

THE VOTER CON ACT

Item	Page X of 67	Legislative Text	Comment
1.	3	“(IV) The requirement of subclause (I) that the voting system produce an individual voter-verified paper ballot may not be construed to prohibit a jurisdiction from meeting the requirement through the use of a thermal reel-to-reel voter verified paper ballot printer attached to a direct recording electronic voting machine in the case of elections held prior to 2012.	 <p>DREs are here to stay... Oh happy, happy vendor's day! DREs are here to stayyyyyyy.....</p>
2.	4	“(iii) MANUAL AUDIT CAPACITY.—(I) Each paper ballot produced pursuant to clause (i) shall be suitable for a manual audit equivalent to that of a paper ballot voting system, and shall be counted by hand in any recount or audit conducted with respect to any election for Federal office.	<p>Intentional obfuscation of terms. Which paper ballot system are we talking about here? DRE “paper ballots”? These are not paper ballots!!! But there’s no way to know what Congress has in mind, since the language is used to describe toilet paper rolls too. But we know those can’t really be counted manually in any meaningful way, so what on earth are they getting at here? Could it be....THE VOTER CON ACT????</p>
3.	5	“(II) it is demonstrated by clear and convincing evidence (as determined in accordance with the applicable standards in the jurisdiction involved) in any recount, audit, or contest of the result of the election that the paper ballots have been compromised (by damage or mischief or otherwise) and that a sufficient number of the ballots have been so compromised that the result of the election could be changed,	<p>The old “let’s discredit paper ballots and pretend electronic ballots are OK” trick. And what if the electronic “ballots” have been compromised? I guess we don’t need to worry about that, since we’d <i>never know</i>, given the trade secrecy guarantees of the bill, the ease of software erasure of the crime, and other sundry variables that allow electronic election theft to go undetected.</p>
4.	8	“(I) allows the voter to privately and	<p>Congress borrows heavily from the Election Assistance</p>

THE VOTER CON ACT

Item	Page X of 67	Legislative Text	Comment
		<p>independently verify the paper ballot through the conversion of the printed or marked vote selections into accessible form, including nonvisual and enhanced visual forms,</p>	<p>Commission “voluntary” voting system guidelines, turning the “voluntary” guideline into a federal mandate. The old text converter device rears its ugly head. But what’s this? The previous version had it converting ballot selections into “accessible forms”, and now it will deliver vote selections into “enhanced visual forms”. What the heck does that mean anyway? New, Viagra-supported voting. Wow. How will the courts interpret this one? “Sorry, State Election Official, but we can’t allow you to certify your elections because your accessible device was not, ahem, sufficiently “enhanced”. We’ll have to sort out the winners and losers here. Thank you.</p>
5.	8	<p>“(II) ensures that the entire process of ballot verification and vote casting is equipped for individuals with disabilities, including nonvisual and enhanced visual accessibility for the blind and visually impaired and through mechanisms that do not require a voter to manually handle the paper ballot, which may include the use of mechanisms that provide voters with the option of automatically placing the ballot into a secure container for subsequent counting, and</p>	<p>Congressional collusion with White House voting system design. The collusion between the White House and Congress is again highlighted in this requirement, which comes directly from the Election Assistance Commission’s “Voluntary” voting system “guidelines” (VVSG). These are not really guidelines; they are actually product design specifications and requirements, created by the White House agency. Nor are they voluntary, because these design specifications are handed off to the e-voting industry barons so the EAC-designed voting systems become the voting system product available for sale to our towns, cities, counties, and states. The previous version of HR811 inserted VVSG language in the form of the bill’s unfunded text converter mandate. Holt now moves from inserting VVSG I language to mandate into federal law the not-yet-even-approved draft version of the VVSG</p>

