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**Subject:** Rep. Holt comment to UOCAVA Pilot Program Testing Requirements  
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**Attachments:** HoltUOCAVAPilotProjectComment4-15-10.pdf

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Hi Jeannie –

Thank you again, and thank Commissioner Davidson, for clarifying on the record that the pilot projects are voluntary. Mr. Holt's comment letter mostly expresses those thanks again, officially. Besides that, he just makes a couple of requests in connection with the paper record and audit guidelines.

<<HoltUOCAVAPilotProjectComment4-15-10.pdf>>

Thank you again for your assistance!

Best,

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## Congress of the United States

April 15, 2010

Chair  
Select Intelligence Oversight Panel  
Committee on Appropriations

Committee on Education  
and Labor

Permanent Select Committee  
on Intelligence

Committee on Natural Resources

The Honorable Donetta Davidson  
Chair  
Election Assistance Commission  
1201 New York Avenue, Suite 300  
Washington, DC 20005

The Honorable Gracia Hillman  
Commissioner  
Election Assistance Commission  
1201 New York Avenue, Suite 300  
Washington, DC 20005

The Honorable Gineen Bresso Beach  
Commissioner  
Election Assistance Commission  
1201 New York Avenue, Suite 300  
Washington, DC 20005

Dear Chair Davidson and Commissioners Hillman and Beach:

Thank you for your hard work and dedication to improving the administration of elections in the United States. Thank you also for seeking public input on the *UOCAVA Pilot Program Testing Requirements* with respect to technology pilot programs for military and overseas voting.

My primary reason for submitting a comment is to thank Commissioner Davidson for clarifying, on the record at your April 8, 2010 public meeting, that the Military and Overseas Voter Empowerment (MOVE) Act does not mandate the conduct of technology pilot projects (under which "the feasibility of new election technology is tested for the benefit of absent uniformed services voters and overseas voters.") I appreciate that you made it clear that the projects are voluntary as to the States. As you know, the accuracy, integrity and security of the electoral system, particularly with respect to our military service personnel, are among my top priorities. The MOVE Act is making it substantially easier for our overseas service personnel to participate in elections, by facilitating the electronic delivery of blank voting materials, establishing generous time periods for delivery and return of voting materials, and by providing for the expeditious and secure return of completed hard copy military ballots by express mail. I was pleased to support the MOVE Act when it was considered in the House of Representatives. The MOVE Act's voluntary program for technology pilot projects does contemplate the use of less secure methods for the return of completed ballots (including the possibility of Internet transmission without paper ballots), and therefore I appreciate that you confirmed that pilot projects are strictly voluntary to the States.

Since my Voter Confidence and Increased Accessibility Act was first introduced in 2003, I have been gratified to see that most States have implemented one or both of its fundamental requirements: a paper ballot or record for every vote cast, and routine

random audits of electronic vote tallies. A total of 38 states require or use paper-based voting systems statewide, as do counties in 6 others, and 25 have audit requirements. These measures are critical for the accuracy, integrity and security of elections.

Because of the importance of facilitating voting for military and overseas voters, there will be pressure to move away from the secure and auditable systems so much of the country has deployed in recent years despite the fact that the core provisions of the MOVE Act addressed the primary difficulties faced by military and overseas voters, and does not require any such changes to the electoral system. The fact that these pilot projects will be certified in a fraction of the time and at a fraction of the cost of certifying the precinct-based voting systems (paper-based, auditable and otherwise) used for general voting domestically will undoubtedly increase that pressure. In addition, according to discussion at the April 8, 2010 meeting, nothing prohibits use of the pilot projects on domestic military installations, raising the question of whether there will be additional pressure to deploy such projects at other domestic voting sites, such as early voting centers. Finally, because the projects are contemplated to be of limited (one-election) duration, I understand that no decertification process is provided for them.

Therefore, again, I thank Commissioner Davidson for clarifying that these projects are strictly voluntary. In addition, I hope that States will focus on using the 2010 election cycle to confirm how much more convenient and accessible the core provisions of the MOVE Act will already have made military and overseas voting, before they experiment with less secure, less auditable methods of facilitating such voting.

In closing, I will offer the following specific comments on the *UOCAVA Pilot Program Testing Requirements*:

I am pleased that the only model pilot project being considered for 2010 will require a staffed voting kiosk which produces "a paper record each time the confirmation screen is displayed" and that the voter shall have the opportunity of "reviewing the confirmation screen and paper record" (Section 2.4.2.2). I would urge the Commission to require, and test any pilot project to ensure, that (1) the voter can verify each vote selection on the paper record before the paper record is cast into the paper record receptacle; (2) the voter has an opportunity to correct the paper record before it is so cast if the paper record does not accurately reflect the voter's choices; and (3) that if voters with disabilities will be using the voting system, the contents of the paper record can be privately and independently verified and cast by such voters.

I am also pleased that the voter verified paper records are required to be "retained for later auditing or recounts" (Section 2.6.3). However, I would urge the Commission to require audits "to verify the correctness of the electronic record created by the voting device" (Section 2.6.3) whether or not required by State law, because pilot projects under the MOVE Act are a product of a federal program and no further pilot projects should be conducted if the voting systems have not been confirmed to produce accurate tallies. In addition, I would urge the Commission to clarify that (1) the audits shall be conducted prior to a State announcing the certified tally from the pilot project and (2) the term "audit" means using the paper records to "verify the correctness of the electronic record

created by the voting device” as described in Section 2.6.3, rather than the meaning given to the term “audit” in Appendix A.

Thank you again for your commitment to protecting the accuracy, integrity and security of the electoral system in the United States, including the military and overseas voting component of it. If you should have any questions or comments about any of the foregoing, please let me know.

Sincerely,

A handwritten signature in cursive script that reads "Rush Holt". The signature is written in black ink and is positioned above the printed name.

RUSH HOLT  
Member of Congress