

United States Elections Assistance Commission

Testimony of Linda H. Lamone State Administrator of Elections for Maryland Thursday, July 28, 2005

I would like to thank the EAC for giving me this opportunity to provide my comments and input on the Proposed Voluntary Voting System Guidelines. First, let me acknowledge the tremendous effort and detail that went into the Guidelines. I think they represent an important first step towards establishing meaningful standards to which states can work towards. As you move forward to finalize these Guidelines, I hope you will keep the following general points in mind.

- ❑ First, I want to emphasize that the standards need to instill public confidence.
- ❑ Second, the standards should be technology neutral. A standard that dictates a particular technological solution or approach will cut off the opportunity for meaningful innovation and system development.
- ❑ Third, the standards must continue to move accessibility in elections administration forward – not backwards.
- ❑ Finally, standards should be motivated by facts, not theory or aggressive public advocacy.

This last point is most applicable to the topic of voting system verification. In my opinion the verification debate seems to be informed by several questionable assumptions. For example:

- ❑ There is an assumption that electronic voting technology cannot be secure against fraud or attack without an additional verification process. However, Maryland has been using its DRE voting system since 2002 without a single incident of attack, fraud, or lost data.
- ❑ There is also an assumption that a paper trail will provide a meaningful method for voter verification. However, this is not the case if the voters don't actually verify the paper ballot, or the process of verification is too difficult for the average voter to accomplish.
- ❑ Finally, there is an assumption that the voting public lacks confidence in electronic voting technology and therefore additional verification processes must be employed.

In an effort to help address some of these issues in Maryland and nationally, I have been working, with the cooperation of the of the Governor's office, to enter into agreements with the Maryland Institute for Policy Analysis and Research (MIPAR) at the University of Maryland, Baltimore County (UMBC) and the Center for American Politics and Citizenship at the University of Maryland, College Park (UM) to conduct a comprehensive study of independent vote verification systems. The goal of this study is to provide policy makers with the necessary information to help them make informed decisions about voting systems, whether independent verification is needed, and if so what is the most effective means of achieving it.

The systems that SBE hopes will participate in this study include:

1. Avante (paper trail)
2. VoteHere
3. SCYTL
4. IP.com
5. Diebold (paper trail)
6. VoteGuard (Democracy Solutions)
7. MIT (audio verification)

Technical Study

The technical study, which is being conducted by MIPAR at the University of Maryland, Baltimore County will cover the following issues.

1. A review of the current voting system and attendant procedures and testing in order to determine the ability of the voting system to provide verification and auditability.
2. Technical review of the hardware and software utilized by each of the proposed verification systems.
3. An analysis of whether each of the proposed systems provides a satisfactory level of verification and auditability.
4. An analysis of whether each of the proposed systems is susceptible to fraud or attack.
5. An analysis of the level of effort that will be required to integrate each of the verification systems with the voting system.
6. Review of each of the verification systems for compliance with appropriate standards (i.e. accessibility).

Usability Study

The usability study, which is being conducted by the Center for American Politics and Citizenship at the University of Maryland, College Park, will cover the following issues.

1. Elections Administration
 - a. Does the system increase the amount of time each voter spends voting? If so, how much time and how many additional voting units would be required?
 - i. Does the system adequately protect the secrecy of the ballot?
 - ii. What impact will the system have on the role and responsibility of poll workers?
 - iii. If an audit or recount is required, how effective is it to perform these functions with the proposed system?
 - iv. From an implementation point of view, how much time would implementation take?
 - v. What are the initial and ongoing costs of the system?
 - vi. Are there any special storage concerns that need to be addressed to ensure that the medium on which the votes are stored is preserved?
2. Impact on Voters
 - a. Is the system designed in a way that is easy to use?
 - b. How do voters respond to the system?
 - c. Does the system increase voter confidence level with electronic voting?
 - d. Do voters understand the technology?

- e. Are voters able to detect discrepancies?
- f. Can voters with disabilities use the technology in a private and independent manner?

Public Opinion Study

The State Board of Elections is also entering into an agreement with MIPAR to conduct a public opinion survey on voters' attitudes towards electronic voting. The survey will be an important tool for policy makers in determining how best to serve the voting public.

The reports are due by December 15, 2005, with a joint executive summary by the lead researchers from each university by January 4, 2006.