

**S. 1487, The Ballot Integrity Act of 2007**  
**July 25, 2007**

Good morning. The Committee will come to order.

No matter what your political party, if you are committed to a democratic form of government, you have to be concerned about the accuracy of the vote and the ability of all citizens to cast their ballots without being hindered by machine breakdowns, computer hacking, undue bureaucratic hurdles and a lack of adequate resources and trained workers at the polling place.

As we saw in Sarasota, Florida, paperless electronic voting systems are the soft underbelly of our voting process -- 18,000 undervotes in the Congressional race, which was five times the rate seen on absentee ballots in the same contest. And the cause remains under investigation.

The Ballot Integrity Act, introduced on May 24, 2007, seeks to address this kind of issue by:

- providing new safeguards to prevent errors and tampering at the polls;
- requiring states to use voting systems with voter-verified paper records subject to public manual audits in the 2010 federal elections;
- taking steps to help increase the turnout in federal elections, improving election administration and ensuring that voters are not denied the right to vote by faulty purges of voting rolls.

It is not a perfect bill, and I anticipate that after this hearing there will be a number of changes that will be incorporated into a Chairman's mark.

We now have a patchwork of voting systems throughout the country:

- Five states -- Delaware, Georgia, Louisiana, Maryland and South Carolina -- have no voter-verified paper records to help ensure the accuracy and reliability of the vote count.
- Eleven states plus the District of Columbia have a combination of voting systems, including DREs with no voter-verified paper records: Florida, Indiana, Iowa, Kansas, Kentucky, Pennsylvania, Tennessee, Texas, Virginia, Wisconsin, Wyoming
- Sixteen states have a combination of voting systems, including DREs with a voter-verified paper record: Alaska, Arizona, Arkansas, California, Colorado, Hawaii, Illinois, Mississippi, Missouri, Nevada, New York North Carolina, Ohio, Utah, Washington, West Virginia. And New Jersey will join this list by 2008, making it 17.

- Seventeen states do not use DREs, and primarily rely on optical scans, paper ballots, vote by phone, vote by mail and ballot marking devices: Alabama, Connecticut, Idaho, Maine, Massachusetts, Michigan, Minnesota, Montana, Nebraska, New Hampshire, New Mexico, North Dakota, Oklahoma, Oregon, Rhode Island, South Dakota, Vermont.

### Advantage of Optical Scan

Experts testified at a February 7<sup>th</sup> Rules Committee that about 56 percent of the voting systems now distributed throughout the states use optical scanners.

The advantage of this system is that you have an individual voter-verified paper record without having to rely on a separate printer or other mechanism that could be subject to jams. This is simple and direct. I believe this is the way to go.

But for those states that seek to continue using direct recording electronic voting systems, there needs to be way – as this bill provides -- for the voter to verify the vote and for the electronic tally to be audited.

### Timeline for Implementation

- As we developed this legislation and examined the time still needed to get it enacted into law, it became clear that we were rapidly approaching the deadline to prepare for the 2008 elections and there is insufficient time for states to invest in new technology.
- In fact, mandating that all states have voter-verified paper records and audits of these records for the 2008 election could be an invitation to chaos.
- Pushing the date back to the 2010 elections will give us more time to reach a bipartisan consensus with voting reform advocates and local and state officials to enact a new law that provides for increased accuracy and accountability at the polls without raising the specter of creating major new errors.

### Title III Election Administration Reform

Our final panel will focus on Title III of the Ballot Integrity Act. Title III contains a number of important election reform provisions:

- Allows voters to cast an absentee ballot without having to provide excuses such as vacation or being away on business;
- Prohibits burdensome limits on third-party voter registration efforts, but allows States to protect against possible fraud;
- Requires states to ensure that each person who works in a polling place receives adequate training on state election procedures;
- Provides safeguards from inaccurate purges of the voting rolls; and
- Makes it easier for overseas and military voters to send in absentee ballot requests, absentee ballots and voter registration forms;

I realize election reform is not an easy process, or one that is free from controversy. I believe this is a good bill, but I expect there will be improvements as we move forward.

With that, I turn to my Ranking Member, Senator Bennett.