



Remarks by John S. Groh, Election Technology Council,
Information Technology Association of America
before the U.S. Election Assistance Commission

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Good morning Chairman DeGregorio and Commissioners:

My name is John Groh, Senior Vice President with Election Systems & Software, and I am here to provide testimony on behalf of the Information Technology Association of America (ITAA) and its Election Technology Council (ETC). The ITAA is one of the nation's oldest and largest trade associations for the information technology industry, representing approximately 400 companies. The Election Technology Council consists of companies which offer voting system technology hardware products, software and services to support the electoral process. In 2004, these companies organized as an association to work together to address common issues facing our industry. Our industry employs over 2,000 dedicated citizen employees, who all work hard to support the success of American elections. Today, we offer products and services used to run the majority of elections for public office in this country. Current members of the ETC are: Advanced Voting Solutions, Danaher Guardian Voting Systems, Diebold Election Systems, Election Systems & Software, Hart InterCivic, Sequoia Voting Systems, and UniLect Corporation. Membership in the ETC is open to any company in the election technology marketplace.

The ETC is pleased to provide our members' perspective and comment on the November 2007 elections.

At a high level, the conduct of the elections proved to be successful in the face of unprecedented circumstances and challenges presented to election jurisdictions and their vendor partners.

- An election infrastructure that has changed more in the past six years than in the century preceding that period – with nearly one in three voters nationwide using new voting equipment for the very first time in the November election.

- The challenge of managing the upgrades in voter tabulation and voter registration infrastructure in the face of changes in federal oversight and spending, out-dated state and local laws and procedures that do not reflect post-HAVA realities, and evolving voting system guidelines.
- A very high voter turnout for a midterm election. Most estimates place voter turnout levels at 40% or more of registered voters. In some of the jurisdictions we serve, turnout exceeded even 60%.
- An intense level of scrutiny by the media and other interested observers, particularly since races were more competitive than most elections in recent history.
- And, lastly, an incredibly short time frame in which all of our work had to be completed since enactment of HAVA, accentuated by one-time challenges associated with upfront delays and late decision making that complicated the installation and election preparation process – for vendors and election administrators, alike.

Particularly given the scope and compressed timeline of the change in the U.S. election environment, we believe there is a lot to be proud of following the November election.

First, through a strong partnership between the vendor community, election administrators, and many others including the EAC, Congress, state legislatures, and county and city officials, nearly all jurisdictions across the country met critical HAVA deadlines. As a result, this was the most accessible election in history. Far more voters could cast ballots privately and independently, and far more emphasis was placed on ensuring that no one was disenfranchised from the election process. That is a significant accomplishment.

Second, with newer voting technology in place that offers substantially enhanced opportunity to capture voter intent, there is a higher degree of confidence that more votes cast ... were counted.

And, third, the vast majority of those who voted had a positive experience at the polling place and came away confident that their vote was cast and counted correctly. Exit polls conducted by the Christian Science Monitor indicated that 88% of respondents felt confident in the voting device they used that day. Indeed, there is much to point to in the election that should build confidence that the Help America Vote Act is fulfilling its promise.

If you think about the fact that the past two-and-a-half years represent the greatest transformation in the way elections are run in this country since the Voting Rights Act of the 1960s, I believe it is difficult to argue that good things did – indeed – happen. No doubt, there is more we all can do and we have important lessons learned under our belt. But, to those

who laid out the vision of HAVA and motivated a nationwide election reform effort, I say, “we are on the right track.”

Nonetheless, if you consider nothing other than media coverage surrounding the election, you’d be left with a very different perspective. Glancing over a summary of news articles regularly posted on Electionline.org, one gets a good sense of the intensity of coverage. Between November 6th and December 1st 729 election-related articles make mention of events in what would equal 419 states. But, it wasn’t just the amount of coverage; it was the extent of factual error that is striking.

In many ways, the days leading up to and following the election reminded me of the Y2K phenomenon. So many people predicted such a dire outcome that it became everyone’s reality – whether or not it was borne out by the facts. Now, let me be clear, I am not saying that there weren’t any issues anywhere in the country. But, with very rare exception, those issues were managed efficiently and effectively; the election process went forward; and results were reported when and as expected. In those rare situations where the outcome of the election was delayed, a predisposed perspective and – in some cases – a rush to judgment inevitably left the public with the sense that voting technology *must* be to blame. Most of the time, that simply was not so.

Allow me to put on my ES&S hat for just a moment to reflect on one situation that exemplifies what I am referring to: the contested 13th congressional district race in Sarasota County, Florida. There, audits and tests have shown – time and time again – that the county’s voting system functioned just as it should. Votes cast were captured. Results were reported accurately. Data was retained for post-election analysis, and analysis conducted by the State of Florida demonstrates that voters can and should have confidence in the system. But, today, a court is considering a challenge brought by a group of interested parties once again calling into question the reliability of Sarasota County’s voting equipment. So many people are *so* convinced that technical issues *could* occur, that they’re just not allowing the facts to get in the way. Perhaps there are important take-aways from the Sarasota experience. However, the voting system worked. Period.

Mischaracterized facts about isolated incidents are not only impacting voter perception of the overall election process, but now are being used to draw broad conclusions about voting equipment, and set the stage for a wholesale change to U.S. voting infrastructure and election practices. These calls are unfortunate and misplaced. They also take away from areas where constructive dialogue between election officials and administrators, vendors, poll workers, and even voters *could* improve the process for future elections and *could* begin to build a catalogue of best practices to emulate ... and miscues to avoid.

For instance, there isn't any question that we all could benefit from a heightened focus on the human element in carrying out an election; and, as vendors, we have an important role to play in this area. The truth is that a great many of the issues that occurred on Election Day were directly related to human error in utilizing the equipment, or failure to follow-through on important processes and procedures. That's to be expected because there were so many firsts in this election, and very little time to prepare those who were responsible for making it happen. Even the EAC experienced these pressures - evident in the timing around helpful and important "how-to" materials. Additional training and new ways of delivering it, stiffer QA & QC, building efficiencies into the election process, pursuing more aggressive recruitment of a next generation of poll workers, continuing to innovate new and improved voting solutions ... all are examples of areas that merit attention. As a vendor community, we stand ready to engage in this dialogue. In fact, we see it as critical for achieving the real vision of HAVA.

We respectfully suggest that the EAC work to identify, perhaps through a survey of states and counties and separately the vendor community, operational issues that need to be addressed. This would help all of us and you (the EAC) hone in on enhancements to overall election process, and election administrators target limited resources to areas of greatest need. In addition, the EAC may wish to sponsor research that evaluates critical success factors in election management and performance. This kind of leadership and input from the EAC would be tremendously helpful in ensuring that we all gain from this HAVA experience, and continue to improve. At ES&S, during the primary season, we went through a similar exercise and have already implemented significant operational changes that were beneficial leading up to the November Election. Though I cannot speak specifically for other companies, I am sure that everyone in the vendor community has taken similar steps.

In conclusion, I want to emphasize that we are strongly committed to responding to the needs of our customers; and to providing secure, accurate, reliable and accessible voting systems. We are also committed to and focused on meeting the new Voluntary Voting Systems Guidelines product challenges that will come via the EAC, the secretaries of state, and others involved in the process.

Over the course of the four years since the passage of HAVA and the launch of the Election Assistance Commission and the boards and committees run in cooperation with the National Institutes of Standards and Technology (NIST), tremendous progress has been made. The ETC, as a stakeholder, has made a visible effort to be part of the going forward solution. On behalf of all of our member organizations, we are very proud to be part of this effort.

Thank you again for inviting us to share our perspective.