THE VOTER CON ACT

Item	Page X of 67	Legislative Text	Comment
			<p>II (Section 3.3.4).</p> <p>FINALLY! The EAC's walking, talking ballots make their debut appearance in the Holt Bill. We've been breathlessly awaiting their appearance.</p>
6.	9	<p>“SEC. 247. STUDY AND REPORT ON ACCESSIBLE BALLOT VERIFICATION MECHANISMS. 9 VERIFICATION MECHANISMS. 10 “(a) STUDY AND REPORT.—The Director of the National Institute of Standards and Technology shall study, test, and develop best practices to enhance the accessibility of ballot verification mechanisms....</p>	<p>Another White House agency handed our hard earned money to develop bogus high tech voting systems. We can certainly count on NIST, the <i>other</i> White House agency involved in designing lunar shuttle voting systems. They have done a bang up job in their collaborative effort with the EAC on voting system design specifications.</p> <p>I can't wait for the day when I won't even have to <i>think</i> about my ballot selections, when NIST-EAC comes up with a mind reading ballot marking solution for those of us who are, shall we say, cognitively impaired in the area of political savvy.</p>
7.	10	<p>“(b) COORDINATION WITH GRANTS FOR TECHNOLOGY IMPROVEMENTS.—The Director shall coordinate the activities carried out under subsection (a) with the research conducted under the grant program carried out by the Commission under section 271, to the extent that the Director and Commission determine necessary to provide for the advancement of accessible voting technology.</p>	<p>The Commission. Well, it took 10 pages, but finally our friendly Commissioners of the Count get their due recognition. And they get to carry on with their voting system design play dates with their very best friends: NIST.</p>
8.	12	(C) CONSULTATION.—The Election	EAC-NIST Assistive Technology Dynamic Duo.

THE VOTER CON ACT

Item	Page X of 67	Legislative Text	Comment
		<p>Assistance Commission shall carry out its responsibilities under this paragraph in consultation with the Association of Assistive Technology Act Programs and representatives of experts in the area of electronic voting security.</p>	<p>We've seen how well they've done this so far, with their accessible voting extravaganza system designs. Can you say "reasonable accommodations"? Someone ought to clue those guys in.</p>
9.	12	<p>(4) CLARIFICATION OF ACCESSIBILITY STANDARDS UNDER VOLUNTARY VOTING SYSTEM GUIDANCE.—In adopting any voluntary guidance under subtitle B of title III of the Help America Vote Act with respect to the accessibility of the paper ballot verification requirements for individuals with disabilities, the Election Assistance Commission shall include and apply the same accessibility standards applicable under the voluntary guidance adopted for accessible voting systems under such subtitle.</p>	<p>Clarification through obfuscation. We remember this "clarification" from the last version of the bill. Makes your eyeballs sting trying to figure out this text. But all it means is that the <i>EAC is the final arbiter of what constitutes an "accessible" voting system.</i> Okay, all you Diebold-sponsored folks hankering for a lawsuit: just whip out the old 1000+ page EAC voting system design specifications, take your pick, and launch a lawsuit against the state of your choice not implementing any one of those fine designs. Here's the long and the short of it:</p> <ol style="list-style-type: none"> 1) 811 mandates accessibility in broad, undefined language 2) 811 says, "Don't worry, the EAC knows what we mean by "accessible." 3) The EAC says, "Yeah, buddy! You want accessible? We got accessible! 1,000+ pages of accessible!" 4) The industry says, "Sure, we can build that. It'll just cost about \$30,000 per unit." 5) The states say, "Are you nuts? We can't afford that!" 6) The Diebold-funded disability activists say, "Well, you either afford that, or afford our little lawsuit because you aren't complying with federal law (811), which tells you to provide EAC-accessible equipment!!" 7) The citizens say, "We can't even figure out what this complex machine is doing with our votes! We want our democracy back!"

THE VOTER CON ACT

Item	Page X of 67	Legislative Text	Comment
			<p>8) The election officials say, "We can't figure it out either. We can't find people to work here any more. We can't hold elections anymore."</p> <p>9) The feds say, "Don't worry, we've got things under control."</p> <p>10) The industry barons say, "Thanks, guys. I was wondering how to pay for my Bahama Beach house."</p> <p>11) The Founders roll over in their graves.</p>
10.	13	<p>"(8) PROHIBITING USE OF UNCERTIFIED ELECTION-DEDICATED VOTING SYSTEM TECHNOLOGIES; DISCLOSURE REQUIREMENTS.—</p>	<p>Better use those certified systems! So let's think. What actually constitutes a "certified" system? Is it the system that will keep the state out of court by hungry litigators, seeking to ensure that all the EAC designs for accessibility are incorporated into any state-certified system?</p>
11.	14	<p>and which has not been deposited with an accredited laboratory described in section 231 to be held in escrow and disclosed in accordance with this section.</p>	<p>Come on, now. Hand it over. Nice and slow. We'll take that now. Okaaaaayyyy... So the states have to turn over their system to an EAC laboratory, which will disclose the innards to "qualified" persons. Yeah, that sounds secure. The rest of us will just sit on our hands and have "confidence" in the EAC designees who hold the keys to the nation's vote count. Is that a correct interpretation of what the Constitution had in mind when they talked about a "Republic"?</p>
12.	14	<p>"(I) the person is a qualified person described in subparagraph (C) who has entered into a nondisclosure agreement with respect to the technology which meets the requirements of subparagraph (D);</p>	<p>Only qualified applicants need apply. Here we go. Here come those "qualified" people who can hold the keys to the nation's vote counts.</p> <p>Ordinary citizens, stand back!</p> <p>Just how stupid do these guys in Congress think we are</p>

