

Public Hearing Testimony: Michael Clingman, Secretary, Oklahoma State Board of Elections - 06/03/04

**Written Testimony of Michael Clingman,
Secretary, Oklahoma State Election Board
June 3, 2004**

On behalf of the State of Oklahoma, I wish to express our gratitude to the Chairman and members of the Election Assistance Commission for your invitation to accept testimony regarding the election system utilized in the State of Oklahoma. We have attempted to keep our comments as short and to the point as possible, recognizing the many voices the Commission wishes to hear from in the months ahead.

Background

In 1990 and 1991 Oklahoma created and implemented the Oklahoma Election Management System. Prior to its implementation 72 of Oklahoma's 77 counties counted votes "by hand," with 5 counties utilizing various types of election systems. With the change, all polling places in the state utilize the same optical scan technology to record and count votes. The creation of one system has yielded great results for our State, negating some of the former differences found between jurisdictions caused by rural/urban splits or geographical or political differences. This has enabled Oklahoma greater efficiency in maintaining all election systems, in better comprehensive training of poll workers, and has provided Oklahoma voters the highest possible confidence that votes are counted the same way regardless of economic, geographic, or political differences within the State.

Strengths of System

The primary strength of the Oklahoma Election Management System is the design. It integrates our statewide voter database with voting devices and training of all election personnel, from State and County Election Board Secretaries and staff to local precinct officials. The State Election Board owns and maintains the hardware and software which runs the system and the State maintains all equipment. The system manages election set-up, specifies the number of ballots needed, creates ballot styles, coordinates precinct and county compilation and reporting, and maintains election accounting.

The Oklahoma Election Management System operates on a legacy system, the DEC VAX 4300. Software is written in Powerhouse, a fourth generation language, and the Optical Scan devices being used are Optech Eagles 3 PE. The devices have proven to be remarkably well-built, with relatively minimal device failures being occurring.

In addition to the hardware and software, the system has proved invaluable in providing for the uniformity of operations throughout the state. "Turf battles" are non-existent in Oklahoma. Local officials work closely with the state and with each other to maintain uniformity of training and application of rules and laws.

Optical scan technology has proven to be perhaps the most user friendly to operate for election officials and voters. Voters need not wait for machines to become available to mark ballots. Submitting ballots take only a few seconds and is performed easily since the voter may submit the ballot "either side up." Optical scan results in shorter lines at the polls than many other methods of voting. Set-up and take down of the devices for precinct workers is performed easily. Given the importance of training for our ostensibly volunteer election workers, simplicity must be an important feature.

Finally, and most importantly, Oklahoma voters have indicated they have a great deal of confidence in our system. Candidates for office and our local press when investigating the reported results of an election are not normally interested in a machine recount; the request is normally to recount the paper ballots because most believe, it is the best evidence of the voter's intent. Paper ballots are retained for two years so the voters have confidence in the integrity of our elections.

Weaknesses of the Oklahoma Election Management System (OEMS)

While the advantages of optical scan technology and the Oklahoma system are many, the system has weaknesses.

The OEMS has been in place for the past thirteen years. The ensuing years has seen an explosion of innovation in information technology, much of which is incompatible with our technology.

As to optical scan technology, it has certain technological disadvantages. The first is the need to print paper ballots, a slow, expensive, inflexible, environmentally hostile process. Another is the inability to provide direct access to those voters with language barriers, with visual impairments, or with literacy limitations. Because we use paper ballots, last minute changes to a ballot are difficult to accommodate. Another disadvantage is the apparent loss in market share these devices have in the election business and in other markets. There are real concerns about the commitment to this technology in the marketplace, both for future improvements and past spare parts for existing devices.

Oklahoma State Plan

After weighing the advantages and disadvantages of optical scan, the State of Oklahoma is likely to decide to continue the use of optical scan voting machines in all of our polling places. The confidence and integrity our voters overwhelmingly express in our system outweighs the disadvantages this admittedly aging technology provides.

Oklahoma has significant concerns over the looming deadline to introduce voting devices into polling places to comply with disability access requirements of HAVA. We strongly prefer to have one system to count votes; we believe that two compiling and counting systems, inevitable if we utilize both "DRE" and optical scan technology in the polling place, will result in our citizens having less confidence in our election system. New unproven technology is entering the marketplace which may offer some assistance for optical scan polling places. This technology would employ the same types of audio/visual interference as a DRE but would not count ballots. Instead, the system would generate a paper ballot capable of being read in an optical scanner, thus treating these ballots as any other.

Summary

Oklahoma believes the Help America Vote Act made many improvements in the United States' election laws. One of the very positive changes was the creation of the Election Assistance Commission which allows for election administration issues to be addressed separately, from election finance issues as was not always the case with the former FEC structure. It is in the best interest of all states that a strong EAC exist to assist jurisdictions with further federally mandated changes that may be made in the future.

Oklahoma's election professionals recognize that much of HAVA seems to implicitly reinforce Oklahoma's decision that a statewide election system provides voters the most security and integrity that all votes will be counted accurately and impartially within a state jurisdiction.

Oklahoma does have significant concerns about the January 1, 2006 deadline for "DRE" type machines to be in place in all polling places. We don't believe the Congress anticipated the level of debate regarding various electronic systems and the level of security, access, and audit trail that each affords. Oklahoma would very much request the Election Assistance Commission's support that the January 1, 2006 mandate be delayed by one year so that all jurisdictions may have more confidence in new technology being purchased.

I again thank you for your willingness to accept testimony regarding these topics of critical importance to our country.