



LEAGUE OF WOMEN VOTERS
OF THE UNITED STATES

Direct Recording Electronic (DRE) Voting Machines and HAVA Implementation

The possibility of election fraud resulting from the use of DRE voting machines has been a topic of discussion as part of the implementation of the new Help America Vote Act. In an effort to address the concerns that have arisen, the League has considered expert opinions from all sides of the debate.

First, it is important to consider the concerns in the full context of election reform efforts. The MIT/CalTech study following the 2000 election indicated that voter registration issues are the number one problem in election reform. Problems with voting systems (machines, such as punch card and lever systems) properly recording the voter's intent were a close second. The League has focused its HAVA implementation work on achieving practical solutions to the most important problems: accurate and accessible registration lists, protections against erroneous purges, provisional balloting systems that protect the right of every eligible voter to cast a ballot and have it counted, machines that protect the right of people with disabilities to cast an independent and secret ballot, poll worker training that is adequate and uniform, and machines that assist individuals with limited English.

In this context, it is important to make sure that purchase or leasing of voting machines proceeds in ways that will protect voters. There are several key ways this must be done. First, disability and language access. Second, "second chance" voting whereby the voter can check and get a new ballot if necessary. Third, management systems to ensure reliability.

It has been suggested that DRE machines are inherently subject to fraud unless there is an individual paper record of each vote. This seems extreme. DREs are extremely sophisticated machines and most DREs store information in multiple formats and in multiple places within its program. To tamper with a DRE someone would need to know each and every format and storage capacity and be able to manipulate it undetected. Additionally, it must be remembered that DREs are not an election system unto themselves; they are simply an instrument within a complex election system. The key is to design an overall system that builds in multiple checks making it improbable that the system will be tampered with.

The LWVUS does support an individual audit capacity for the purposes of recounts and authentication of elections for all voting systems, including, but not limited to, DREs. The LWVUS does not believe that an individual paper confirmation for each ballot is required to achieve those goals; in fact this is unnecessary and can be counterproductive. An individual paper confirmation for each ballot would undermine disability access requirements, raise costs, and slow down the purchase or lease of machines that might be needed to replace

machines that don't work. Simply because a voter verifies their vote on a piece of paper does not guarantee the same results have been recorded within the machine and vice versa. And why would we assume that, if the total from a paper count and the total from a machine count are different, the paper count is accurate? Is it not just as easy to tamper with an election by "losing" a couple of paper ballots or miscounting them during a recount? And what about the number of ballots involved? In Florida, in the 2000 presidential election, nearly 6 million votes were cast. Do we really believe that recounting that many paper ballots is more accurate than using certified electronic equipment?

The legitimacy of elections is not only dependent upon the ability to verify results if they are in question but also upon implementing good systems that protect the individual's right to vote. This means putting appropriate policies and processes in place that:

- 1) stop individuals from being purged from voter lists unless there is an exact match of voter information;
- 2) protect the rights of voters who are unintentionally at the wrong polling place due to such things as a last minute change in polling place assignment;
- 3) provide poll workers with the necessary training and tools to administer elections, thereby reducing the number of people who leave the polls without voting due to frustration or long lines;
- 4) give election officials - not the DRE manufacturers - control over ballot creation;
- 5) at the appropriate level of government obtain a copy of the source code that operates the machines;
- 6) ensure the DREs record information by voter;
- 7) ensure the DREs store multiple copies of the information;
- 8) mandate that voting systems are randomly tested as they come off the assembly lines, upon delivery, prior to opening the polls, during election day and post election;
- 9) protect the rights of voters by ensuring ID requirements are adhered to in a uniform and nondiscriminatory fashion; and
- 10) alert voters if they have over voted or under voted for an office and give them the opportunity to "fix" their ballot prior to casting the ballot.

In Summary

The LWVUS does support an individual audit capacity for the purposes of recounts and authentication of elections for all voting systems, including, but not limited to, DREs. The LWVUS does not believe that an individual paper confirmation for each ballot is required to achieve those goals. An individual paper confirmation for each ballot would undermine disability access requirements, raise costs, and slow down the purchase or lease of machines that might be needed to replace machines that don't work. The experts that we have consulted say that there are many safeguards other than an individual ballot paper confirmation that can protect the sanctity of the ballot and that other issues are far more important in safeguarding our election systems.