THE VOTER CON ACT

Item	Page X of 67	Legislative Text	Comment
			anyway? Are they that out of touch with reality???
13.	16	“(D) REQUIREMENTS FOR NONDISCLOSURE AGREEMENTS.—A nondisclosure agreement entered into with respect to an election dedicated voting system technology meets the requirements of this subparagraph if the agreement—	<p>Secret vote counting. The kleptocracy replaces the democracy. Our old friend from the previous version of the bill: the nondisclosure agreement.</p> <p>These guys are absolutely nuts. They actually think that it is okay to privatize America’s vote counting and to enshrine vote count secrecy into federal law? I am continually astounded by their fantasy world.</p>
14.	18	“(E) ELECTION-DEDICATED VOTING SYSTEM TECHNOLOGY DEFINED.—For purposes of this paragraph, ‘election-dedicated voting system technology’ means ‘voting system software’ as defined under the 2005 voluntary voting system guidelines adopted by the Commission under section 222, but excludes ‘commercial off-the-shelf’ software and hardware defined under those guidelines.	<p>Congress and the White House protect corporate privatization and trade secrecy in our elections. Since we’re granting the EAC (again) power to define just what a voting system is for our nation, we need not be concerned about protecting COTS. The EAC design and testing specifications already protect COTS from allowing test labs to sneak a peek where COTS is concerned. It’s already given its own special treatment by the Commission in their VVSG.</p>
15.	18	“(9) PROHIBITION OF USE OF WIRELESS COMMUNICATIONS DEVICES IN VOTING SYSTEMS	<p>Okay, who let the sane guy into the legislative drafting session? Brilliant. Let’s keep this little gem, in case e-voting industry barons are too stupid to figure out that voting systems shouldn’t have wireless capabilities.</p>
16.	18	“(10) PROHIBITING CONNECTION OF SYSTEM OR TRANSMISSION OF SYSTEM INFORMATION OVER THE INTERNET.—	As above.

THE VOTER CON ACT

Item	Page X of 67	Legislative Text	Comment
17.	19	“(11) SECURITY STANDARDS FOR VOTING SYSTEMS USED IN FEDERAL ELECTIONS.—	Page 19. They start thinking about security standards. Here’s a good place to get rid of all the slimy crooked e-voting industry barons. How about this: we don’t allow criminals to be programming our elections? That’s kind of simple, isn’t it?
18.	20	“(iv) At the request of the Commission— “(I) the appropriate election official shall submit information to the Commission regarding the State’s compliance with this subparagraph; and 18 “(II) the manufacturer shall submit information to the Commission regarding the manufacturer’s compliance with this subparagraph.	Let’s have the White House keep track of all our security plans. Oh yes, this is another good idea. Let’s give the White House control of the security plans for every election system in the nation. That ought to keep our votes safe and sound. Then, let’s ask the robbers to hang on to the bank security blueprints for us, too.
19.	24	“(E) EFFECTIVE DATE.—“(i) APPLICATION PRIOR TO 2010.— This paragraph shall apply with respect to the regularly scheduled general election for Federal office in November 2008 and any subsequent election for Federal office held prior to 2010, but only in the event of the failure of the voting system in use at the polling place.	Paper or vapor? You’ll have a choice in a few years. Without going into the myriad of holes in the paper ballot by choice provision, the effective date says it all. What constitutes a “failure” of the voting system, anyway? Could the complete and utter lack of any reliability, security, or accuracy mechanisms constitute a failure? Or are we just talking, the thing won’t boot up?
20.	24-25	“(ii) RULE FOR 2010 AND SUCCEEDING YEARS.—This paragraph shall apply with respect to elections for Federal office held in 2010 and any succeeding year, except that in the case of a polling place in operation prior to the date of the election, during days prior to the date of the election this	What did you say? Contest: Anyone who can interpret the bolded phrase gets an extra ballot next Election Day.

