

**Statement by Kurt S. Browning,
Florida Secretary of State,
To U.S. Election Assistance Commission
May 1, 2007**

Madame Chair and members of the Commission, Director Wilkey, and Elections Assistance Commission staff, good afternoon and thank you for the opportunity to speak to you today on the topic of voting systems and appropriate expenditure of Help America Vote Act funds. My name is Kurt Browning and I am Secretary of State and Chief Election Officer of the great state of Florida.

After the presidential election in 2000, a great deal of attention was focused on elections administration and the voting process in Florida and throughout the United States. Much of that attention remains on Florida, but before I move forward in my comments regarding Florida's current legislation, I think it is vitally important to understand from where we have come.

In 2001, Florida set a model for the rest of the nation when our Legislature passed a historic piece of legislation entitled the Florida Election Reform Act.

Highlights of that Act include:

- (1) decertifying all punch card machines, mechanical lever machines, and central-count voting systems, beginning with the 2002 primary election;
- (2) providing for mandated uniform ballot designs for each certified voting system;
- (3) implementing a provisional ballot process;
- (4) providing clarification of recount procedures including the elimination of "partial" recounts;
- (5) providing for greater facilitation of the federal Uniformed and Overseas Citizens Absentee Voting Act;
- (6) eliminating the "for cause" requirements for casting an absentee ballot;
- (7) adopting a statewide uniform polling place manual to guide poll workers; and
- (8) establishing statewide minimum standards for voter education efforts.

The federal government placed a focus on election reform with the passage of the Help America Vote Act in 2002. In 2003, Florida formed the Florida Help America Vote Act Planning Committee. This planning committee was tasked with creating a plan that would establish how Florida would use the federal funding to replace punch card voting systems, improve voter education, train poll workers and carry out other activities to improve the administration of federal elections.

In July of 2003, Florida passed legislation implementing the **Federal Help America Vote Act of 2002**. Florida was one of only a handful of states to

accomplish the monumental task of meeting all federally legislated requirements in preparation for the elections that followed.

As you can see, Florida has made great strides in all areas of election reform and we are proud to be a nationwide leader in this process. But sometimes we must take a fresh look at our direction. Before serving the citizens of Florida as Secretary of State, I served as Pasco County Supervisor of Elections focusing on my local constituents. While my constituents were comfortable and confident voting on touch screens, I see that the climate and political environment has changed somewhat and there is a perception across the state that indicates many voters do not trust electronic voting machines and want to cast a paper ballot. For Florida, this perception has become reality in large part and we want to address those concerns.

To that end Florida's Governor, Charlie Crist, has presented to the Florida Legislature a proposal that moves 100% of all ballots cast in Florida out to paper, while also improving our ability to administer federal elections.

Let me share with you our proposal and how it relates to HAVA funding. This proposal is a commitment that every Floridian's vote in local, state, and federal races will be counted and verifiable. It will move Florida toward a comprehensive, streamlined election system that uses a paper ballot in every voting precinct beginning at the primary election in the fall of 2008.

Our proposal has three major components.

First, we will replace all touch screen voting machines (with one exception) in polling places with precinct-based optical scan voting systems. Optical scan voting systems have been widely used and provide a paper record that can be used for recount and/or audit purposes.

Second, the Governor's plan would require one touch screen, updated with a voter verifiable paper audit record, commonly called a "VVPAT", at each precinct and at each early voting site to accommodate our blind and visually impaired voters and to maintain compliance with HAVA.

Third, in addition to the precinct based optical scan voting systems, this proposal requires optical scan ballots to be used in early voting sites (with one exception). This proposal contemplates optional grant funding for counties to purchase a Ballot on Demand system to be used in early voting sites. The proposed grant funding would be available to those counties using 100% touch screen voting systems at early voting sites in the 2006 general election.

Ballot on Demand allows for individual optical scan ballots to be printed when the voter arrives for early voting. This system, used in conjunction with optical scanners at early voting sites, is replacing touch screen voting systems that were

“partially” financed with HAVA funds. When Florida counties originally replaced punchcard and lever voting systems in 2001 and 2002, the counties funded well over a majority of the cost. The State of Florida reimbursed some of the cost for the counties and then Florida reimbursed itself with HAVA Section 102 funds. Again, HAVA funding has only constituted a small portion of the overall cost of the voting systems currently used in Florida.

I have provided you with a handout late last week noting the timeline of what Florida has received and expended in terms of HAVA funds as it relates to voting systems and administration of federal elections. In that document, we have detailed the three overall components into four funding issues:

1. Optical scan voting systems in all precincts
2. One touch screen with VVPAT in all precincts
3. One touch screen with VVPAT in all early voting sites
4. Ballot on Demand grants for certain touch screen counties

While the Florida Legislature, which adjourns on Friday, May 4th, has suggested several scenarios for making this happen, all of the bills under consideration impact at least one of the three points in the Governor’s plan. Additionally, some of the current state legislation anticipates the use of HAVA funds to pay for the precinct-based optical scanners and the ballot on demand systems. Some of the legislation does not provide for VVPAT printers nor does it include a provision for the use of AutoMarks because of the substantial cost involved with implementing that system. The Governor’s legislative proposal is a cost-efficient, resourceful and meaningful plan that will provide our citizens with a seamless and streamlined voting process in which voters will have the confidence that their vote was verifiable, cast, and counted.

That being said, I do think it is important for the Commission to provide guidance for the use of HAVA funding for the four basic funding components as most states are, or will be considering, some combination of these systems.

I urge the Elections Assistance Commission to strongly consider allowing states to use HAVA funds as allowed under Title II, Section 251 to continue to improve the administration of federal elections.

The right to cast a vote is the most fundamental of all American rights. There is no greater testament to the principles that our country was founded on than the ability for every American to take part in the democratic process by casting a vote for a candidate of their choice and being confident that their ballot will count.

Thank you for your consideration and for allowing me to speak with you today. At this time, I would be happy to answer any questions you may have.

