



The Honorable Gineen Bresso Beach  
The Honorable Gracia Hillman  
The Honorable Donetta Davidson  
U.S. Election Assistance Commission  
1225 New York Avenue, NW, Ste. 1100  
Washington, DC 20005

June 25, 2009

Dear Commissioners,

Recently, the Commission has adopted a naming convention for the Voluntary Voting System Guidelines that refers to the 2005 iteration of the guidelines as "VVSG 1.0," and the proposed update to the VVSG 2005 as "VVSG 1.1." We believe this naming convention may not be in concordance with HAVA Section 222(e), which mandates that the last voting system standards adopted by the Federal Election Commission prior to HAVAs' enactment be considered adopted by the Election Assistance Commission and treated as the first set of voluntary voting system guidelines developed pursuant to Part 3 of HAVA.

Here is the text of section 222(e):

*Special Rule for Initial Set of Guidelines.--Notwithstanding any other provision of this part, the most recent set of voting system standards adopted by the Federal Election Commission prior to the date of the enactment of this Act shall be deemed to have been adopted by the Commission as of the date of the enactment of this Act as the first set of voluntary voting system guidelines adopted under this part.<sup>1</sup>*

We respectfully suggest that because the voting system standards adopted by the Federal Election Commission on April 30, 2002 appear to be the lawful first set of voluntary voting system guidelines adopted by the Commission pursuant to Part 3 of HAVA, the Commission refer to the 2002 voting system standards as "VVSG 1.0," or adopt a new naming convention that otherwise correctly reflects the status of the 2002 voting system standards in the first iteration of the VVSG. We look forward to your response concerning this matter, and we thank you for your ongoing responsiveness to public comment.

Sincerely,

Warren Stewart  
Legislative Policy Director, Verified Voting Foundation

Pamela Smith  
President, Verified Voting Foundation

cc: Brian Hancock

---

<sup>1</sup> Retrieved June 24, 2009 from [http://www.fec.gov/hava/law\\_ext.txt](http://www.fec.gov/hava/law_ext.txt)