

## Frequently Asked Questions by Legislators

These comments, based on the text of H.R.550, address concerns expressed by members of the United States Congress.

### **I am concerned about the additional costs of implementing H.R. 550.**

Most districts are NOT currently using touch-screen equipment. These districts can use their HAVA funds to upgrade to systems that provide a voter verifiable paper trail, as Nevada did in 2004. If the incremental cost increase of touch screens with voter-verifiable printers is too great, ballot-printing devices with precinct-based optical scan systems can be purchased at about 1/3 of the price of touch screen systems -- and these systems are at least as accurate as touch screens.

Districts currently using touch screens can upgrade by adding voter-verifiable printers. Some vendors have reduced the cost of e-voting machines with printers to even lower than the original cost of e-voting machines alone. Some counties have negotiated upgrades to voter-verifiable printer capabilities at no charge at all.

### **What about the voting privacy of individuals with disabilities?**

H.R. 550 **improves** the situation for individuals with disabilities. It shortens the timeline for implementing machines that they can use unassisted (full privacy). The deadline would be Jan. 1 2006 under 550, and it is not until Jan. 1, 2007 under HAVA. There are several voting systems now available that are fully accessible to the disabled and still provide a voter-verified paper trail, including ballot marking devices for the more reliable precinct-based optical scan systems. If H.R.550 is enacted, and counties that use DREs have to use paper ballots in the short run, disabled individuals can still use the DREs if they choose to. So no accessibility is lost, and the technology and timelines stand to improve.

### **I am concerned about states' rights.**

It is within the province of the federal government to regulate the voting methods for federal elections, such as the Presidential election. H.R.550 does not mandate more regulation of the states than HAVA does; it simply mandates somewhat different regulation. Further, over half the states in the country have passed or are considering some form of voter-verified paper ballot legislation or rules, indicating very strong constituent support nationwide.

### **The requirement for a paper receipt opens the door to fraud.**

There are no "receipts." H.R. 550 mandates paper records that are left in a secure container in the polling place, like conventional paper ballots. The voters cannot take a copy of their votes away from the polling place. These records would enable MEANINGFUL recounts, rather than simple repetition of the machine tallies.

### **I want to see what the Election Assistance Commission recommends.**

The Election Assistance Commission was still not fully funded or operational until less than one year ago, even though HAVA mandated it to be established and working by February of 2003. The states have been left without any federal guidance in their efforts to comply with HAVA and safeguard our votes. H.R. 550 fills that vacuum by providing standards that are supported by millions of Americans, thousands of computer science experts, many state legislators and election officials and many members of the House and Senate. Further, the EAC has indicated that it will not make a recommendation for or against a particular type of system, but rather will offer voluntary standards.

### **I thought HAVA already required a voter-verifiable paper ballot.**

HAVA Section 301 (a)(2)(B) says:

- (i) The voting system shall produce a permanent paper record with a manual audit capacity for such system.
- (ii) The voting system shall provide the voter with an opportunity to change the ballot or correct any error before the permanent paper record is produced.
- (iii) The paper record produced under subparagraph (A) shall be available as an official record for any recount conducted with respect to any election in which the system is used.

On first reading, this requirement *seems* to ensure that every voter can verify a paper record of his or her vote and that the verified records will be available for a manual recount. Some legislators seem to have intended this meaning and therefore thought that it was a HAVA requirement. In fact, Senator John Ensign (R-NV), who introduced this language into the bill, says that was the precise intent. Unfortunately, this audit requirement is widely interpreted to mean the permanent record produced at the end-of-day, unverified by voters.