Please vote YES HR 811, "The Voter Confidence and Increased Accessibility Act of 2007",
"NO" on any unfunded mandate amendment, and YES to the "Davis" Amendment.

While North Carolina is in good shape compared to most states. **Meanwhile, it would take just one state with paperless voting to cause another election meltdown that would impact all 50 states**.

H.R. 811 is fully funded according to its Congressional Budget Office score. **Further, the content of H.R.811 is exempt from the unfunded mandate statute,** but that has not stopped the opponents of independent election audits from offering an unfunded mandate amendment that would gut the bill's 2008 deadlines.

Here is how HR 811 would directly impact North Carolina:

HR 811, "The Voter Confidence and Increased Accessibility Act of 2007", will not cost any North Carolina Counties including Guilford County anything.

I**n fact, it could save touch-screen counties (including Guilford and Mecklenburg) money.**

By 2012, the touch-screen machines in those 23 counties would be old by industry standards **and need to be replaced anyway.** This is similar to the aging out of laptop computers.

HR 811 provides the touch-screen counties federal funds to replace their aging touch-screen machines. This is doing them a favor. The 23 touch screen counties can either upgrade or purchase new touch-screen machines that have a durable ballot, or they can upgrade them with a new printer solution if so developed, or they can replace them with the more economical and reliable optical scan systems.

North Carolina State law banned **paperless** voting systems in 2005, after a paperless touch-screen machine in Carteret County "ate" 4,400 votes in 2004). Since then our state has been recognized by The Brennan Center for Justice for our efforts to improve our elections: One problem remains – the touch-screens have a flimsy printer and do not provide a durable paper ballot printout for every vote in 23 of 100 counties.

The 23 touch screen counties can use their current machines until 2012. Then they can either upgrade the printers, purchase new compliant touch screens, or purchase optical scan like the other 77 counties already have.

Our 77 Optical scan counties would keep their current machines, which are known to have a much longer lifetime of 10-15 years or more. 55 counties that use electronic ballot marking devices would need to have a "firmware" upgrade by 2012, but otherwise are unaffected. This upgrade was requested by disability groups who want even more improvements to the voting process. The electronic ballot marking devices are superior to touch screen machines because the markers can be used by a more diverse group of disabled, the blind and physically disabled, the elderly and even illiterate voters.

Here are the 23 all touch screen counties that stand to benefit in 2012: Alamance, Alleghany, Brunswick, Burke, Caswell, Cherokee, Davidson, Davie, Guilford, Henderson, Jackson, Lenoir, Madison, Mecklenburg, Pamlico, Pender, Perquimans, Polk, Rutherford, Surry, Transylvania, Warren, Wilson

The iVotronics do not produce a reliable "paper trail", as George Gilbert, Director of Guilford County Elections advised the media. (See NC: Printers Fail on Touch-screens
http://www.news-record.com/apps/pbcs.dll/article?AID=/20061215/NEWSREC0101/61215003/-
1/NEWSREC0201). It is because of problems with touch screens' printers that Congress wants to require that all systems provide a "durable" ballot. Optical scan systems do not have a problem, and touch-screens can use more durable paper and better printers in future.

HR 811 is not asking for all ballots to be counted by hand, it is asking that there be **some** manual checks by hand, to ensure that the computers are counting correctly. North Carolina already does this.

"The Association for Computing Machinery", one of the largest organizations of computer scientists in the world - supports paper ballots. They state on their website: "Voting systems should also enable each voter to inspect a physical (e.g., paper) record to verify that his or her vote has been accurately cast and to serve as an independent check on the result produced and stored by the system. Making those records permanent (i.e., not based solely in computer memory) provides a means by which an accurate recount may be conducted. "

These National and State Organizations also support HR 811 -

The Brennan Center for Justice Common Cause Electronic Frontier Foundation MoveOn.org National Election Data Archive People for the American Way Verified Voting VoteTrustUSA	AUDITAZ (AZ) Citizens for Election Integrity Minnesota (MN) Coalition for Peace Action (NJ) Concerned Voters of Centre County (PA) Defenders of Democracy (GA) Election Reform Network (PA) Gathering To Save Our Democracy (TN) Georgians For Verified Voting (GA) Iowans for Voting Integrity (IA) North Carolina Coalition for Verified Voting (NC) Sarasota Alliance for Fair Elections (FL) SAVE Our Votes (MD) Southern Coalition for Secured Voting (VA) VotePA (PA) VoteAllegheny (PA) Voting Matters/Oregon (OR)

Response to National Association of Counties (NACo)'s concerns about HR811[i].