THE VOTER CON ACT

Item	Page X of 67	Legislative Text	Comment
		<p>paragraph shall apply only in the event of the failure of the voting system.”.</p>	
21.	26	<p>“(iii) the laboratory certifies that it will permit an expert designated by the Commission to observe any testing the laboratory carries out under this section;</p>	<p>White House certified experts alone get to witness voting system testing. There’s the Commission again. They get to decide who can observe voting system testing. Lucky ducks.</p>
22.	27	<p>“(A) ESTABLISHMENT OF ESCROW ACCOUNT.—The Commission shall establish an escrow account (to be known as the ‘Testing Escrow Account’) for making payments to accredited laboratories for the costs of the testing carried out in connection with the certification, decertification, and recertification of voting system hardware and software.</p>	<p>The EAC gets its purse strings. Prior to 811, the EAC, as mentioned numerous times by Chair Donetta Davidson, just doesn’t have the power or authority to transfer funds to the testing labs. This will make Chair Donetta swoon with happiness. I can’t tell you how irritated she’s been not having this power.</p>
23.	31	<p>(D) AUTHORIZATION OF APPROPRIATIONS.—There are authorized to be appropriated to the Election Assistance Commission such sums as may be necessary to carry out the Commission’s duties under paragraphs (3) and (4) of section 231 of the Help America Vote Act of 2002 (as added by subparagraph (A)).</p>	<p>The Commission’s life line is extended. Keep those monies flowing to the White House Commission controlling America’s votes. That way, Mr. Holt’s self-declared goal of strengthening the Agency, as articulated in a July town meeting with constituents, gets closer and closer to being realized.</p>
24.	33	<p>(B) CERTIFICATIONS BY STATES THAT REQUIRE CHANGES TO STATE LAW.—In the case of a State that requires State</p>	<p>State laws? We don’t need no stinking state laws. Carried over from the previous version of the bill, here is Congress dictating to the states what their laws should be, and</p>

THE VOTER CON ACT

Item	Page X of 67	Legislative Text	Comment
		legislation to carry out an activity covered by any certification submitted under this paragraph, the State shall be permitted to make the certification notwithstanding that legislation has not been enacted at the time the certification is submitted and such State shall submit an additional certification once such legislation is enacted	further telling the states to just go ahead and do what Congress says, even if they don't "yet" have in place the laws Congress would like them to enact. Nice set of checks and balances, that. (repeat performance on page 44)
25.	33	(4) GRANTS FOR RESEARCH ON DEVELOPMENT OF ELECTION-DEDICATED VOTING SYSTEM SOFTWARE.—	Let's sink more American tax dollars into the kleptocracy. You know what? I don't want ANY of my money going into the development of voting system software. I don't think software belongs in our voting system and I resent Congress appropriating MY money to facilitate their bloodless coup of MY democracy. And by the way, I've already seen what NIST does with our voting systems. I've read their EAC voting system design specifications. No thanks.
26.	35	“(4) For fiscal year 2008, \$1,000,000,000,	The unfunded mandates raise their head in this version of the bill too. Still sticking to their \$1 billion story, even though we've already shown how far off the mark that is for the requirements of this bill, primarily, but not only, because of the text converter, new technology requirements. For more information, see: http://www.opednews.com/articles/opedne_nancy_to_070719_cr_ippling_cost_of_hr.htm
27.	46	(e) EFFECTIVE DATE FOR NEW REQUIREMENTS.—	Try and figure out these effective dates. Wow. It's always a joy trying to track back these clauses and paragraphs. But it looks like most everything has to be done for 2012, including a whole new complex technology that can mark, read back, and deposit the ballot, to be developed, tested, and

