

## Support Clean Elections in 2008

Please support the amended U.S. Representative Rush Holt's HR811 "Voter Confidence and Increased Accessibility Act" and its Senate companion bill S559 and contact your Senators to support its passage. <http://senate.gov>

Representative Holt provides FAQs, a list of changes, and other info on the revised HR811: [http://www.holt.house.gov/HR\\_811.shtml](http://www.holt.house.gov/HR_811.shtml)

Here is the amended bill itself:

[http://www.nass.org/Hill%20Documents/HR%20811%20ZL%20Substitute%20as%20reported%205\\_8\\_07.pdf](http://www.nass.org/Hill%20Documents/HR%20811%20ZL%20Substitute%20as%20reported%205_8_07.pdf)

The amended HR811 is good because it:

1. replaces all paperless digital recording electronic (DRE) voting systems by 2008 with optical scan paper ballot systems (optical scan paper ballot systems are the only voting systems that currently meet HR811's requirements for durable paper ballots that do not violate voter privacy), and
2. requires, for the first time in history, nationwide independent audits of all federal election outcomes beginning in 2008, and
3. more than sufficiently funds the independent audits and replacement of voting systems, and
4. requires replacing all DRES using flimsy voter verifiable paper rolls which violate voter anonymity, by the 2010 election so that if local election officials responsibly purchase economical, fully auditable voting systems, or if vendors do not develop new DRE equipment which print durable, separate, paper ballots by 2010, then ALL jurisdictions will be using paper ballot optical scan voting systems by 2010.

At the very worst, HR811 gives a large chance of ensuring that correctly elected people are sworn into office after the 2008 election, perhaps for the first time in American history.

The House Administration Committee's amendments to HR811 incorporate many good revisions that election activists suggested including:

1. changes the language for the official ballot of record in case of disputes so that the electronic counts cannot be automatically used whenever sufficient paper ballot records are unreadable; and
2. removes the loophole where audits could be avoided by requiring any state mandated recounts to manually count at least as many ballots as the audit would; and
3. fixes the timelines to be reasonable for election officials to replace existing DREs which do not meet the requirements for durable paper ballots which preserve voter anonymity; and

4. fixes the funding to be more than adequate to replace all DRE voting machines and conduct audits; and
5. removes any requirement for text conversion technology - it gives the choice of allowing voters with disabilities to verify their vote by conversion of either the text or the marked ballot; and
6. fixes the Internet connection clause to prohibit connections to vote tabulating or ballot programming devices, as well as to vote casting devices; and
7. changes the make up of the state audit boards to give states more flexibility for appointing independent auditors as long as they meet the GAO requirements for independent auditing; and
8. removes the extension of funding authorization for the Election Assistance Commission; and
9. requires that paper ballots be available at all polling locations for any voter which requests one and in case of problems with electronic voting systems, and requires that those paper ballots are counted with the other ballots cast on Election Day.

HR811 is now reasonable for election officials (allows sufficient time and funding), and comes close to accomplishing what we all want - verifiably accurate election outcomes.

Please make up your own mind to support HR811 and S559 based on actual facts.

Untrue rumors about the amended HR811 are being spread by a prominent "election integrity activist", whose final recommendations are consistently the same as election officials who are against any mandated independent audits of election results and against any federal legislation which would force election officials to replace current voting equipment. Please keep in mind that some "election integrity activists" may have financial or other incentives to "not" quickly solve our country's election problems and may be attempting to kill any and all federal election reform legislation by employing disingenuous, illogical arguments.

For instance, some of the opponents of HR811 formerly opposed full software disclosure requirements in the original HR811, yet now are opposing HR811 because it does not require full software disclosure.

See <http://electionmathematics.org/em-voting-systems/EIGroupsOpposePublicSoftware.pdf>

In order to replace all digital recording electronic (DRE) voting machines by 2010, full software disclosure cannot be required because implementing voting systems which use fully disclosed software would take at least 4.5 years to develop, test, do federal and state certifications, purchase, do training, and implement.<sup>1</sup>

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<sup>1</sup> Software that is fully publicly disclosed could not use Microsoft operating system or other proprietary trade secret software. There is no legal means to require all the current trade secret software, much of it created in other countries, to be publicly disclosed short of altering copyright and trade laws world-wide. Developing new voting systems with publicly disclosed software would require years to develop, test, certify, sell, train and implement.

In other words, there is a clear choice, either:

1. require full voting system software disclosure and wait 5 years to replace all existing DRES due to the time it takes for development, testing, certification, training, and implementation cycles; or
2. leave voting system software disclosure essentially the same as it is today (as the amended HR811 does), and immediately replace (by 2010) all DREs with existing optical scan paper ballot systems that are already federally certified

Some election officials and voting machine vendors are actively fighting against the revised Holt bill for two reasons:

1. many election officials do not want election results to be subjected to independent audits (even though election officials neither have to pay for or conduct the audits - although they must participate and secure the ballots), and
2. voting machine vendors want to be able to sell DRE electronic-ballot voting machines which are more profitable for them than selling paper-ballot optical scan systems.

According to the literature of "The Election Technology Council", voting machine vendors cannot develop and implement any new voting systems by 2010.

In "Election Technology Council Comments on Help America Vote Act Amendments":

[http://josephhall.org/tmp/ITAA-ETC-hava\\_amendments.pdf](http://josephhall.org/tmp/ITAA-ETC-hava_amendments.pdf)  
(See the color chart)

voting vendors claim to need 54 months (4.5 years until at least 2011) to develop, certify and implement any new products to meet the new requirements of HR811.

Therefore the requirement to replace all DREs w/ VVPAT rolls by 2010, according to the vendors' own material, would mean that DREs, including the ones with paper rolls, would have to be replaced by more economical, more auditable paper ballot optical scan voting systems.

It is important for all responsible Americans who love democracy to support HR811 and to call, email, and write your US Senators and ask them to pass S559 with the same amendments that have been made to HR811.

by Kathy Dopp

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