Vote "YES" on HR811.

NACo Statement	Fact
"Requires every county in the nation to replace current equipment"	Most counties would not have to replace current equipment. Optical scanners meet the bill's requirements – as is. Some existing ballot marking devices can be easily upgraded before 2012.[ii] The 2012 deadline gives ample time to develop, test, certify and implement improvements for voters with disabilities.
"Multibillion-dollar unfunded mandate"	Current authorizations are sufficient to cover the costs of the 2008 requirements such as voter verifiable paper ballot voting systems and manual audits of election results. The bill authorizes the appropriation of such sums as may be required. CBO[iii]
"Preempts state laws allowing a reel-to-reel paper trail"	The bill allows reel-to-reel paper through 2011. Reel-to-reel paper roll ballots are proven to be prone to errors and paper jams, violate ballot secrecy, are not durable, and permit hackers to manipulate manual audits.
"Requires many counties to replace their equipment twice – once in 2008 and again in 2012"	Counties required to replace paperless voting systems by November 2008 may purchase equipment today which will meet the 2012 requirements, such as optical-scan paper ballot systems and upgradeable ballot marking devices or ballot printers.[iv]
"Requires parallel voting systems – new electronic systems that don't yet exist along with sufficient pre-printed paper ballots for all voters"	No parallel systems are required. Existing optical scan paper ballot voting systems are auditable, less costly, simpler to operate, can be simply upgraded to meet the bill's 2012 requirements, and are less vulnerable to Denial of Service attacks, power outages, electronic failures, and hacking.
"Imposes cumbersome and untested audit process which postpones the certification of election results"	Manual independent auditing is a routine procedure in virtually all fields, can be conducted in a few days, and will improve the accuracy of election outcomes and increase voter confidence.[v]
"Prohibits recounts using any automated equipment"	The bill does not prohibit any machine counts or recounts, but does require that approximately 3% to 10% of precincts[vi] shall be manually counted to ensure accuracy of audits and recounts.
"Prevents the use of vote centers and early voting unless county officials print thousands of different ballot styles in multiple languages for each location"	Many States currently use optical-scan paper ballots for early voting, accommodating multiple languages in multiple precincts. New Mexico uses a "ballot on demand" system with great success to eliminate the need to print ballots ahead of time.
"Ignores EAC standards and voting system certification"	The Election Technology Council says that it takes 4 to 9 months to Federally certify new products. HR811 provides four years, plenty of time until 2012, to certify and implement accessibility improvements. However, federally testing and certifying software prior to an election does *not* ensure its proper functioning during an election; and States do not use certified software to count votes because ballot definitions which control vote counting are never Federally tested or certified.[vii]

This document is posted with endnotes at http://electionmathematics.org/VoteYesHR811.pdf

The Voter Confidence and Increased Accessibility Act of 2007 (HR811) would benefit the integrity and security of US elections by requiring independent manual audits of the accuracy of Federal election outcomes by checking the machine counts. The bill allows States to adopt alternative methods of recounts and audits for Federal elections as long as NIST approves the alternative methodology. There is ample time for states using paperless voting systems to implement auditable voting systems by November 2008. Historically it has taken 4 to 12 months for States to change voting systems.[viii] Virtually every jurisdiction is familiar with using optical scan paper ballots for military, absentee, and over-seas voting.

Some Groups Opposing the Voter Confidence & Increased Accessibility Act (HR811) Who Are They?

The Election Center – Founded by a computer salesperson, R Doug Lewis, who is now its executive director, its original mission was to get vendors of election products together with election officials. The Election Center trains and certifies election administrators and provides vendor and practitioner consultants to election administrators to study ways to update technological usage. Corporate members include voting machine vendors who attend and exhibit their wares at frequent conferences, workshops, and seminars designed specifically for government election administrators.