THE VOTER CON ACT

Item	Page X of 67	Legislative Text	Comment
			certified.
28.	47	SEC. 3. ENHANCEMENT OF ENFORCEMENT OF HELP AMERICA VOTE ACT OF 2002.	<p>Send Lawyers, Guns and Money. See Item 9. I know a lot of people love the idea of expanding our right to sue. But put in the context of suing states for noncompliance with EAC voting system design standards, this is a judiciary election selection extravaganza. We can just call off our elections, and let the courts tell us who should be in office. Spare us all a lot of trouble. It'll be downright nostalgic. Florida 2000-like.</p>
29.	50	“Subtitle C—Mandatory Manual Audits	<p>Audits, schmaudits. Looks like the same crummy audit protocols they've had in previous versions. Sheesh. Bev Harris already blew the lid off this baloney in her 811 audit simulation and Debate with a Chair:</p> <p>http://www.bbvforums.org/forums/messages/1954/47778.html?1183840740</p> <p>http://www.bbvforums.org/cgi-bin/forums/board-auth.cgi?file=/1954/47822.html</p>
30.	58	“(d) DEADLINE FOR ADOPTION OF PROCEDURES BY COMMISSION.—The Commission shall adopt the procedures described in subsection (a) not later than March 31, 2008, and shall publish them in the Federal Register upon adoption.	<p>In EAC we trust. We're trusting the White House agency to determine whether or not to adopt state auditing protocols?</p>
31.	59	“SEC. 325. PUBLICATION OF RESULTS. “(a) SUBMISSION TO COMMISSION.—As soon as practicable after the completion of an	<p>Give us all the information. Hand it over. Now. Before certifying their election results, States must submit to the Commission detailed reports consisting of 14 data points as</p>

THE VOTER CON ACT

Item	Page X of 67	Legislative Text	Comment
		<p>audit under this subtitle, the Election Auditor of a State shall submit to the Commission the results of the audit, and shall include in the submission a comparison of the results of the election in the precinct as determined by the Election Auditor under the audit and the final unofficial vote count in the precinct as announced by the State and all undervotes, overvotes, blank ballots, and spoiled, voided or cancelled ballots, as well as a list of any discrepancies discovered between the 8 initial, subsequent, and final hand counts administered by the Election Auditor and such final unofficial vote count and any explanation for such discrepancies, broken down by the categories of votes described in paragraphs (2) and (3) of section 323(a).</p>	<p>applied to at least four different categories of votes cast.</p>
32.	59-60	<p>“(1) PROHIBITING CERTIFICATION UNTIL COMPLETION OF AUDITS.—No State may certify the results of any election which is subject to an audit under this subtitle prior to— “(A) to the completion of the audit (and, if required, any additional audit conducted under section 323(d)(1)) and the announcement and submission of the results of each such audit to the Commission for publication of the information required under this section;</p>	<p>The Commission is inserted into the process of States certifying their election results. The Commission is the authority to whom States must report audit results. The Commission will control the flow of this information to the public.</p>

THE VOTER CON ACT

Item	Page X of 67	Legislative Text	Comment
33.	62	“(e) AUTHORIZATION OF APPROPRIATIONS.—There are authorized to be appropriated to the Commission for fiscal year 2008 and each succeeding fiscal year \$100,000,000 for payments under this section.	<p>White House Coup made permanent. Congress indefinitely funds the perpetuation of the Election Assistance Commission. Previous versions of the bill called this section, “Permanent Extension of the Election Assistance Commission,” then just “Extension of the Election Assistance.” In response to well-deserved criticism for cementing this distinctly anti-democratic agency, this version, and its immediate predecessor try to hide the intent, but here it is. Clear as day.</p>
34.	64	“SEC. 328. EFFECTIVE DATE. “This subtitle shall apply with respect to elections for Federal office beginning with the regularly scheduled general elections held in November 2008.”.	<p>Try counting toilet paper rolls. The effective date for the audits is 2008, yet states can keep their fraudulent toilet paper roll DREs. We know from countless studies that it is impossible to conduct meaningful audits with this technology. What are they trying to do here? The states can't certify their elections until they comply with the audit requirements, resolve all discrepancies, and then submit their report to our friendly neighborhood Commissioners of the Count. Since most toilet paper roll audits will be filled with irresolvable discrepancies, does that just mean they don't certify their elections?</p>
35.	65-66	(c) GUIDANCE ON BEST PRACTICES FOR ALTERNATIVE AUDIT MECHANISMS.— (1) IN GENERAL.—Not later than May 1, 2008, the Director of the National Institute for Standards and Technology shall establish guidance for States that wish to establish alternative audit mechanisms under section 322(b) of the Help America Vote Act of 2002 (as added by subsection (a)).	<p>There goes more of my money to a White House Agency. Thanks but no thanks. Send it to the states instead, if you must.</p>