

**Date:** May 5, 2008

**To:** Members of the Government Accountability Board

**From:** Paul Malischke

**Subject:** Agenda Item K 7, Voting Equipment Approval

On April 7, the Milwaukee Journal Sentinel reported that staff of the Government Accountability Board is “considering forgoing federal certification of a new vote-counting device”. The reason cited is that some municipalities have incompatibilities in their voting equipment. This risky action would be taking Wisconsin in the wrong direction. Instead, we should be standardizing on optical scan voting equipment.

Milwaukee, Appleton, Wausau, Janesville, Beloit, Madison, and all of Dane County, and many other municipalities do not have the incompatibility problem described in the news article, since they have standardized on optical scan, both for their tabulator and their ballot marking device for people with special needs. Approximately 80% of Wisconsin voters already use optical scan.

**Please establish a policy to require that all future purchase of voting systems be limited to optical scan systems.**

Such a policy should have the following features:

- All equipment purchases in the future must be optical scan.
- Existing equipment would be grandfathered, but when it comes time to replace it, optical scan must be the only system considered.
- The one allowed temporary exception would be for municipalities that already have other equipment such as Direct Recording Equipment (DRE). If they are opening additional polling places, they may purchase additional DRE's for the new polling places. This exemption should expire in three years.

The above restrictions would mean that no money is wasted, since all existing equipment would remain usable. However, by setting a future course for replacements, there would be significant benefits.

- Standardization would make government more efficient by making it easier for Wisconsin's election administrators to write and enforce rules and policies, manuals, and training programs.
- Standardization would make it easier for voters. If they move to another municipality, they will still have a similar type of system.
- Standardization would give vendors guidance as to what type of equipment to develop in the future. There would still be competition, as there are at least three major vendors of optical scan equipment.

Optical scan is being recognized as the best system, since it inherently produces a verified paper record hand marked by the voter. Florida and Iowa have recently standardized on optical scan.

Here are some advantages of optical scan:

- Faster voting eliminates or minimizes long lines, since scanning paper ballots takes only seconds. With DRE's, voters have to wait for machines that fill out their ballots, and voting on a DRE takes minutes.
- If an optical scanner fails, voters can continue marking paper ballots, which can be collected securely and held for counting. When DRE equipment fails, there is a great delay while the problem is solved or emergency ballots are provided.
- The technology is cheaper, with only one scanner and one ballot marking device (for persons with special needs) required per polling place.
- Recounts and audits are much easier to perform than with commercial voter verified paper record (VVPR) systems, which have often experienced paper jams that disrupt the printed record.
- It is easier to preserve privacy with optical scanners than with VVPR, because most VVPR solutions store the paper records sequentially.
- Durable paper is used for ballots marked by the voter to be counted in optical scanners.
- The operation is simpler and more transparent to voters.

The alternative path of using equipment that is not federally certified is risky. Attempting to certify equipment without major resources may lead to bad outcomes, ranging from wasting valuable staff time to using problematic equipment that reports incorrect results.

Please read the testimony on certification and testing by Sandra Steinbach, who was the chairperson of the Voting Systems Board of the National Association of State Elections Directors. This was delivered to the Election Assistance Commission on February 2, 2006. She comments on the "...lack of appropriate technical skills at the state and local level...". She discusses the complexities of permitting new equipment to be used with old equipment, of dealing with software testers and hardware testers, and having an appeals structure. She concludes "We hope that you will be able to relieve us of this immense burden -- very soon."

The full testimony is available at [http://www.eac.gov/News/meetings/2006/docs/2-02-06-meeting-steinbach-20testimony.pdf/attachment\\_download/file](http://www.eac.gov/News/meetings/2006/docs/2-02-06-meeting-steinbach-20testimony.pdf/attachment_download/file)

**Please direct your staff to report on the feasibility of establishing a policy to standardize on optical scan for all future purchases of voting systems.**