The National Association of State Election Directors (NASED) - The Election Center (above) formed and served as an incubator for the National Association of State Election Directors. NASED was responsible for certifying voting systems until the federal certification function was turned over to the US Election Assistance Commission (EAC) recently (along with several officers of NASED who originated at The Election Center and who are now are EAC commissioners).

The Election Technology Council – an organization representing voting machine vendors who profit by selling and maintaining touch-screen computers in each polling booth, more so than by selling and maintaining only one optical scanner and one ballot marking device in each polling location.

The National Conference of State Legislators (NCSL) – Susan Frederick, the Criminal Law and Justice Committee Director for NCSL opposes subjecting elections to independent (outside) audits. Although HR811 provides flexibility for States to develop alternative audit procedures with NIST approval, Frederick wants states to solely determine their own election auditing procedures, and asserts that there is no need for any Federal election solutions. Frederick incorrectly claims that HR811 is an unfunded mandate, despite Congressional Budget Office findings to the contrary, and despite the fact that HR811 provides States the opportunity to switch to paper based voting systems costing significantly less to operate than touch-screen systems[ix].

The National Association of Counties – has corporate members who help fund the organization including voting machine vendors such as Microsoft and Election Software & Systems (ES&S).

Please vote "YES" on HR811 and "NO" on any "unfunded mandate" amendment.

"The Association for Computing Machinery", one of the largest organizations of computer scientists in the world - supports paper ballots. They state on their website: "Voting systems should also enable each voter to inspect a physical (e.g., paper) record to verify that his or her vote has been accurately cast and to serve as an independent check on the result produced and stored by the

system. Making those records permanent (i.e., not based solely in computer memory) provides a means by which an accurate recount may be conducted. "

The North Carolina Coalition for Verified Voting supports HR 811 to protect votes in all 50 states. We believe election results cannot be reliable without multiple checks and balances in the counting process.

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[i] NACo is distributing an anti-HR811 flier. See a copy: http://electionmathematics.org/em-legislation/vote-no-NACo.doc and NCSL likewise has an action alert opposing HR811 http://www.ncsl.org/statefed/ACTALRThr811.htm

[ii] Some ballot markers like AutoMARK could be upgraded with a simple firmware upgrade and self-sealing ballot envelopes.

[iii] Quote from the September 7, 2007 letter from the Congressional Budget Office to Representative Ehlers http://electionarchive.org/ucvInfo/US/CBO-HR811.pdf. Also, FY 2008 HAVA disability access funding was increased from $15,720,000 to $36,720,000. FY 2008 Financial Services Appropriations bill in the House includes $300 million in HAVA funding, and such funding should be able to be used to replace equipment purchased with HAVA funds. $100 million each fiscal year is authorized to fund the audits. $1 billion in funding is authorized for FY 2008 for system replacement and upgrading. A report released by the EAC on July 31, 2007 concludes that the states collectively have more than $1.3 Billion in HAVA funds remaining unspent as of December 2006 with respect to Title I funding and as of September 2006 with respect to Title II funding which has been collecting interest. See state-by-state summary on pages 8 and 9 of the EAC report: http://www.eac.gov/docs/Congressional%20Report%20Public%20Release%20Final.pdf

[iv] Available existing ballot marking devices for voters with disabilities need only a firmware upgrade and self-sealing ballot privacy envelopes to meet all the 2012 requirements for voters with disabilities and foreign language needs.

[v] Some states such as Florida which only allows ten days between Election Day and the date for state certification of results, may wish to pass legislation giving themselves more time. Many states allow about 30 days between election and certification and election officials often take vacations during this canvass period.

[vi] Alternatively the bill permits states to manually count an average 2% of ballots as long as the amount gives at least as high certainty of detecting outcome-changing errors.

[vii] Federal certification and voting system standards are voluntary for States. Software security requires frequent security updates. Yet Federal certification is too costly and time-consuming to certify software updates. Even with EAC standards and voting system certification processes, software is vulnerable to ongoing, new threats

[viii] "How Long Does it Take to Change a Voting System?" by Verified Voting http://electionmathematics.org/em-voting-systems/VotingSystemChange.pdf

[ix] See http://www.ncsl.org/statefed/ACTALRThr811.htm