

**Opening Statement of Rep. Wm. Lacy Clay (D-MO), Chairman**  
**Subcommittee on Information Policy, Census, and National Archives**  
**House Committee on Oversight and Government Reform**  
**Hearing on “Electronic Voting”**

**April 18, 2007**

Good afternoon and welcome to today’s hearing. As we enter the 2008 election season, it is essential that this subcommittee examine the use of modern electronic voting systems, and the potential vulnerabilities associated with them.

The principle of free and fair elections is the foundation of our democratic government. The constitutional right to vote has enabled our nation’s citizens to be stakeholders in the greatest democratic experiment the world has ever known.

The need for uniform standards to govern federal elections became painfully clear in the weeks following the 2000 Presidential election in Florida. In response to news reports of “hanging chads,” invalid punch card ballots, and insufficient controls over voter registration systems in Florida, Congress passed the Help America Vote Act of 2002, or HAVA.

HAVA is the first comprehensive federal law establishing requirements for the administration of federal elections. These requirements cover voting system standards, voter information, and registration requirements. HAVA created the Election Assistance Commission (EAC) to serve as a national clearinghouse for election information, to develop standards for electronic voting systems, and to assist state and local governments in their HAVA compliance efforts. Research and development activities required

by HAVA are carried out by the National Institute of Standards and Technology, under the EAC's direction.

To date, Congress has appropriated over \$3 billion to the EAC for these activities. With grants from the EAC, many state and local jurisdictions have attempted to improve the reliability and accuracy of the voting process by replacing antiquated punch card or lever machine systems with electronic voting systems, such as Direct Recording Electronic or Optical Scan systems.

Unfortunately, numerous state and local governments have reported significant problems with electronic voting systems. The still-contested House election in Florida's 13<sup>th</sup> District is a prominent example of how, in some instances, electronic voting systems have produced unreliable results, raising concerns among voting-system experts and causing distrust among voters.

Accordingly, I believe we should pursue two major goals in moving forward with new electronic voting system requirements. First, we should utilize technology that provides an independent auditable voting record that can be verified by election officials, such as a paper audit trail for DREs. In addition, we should ensure that electronic voting system standards meet the need for adequate privacy safeguards and accessibility for the disabled. These efforts would help to ensure that every vote is accurately counted.

Second, we must try to make the process for testing software code more transparent. This would enable both the EAC and election officials to determine which products are the most secure, reliable, and available in the marketplace. To do this, I believe the EAC and NIST should search for new opportunities to partner with our federally funded research community in order to improve our vulnerability testing and certification practices. Furthermore, the EAC should fully implement GAO's recommendations for

strengthening the commission's efforts to become a true national clearinghouse for election administration.

Unfortunately, the technological challenges we face are compounded by problems with the EAC itself. Recent news reports indicate that the EAC has failed to carry out certain responsibilities as required under HAVA. During the past week, *The New York Times* and other publications have reported that the EAC edited the findings of a government-funded report on voter fraud to support the Administration's efforts to mislead the public on the pervasiveness of fraud.

Furthermore, we've learned that recent research on state voter identification standards conducted by Rutgers University for the EAC was rejected for questionable reasons. These developments suggest that the bipartisan EAC may be improperly politicizing their work. At the very least, it appears that the EAC has strayed from its mandate to develop and disseminate vital information on major election-related topics to the public in an objective manner. As a result, I have serious concerns about how the EAC is handling its stewardship role within our federal election system.

It is my hope that our witnesses today can address these issues and offer recommendations to remedy the challenges we face. Testifying on our first panel will be Commissioner Gracia M. Hillman of the Election Assistance Commission, and Mr. Randolph Hite of the Government Accountability Office. Our second panel includes four distinguished witnesses from both the public and private sector: the Honorable Robin Carnahan, Missouri Secretary of State; Professor Avi Rubin of Johns Hopkins University; Mr. John Groh, Vice President of Election Systems and Software, and Chairman of the Election Technology Council; and Dr. Diane Golden of the Missouri Assistive Technology Council. I

welcome all of our witnesses and look forward to an informative and frank discussion of these issues.