

RUSH HOLT
Twelfth District, New Jersey

1019 Longworth Building
Washington, D.C. 20515
202-225-5801
Fax 202-225-6025

50 Washington Road
West Windsor, NJ 08550
609-750-9365
Fax 609-750-0618

website and e-mail:
www.holt.house.gov



Congress of the United States

May 20, 2008

Chair
Select Intelligence Oversight Panel
Committee on Appropriations

Committee on Education
and Labor

Permanent Select Committee
on Intelligence

Committee on Natural Resources

Co-Chair
Children's Environmental Health Caucus
Congressional Research and
Development Caucus

The Honorable Rosemary Rodriguez
Chair
Election Assistance Commission
1225 New York Avenue, Suite 1100
Washington, DC 20005

The Honorable Caroline Hunter
Vice Chair
Election Assistance Commission
1225 New York Avenue, Suite 1100
Washington, DC 20005

The Honorable Gracia Hillman
Commissioner
Election Assistance Commission
1225 New York Avenue, Suite 1100
Washington, DC 20005

The Honorable Donetta Davidson
Commissioner
Election Assistance Commission
1225 New York Avenue, Suite 1100
Washington, DC 20005

Dear Chair Rodriguez, Vice-Chair Hunter, and Commissioners Hillman and Davidson:

Thank you for your hard work and dedication to improving the administration of elections in the United States. Thank you also for your efforts to seek public input on matters such as the improvement of the Voluntary Voting System Guidelines, and the 2008 Election Day Survey.

The 2004 Election Day Survey was helpful, and I referred to it frequently in the course of my efforts to craft and enact federal election reform legislation. The survey was, in most respects, comprehensive and provided detailed information about a broad range of issues related to actual experiences in the administration of elections. More importantly, it provided a "real world" picture of elections in jurisdictions across the country.

However, there was one notable exception to that level of detail and thorough reporting: there were not tabular data broken down by state and by county of voting equipment malfunctions. The 2004 survey provided dozens of categories of information on each of more than a dozen different subjects, such as registration (including total registration, active registration, percentage of active registration among voting age population), absentee ballot usage (including how many were requested, how many were returned, and how many were counted), and poll worker deployment (including number of precincts, number of polling places, average number of poll workers per precinct and polling places). All of these data were provided in tabular format, broken down by state, and by county within in each state. In stark contrast, the chapter entitled "Voting Equipment Malfunctions" noted that jurisdictions (in general) had reported malfunctions such as power failures, printer failures, audio device failures, scanner failures, and even "fatal damage," and how many reports of each such failure were submitted by all states and

localities in the aggregate, but there were no tabular data accompanying this chapter broken down on a state-by-state, county-by-county basis.

There *have* been thousands of reports of machine malfunctions, some of which may have affected the outcome of elections. The EAC did not report on those in detail in 2004, but public interest groups did. More than 4,800 machine incidents were reported through the Election Incident Reporting System in 2004, and can be viewed here:

www.voteprotect.org. In addition, in 2006 several public interest groups joined forces to prepare a detailed analysis of a sample of machine incident reports from that general election, which is available at <http://www.votersunite.org/info/E-VotingIn2006Mid-Term.pdf>.

The EAC is uniquely positioned to gather data on the subject of voting system failures, and given the lengths to which public interest groups have been going to gather the data themselves, the need for including this sort of information in the EAC's clearinghouse of public information is clearly substantial. Machine failure data available to public interest groups is not comprehensive; it is based upon voter reports and news investigations. Policy-makers would benefit from a more comprehensive database of voting system incident reports.

I have attached a draft list of questions of the sort that I would like the EAC to include as a new question in the "Voting Equipment" Section of the EAC 2008 Election Day Survey. The data reported back in response to these questions will go a long way towards informing policy makers about the degree of reliability of our election equipment and it will also be invaluable in the further enhancement of the Voluntary Voting System Guidelines.

Thank you again for your commitment to the protection and improvement of the electoral system in the United States. If you should have any questions or comments about any of the foregoing, please let me know.

Sincerely,



RUSH HOLT

Member of Congress

Problem Type	Number of Reports	Voting Equipment Involved (Make/Model/Version)	Response/Remedy/Result
Machine failed to boot up			
Machine crashed/froze/shut down			
Machine did not start from "zero"			
Machine timer reflects wrong date/time			
Machine would not print end of the day tape			
Battery/power failure			
Other (attach descriptions)			
For Direct Recording Electronic (DRE) Machines:			
"X" registered other than where voter touched screen			
Screen did not record screen touches			
Screen was blank or froze			
Review screen did not reflect voters' choices			
Other (attach descriptions)			
For Printers for DREs:			
Printer jammed			
Printer ran out of paper, preventing voting or verification of ballot			
Printer printed blank, faded or illegible ballot			
Other (attach descriptions)			

For Optical Scan Machines:			
Ballot feeder jammed			
Scanner rejected valid ballot			
scanner did not reject invalid (blank, over- voted, stray-marked ballot			
Other (attach descriptions)			