voting system. This system allows the voter to cast her vote by directly touching a computer screen, just as she might withdraw money from an ATM or buy a movie ticket at a computerized kiosk.

This latter system has come under attack from many voting integrity activists, particularly after 18,000 votes were lost on one such machine (which did not have a voter-verified paper trail) in Sarasota County, Florida in a Congressional race in 2006.

H.R. 811 does not ban DREs; it only bans the paperless version (i.e. one that does not produce a voter-verified paper record). Such paperless machines are currently in use in 22 states.

H.R. 811 does, however, have special requirements for jurisdictions that use DREs with paper records. First, it mandates that voters have the option of choosing to fill in a paper ballot by hand instead of voting on the DRE; in particular it requires that voters be provided with paper ballots if DREs in their polling places break down and cause long lines or other delays.

The bill also requires that voters be informed that their paper records will serve as the vote of record in all recounts and that they should not leave the voting booth until they have confirmed that it is accurate.

Finally, the bill requires that all paper records be "durable" and "capable of withstanding multiple counts and recounts by hand."

When would H.R. 811 go into effect? Which states would be most affected? Who will pay for its requirements?

Under H.R. 811, the federal government will pay for most costs associated with its mandates. It allocates \$1 billion for equipment replacement and upgrades. It also allocates money to the states to conduct audits to check electronic totals by counting a random sample of paper records.

The bill requires all states using paperless touch screen machines to comply with its voting equipment mandates by November 2008. Six states use paperless DREs exclusively. They are: Delaware, Georgia, Louisiana, Maryland, South Carolina and

Tennessee. Another eleven states (plus the District of Columbia) have at least some counties or precincts that use paperless DREs. The eleven states are: Florida, Indiana, Iowa, Kansas, Kentucky, New Jersey, Pennsylvania, Texas, Virginia, Arkansas, and Mississippi. In addition, New York, which uses lever machines, will need to purchase machines that produce a voter-verified paper record.

H.R. 811's remaining equipment requirements (i.e., requirements for durable paper records and paper ballots that are accessible to and can be reviewed by people with disabilities) will not go into effect until January 2010.

How will H.R. 811 affect disabled voters?

Electronic voting has given many disabled voters the opportunity to vote privately and independently for the first time in their lives. Some have worried that a requirement for voter-verified paper records would discriminate against some disabled voters: for instance, blind voters might not be able to review a paper record, and persons without significant manual dexterity might not be able to handle paper ballots. H.R. 811 requires that whatever system is used by counties and states, the voter-verified paper records must be fully accessible to individuals with disabilities.