



Testimony of the Verified Voting Foundation  
Regarding the 2010 Election Day Survey  
Submitted to the Election Assistance Commission  
July 10, 2009

Thank you for this opportunity to comment on the 2010 Election Day Survey. The Election Day Survey plays an ongoing, important, and unique role in collecting and publishing data on election administration in the United States. Balancing the right of the public to know how our elections function, with the burden of reporting useful data by those who administer our elections, is clearly a complex task, but one we feel is extremely worthwhile. There are several categories of data we believe are very useful to collect, and our recommendations address those categories specifically.

### Voting System Reports

Beginning in 2004, Verified Voting collaborated with various partners to collect voters', observers' and others' reports about incidents or malfunctions including those involving voting systems, the mechanism by which voters cast their votes. These reports came to the "Election Incident Reporting System" (EIRS) primarily via calls to a hotline operated by the Election Protection Coalition, part of an effort to protect the rights of voters to cast a ballot and have confidence that their ballot was counted. We made available a free public dataset of those reports. The project was cited in a GAO report<sup>1</sup> about electronic voting security and reliability in 2005.

Concerns have been raised about the information collected through efforts such as EIRS (and later versions developed by other entities in 2006 and 2008), as well as often vague media reports about voting system problems, to the effect that one cannot rely on such reports without substantiation of the data and verification with election officials. Not all jurisdictions actively seek out reports from voters, observers, poll workers and others about voting system function and reliability. By asking those who work hard to administer our elections around the country about their experiences and data they may have gathered regarding voting system incidents, malfunctions or other related issues, our pool of information becomes significantly richer, and we can learn more about what can occur, and how such occurrences may impact the mechanics of voting.

In 2004, the EDS asked questions of election officials about voting system malfunctions. Although responses were limited, the information provided nonetheless had value.<sup>2</sup> In 2006, however, the EDS did *not* contain questions about voting system performance or malfunctions. Without reports from election officials, those who would learn about malfunctions or performance issues are left only with reports in the media, or voters' own reported experiences through data collection instruments like EIRS, OurVoteLive, or others.

One of the recommendations following the 2004 EDS was:

*15.5. That the EAC institute a more extensive program designed to investigate reported voting equipment problems... With the wide ranging rumors and reports of voting equipment problems that came out of the 2004 elections, there is a lack of full information to substantiate or dispel the rumors.<sup>3</sup>*

---

1 <http://www.gao.gov/new.items/d05956.pdf>

2 [http://www.eac.gov/clearinghouse/docs/eds2004/eds-2004-part-2-chapter-11/attachment\\_download/file](http://www.eac.gov/clearinghouse/docs/eds2004/eds-2004-part-2-chapter-11/attachment_download/file)

3 [http://www.eac.gov/program-areas/research-resources-and-reports/copy\\_of\\_docs/eds2004/eds-2004-part-3/attachment\\_download/file](http://www.eac.gov/program-areas/research-resources-and-reports/copy_of_docs/eds2004/eds-2004-part-3/attachment_download/file)



The 2008 EDS asked for “general comments the jurisdiction may wish to share regarding its Election Day experiences (e.g. problems with machines,...)”<sup>4</sup> but did not specifically ask for reports of malfunctions similar to those categories provided in the 2004 report. We appreciate the inclusion of this suggestion to share, but believe firmly that it does not go far enough. Without a separate comprehensive clearinghouse or national database of information about voting system reliability and related issues, or other “more extensive program to investigate voting equipment problems,” this potentially leaves a significant reporting gap. If data is reported in response to this invitation to share, it is very unlikely that there will be uniformity across jurisdictions in the categories of data reported, rendering it less usable than the 2004 data. Further, one of the challenges cited in the 2004 report which could lessen the usefulness of such malfunction reports – absence of information about the voting systems in use in those jurisdictions reporting – would not have presented a problem in 2008, since the 2008 EDS does ask for extensive information about the numbers, models and types of voting systems in use in those jurisdictions.

We recognize that the Election Day Survey may not be the ideal mechanism for collecting some of the data that we describe below and more robust proactive data gathering effort as part of the EAC’s clearinghouse role may be a more desirable means of collecting such data. Verified Voting strongly supports increased funding and other necessary resources to enhance the EAC’s clearinghouse.

### Voting Systems In Use

In 2004 Verified Voting began compiling a county by county database of voting systems in use nationwide. This database, known as “The Verifier”, is provided free to the public.<sup>5</sup> Initially it was not possible to obtain as complete a dataset as we would have liked given resource constraints and the lack of information publicly posted about such equipment at the jurisdiction level, but much has changed in the past several years. Many more jurisdictions post some information, usually on a state level website, about the type of voting systems in use. The questions in the 2008 EDS regarding the voting systems in use – including the quantity of such systems – and the supplementary information about peripheral equipment such as electronic poll books, have the potential to provide a rich dataset. We applaud the inclusion of this type of question and encourage its continued inclusion.

With the above considerations in mind, Verified Voting Foundation respectfully recommends that the 2010 Survey collect data regarding:

- ◆ The number and type of voting equipment and, and the number of poll workers in the election. The 2008 Survey asked for this information, and we recommend that the 2010 Survey include the same questions. Such data are important to clarify and assess reports of long lines at the poll, which remain, appropriately, a focus of concern in federal elections.
- ◆ Service and maintenance of voting systems. In addition to the name of the voting system model and vendor, the Survey would be an excellent platform on which to collect information regarding who provides ongoing support of the voting system for service and maintenance, including such functions such as ballot layout (programming) and technical support. A similar recommendation was made following the 2004 Survey.<sup>6</sup>
- ◆ Method of UOCAVA ballot submission. The Survey should add to the excellent questions regarding UOCAVA voters in 2008 Survey a section on use of the Internet, fax, e-mail, and

4 [http://eds.rti.org/Default.aspx?pageName=Web\\_LinksMenu&showNews=0](http://eds.rti.org/Default.aspx?pageName=Web_LinksMenu&showNews=0)

5 The current edition can be seen at <http://verifiedvoting.org/verifier> ; 2004 and 2006 editions are available.

6 [http://www.eac.gov/program-areas/research-resources-and-reports/copy\\_of\\_docs/eds2004/eds-2004-part-3/attachment\\_download/file](http://www.eac.gov/program-areas/research-resources-and-reports/copy_of_docs/eds2004/eds-2004-part-3/attachment_download/file)



postal mail to send ballots to UOCAVA voters, and to receive voted UOCAVA ballots. An estimate of how many unvoted and voted ballots were sent and received via each mode of transmission would be of benefit.

- ◆ Voting system problems. Since 2004, citizen organizations have provided nationwide telephone hot lines for voters to report issues of registration problems, voter intimidation, and voting system performance issues. Such efforts have been and will remain a valuable tool for increasing citizen awareness of voting system performance, but election administrators are able to provide a fuller perspective on these issues. Voter reports are invaluable, but often incomplete, and not always easy to interpret. Election officials can offer a precise technical description of voting system performance issues, and describe the steps taken to resolve these as they occur. Reports about voting system incidents should not be limited to just vote recording or tabulating devices, but also to equipment such as electronic poll books and voter-card encoders or precinct control modules.

We believe these recommendations achieve a workable balance between the administrative burdens faced by election officials, and the importance of improved data collection regarding voting system performance. We look forward to seeing them included in the 2010 Survey, and we thank the Commission for soliciting advice from citizen organizations with a focus on voting technology.