



October 8, 2004

Secretary of the State Susan Bysiewicz
Secretary of the State's Capitol Office
210 Capitol Ave., Suite 104, Hartford CT 06106

Dear Ms. Bysiewicz,

The following comments regarding implementation of Connecticut's HAVA State Plan and the drafting of RFPs for the purchase of HAVA-funded voting systems are submitted on behalf of the VerifiedVoting Foundation (a national, nonpartisan organization that champions reliable and publicly verifiable elections in the United States; see attachment 1) by two of its members, Willard Bunnell and Michael Fischer.

In the Introduction to the July 23, 2003 version of Connecticut's HAVA State Plan (<http://www.sots.state.ct.us/ElectionsDivision/HAVA/State%20Plan.Doc>), you pledge that the State of Connecticut will continue to:

"investigate all aspects of voting systems to identify which systems will most benefit all electors in our state" and "update and refine the State plan as necessary to reflect changes and progress in election reform."

With respect to those two pledges, we encourage you to study and evaluate recent advances in voting systems technology as well as changes in election reform that have occurred since Connecticut's State Plan was issued in July 2003.

As an example of the latter, there is growing support nationwide for federal legislation that would require all voting systems to provide a voter-verified paper ballot (VVPB). As of October 5, 191 members of the U.S. House of Representatives (or nearly 44% of its members) and 20 members of the U.S. Senate, including Democrats, Republicans, and independents, have gone on record as cosponsoring a requirement that all voting systems provide a VVPB by 2006 or sooner; new cosponsors continue to be added each month. In addition, the legislatures of several states, including Illinois, Ohio, California, Vermont, Maine, and Alaska have passed legislation requiring VVPBs, thus increasing the demand for voting systems that provide this capability and increasing the pressure on voting systems vendors to deliver such products. Accordingly, the prudent course of action for Connecticut would be to adopt voting systems that provide an accessible VVPB capability; several existing systems already do (see attachment 2).

Given the extreme importance of providing accessibility to voters with disabilities, as mandated by HAVA, such VVPB systems must be accessible to all voters. California, which represents the single largest market for voting systems, has already taken the lead on this issue and has established accessibility standards for VVPB systems. We encourage Connecticut to examine those standards, which are available at: http://www.ss.ca.gov/elections/ks_dre_papers/avvpat_standards_6_15_04.pdf

We would also encourage Connecticut to take as comprehensive a view as possible when evaluating *"all aspects of voting systems to identify which systems will most benefit all electors in our state"*, as doing otherwise could shortchange those electors of potentially superior and more cost-effective solutions. The State Plan goes on to state (on page 2) that:

“(c)onsiderable efforts are necessary for the State to meet all of the other HAVA requirements” and that the State will need to *“investigate voting systems alternatives (through passage of H.B. 6592...)”*.

Those investigations should include all voting systems that meet the requirements of HAVA, and should thus include both: 1) direct recording electronic (DRE) voting systems with VVPB, and 2) precinct-based (or polling-place-based) optical scan systems as augmented by the recently-introduced ballot marking devices; those devices make optical scan ballots fully accessible to voters with disabilities (see attachment 3). Optical scan ballots provide an inherent manual audit capacity (i.e., optical scan ballots are their own VVPB) and polling-placed-based optical scanners provide similar protections against over-votes and warnings about under-votes as are provided by DRE voting systems. Thus, these optical scan voting systems, when augmented by at least one ballot marking device per polling place (to provide access for voters with disabilities), are fully compliant with the requirements of HAVA.

Given the likelihood of eventual passage of federal legislation to require all voting systems to provide a VVPB, it would not be prudent for Connecticut to deploy any new voting system lacking such a capability nor to exclude any voting systems that can provide such a capability. Optical scan ballot systems can potentially provide a more cost-effective, unified, and comprehensive solution than attaching VVPB printers to DRE voting machines (see attachment 4). While either approach can fully meet both the current HAVA mandates and the expected future federal mandates for VVPBs, the former approach provides some significant advantages (see attachment 5).

We encourage Connecticut to implement its HAVA plan (and to draft its RFPs for new voting systems) in a way that enables towns to have a full range of HAVA-compliant options so that they can select those voting systems that are most viable and cost-effective given their specific requirements. The existing State Plan states that *“the State of Connecticut will purchase one electronic voting system for each polling location in Connecticut (currently 746 statewide) for use by individuals with disabilities.”* Since it does not explicitly state that such systems must be touch screen or direct recording electronic (DRE) voting systems, we urge Connecticut to interpret *“electronic voting systems”* as including both VVPB-capable DREs and precinct-based optical scanners augmented by electronic ballot marking devices (those devices were not yet available when the current State Plan was written in 2003). Such an interpretation should not require amending the existing State Plan.

Please do not hesitate to contact us if you have any questions regarding the issues raised by these comments.

Respectfully,

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cc: Deputy Secretary of the State Maria Greenslade

Attachments:

1. Information about the sponsoring organizations
2. Voting systems that provide a voter-verified paper ballot (VVPB)
3. Information on electronic ballot marking devices
4. Cost comparison of alternative solutions (shows cost savings for a solution that employs polling-place-based optical scanners and electronic ballot marking devices)
5. Advantages and disadvantages of alternative solutions