

April 23, 2004

The Honorable DeForest B. Soaries, Jr., Chairman
United States Election Assistance Commission
1225 New York Ave. NW – Suite 1100
Washington, DC 20005

Chairman Soaries and Commissioners:

I am delighted to have the opportunity to address this distinguished commission. Thank you for your gracious invitation. As New Mexico's State Election Director, I appreciate being invited to contribute to the dialogue on the use, reliability and security of voting systems. New Mexico has many years experience in the use of direct recording electronic voting systems. As the current president of the National Association of State Election Directors, my association with that organization has enabled me to hear the opinions of others in the election community however I would stress that my comments are my own and not representative of the national organization.

However, I do think it is important for you to know that NASED has gone on record supporting the process envisioned by the Help America Vote Act. We support letting the Technical Guidelines Development Committee develop standards as envisioned by the Act. We support funding the activities of the National Institute of Science and Technology to assist in carrying out this task and we support full and continued funding of HAVA. NASED members were active and persistent in monitoring development of the Help America Vote Act and recognize the critical necessity of carrying out its provisions in both a timely and methodical manner.

As Vice-Chair of the Voting Systems Accreditation Board, I must express the regrets of our Chair, Mr. Tom Wilkey, who is unable to be here today. Our Board was the first national organization to recognize the importance of voting system standards and has worked with the Federal Election Commission for many years in development of the present Voting System Standards and testing program. This program, while voluntary in nature, resulted in many systems being tested and qualified under federal standards. Nearly 40 states have adopted the standards.

As the election director in New Mexico, I would like to share some concerns regarding the current debate on Direct Recording Electronic Voting Systems. New Mexico began its transition from lever voting machines in the 1980's. We have successfully used first generation DRE's in many elections over the years.

We have conducted recounts recognized by the courts in our state and found the systems to be reliable and sound. The systems are completely accepted by voters and, until recently, not a single voter ever suggested that they could only be sure their vote was counted by the provision of a paper receipt. Twenty-two of our thirty-three counties use DRE's and only the smaller jurisdictions in the state use paper ballot systems for precinct voting. The most troublesome election issues have consistently involved paper ballot systems, which many now advocate as the only method to save our democracy.

This debate has been fraught with misinformation and misrepresentation. We must not lose sight of the fact that the impetus for the second-generation DRE's or touch-screen systems was not due to HAVA, but because other systems are inaccessible to the visually impaired, the disabled, language minorities and illiterate voters.

During discussions in my state, I have been appalled at the insensitive comments I have heard from some individuals when I point out the necessity of allowing all voters the right to cast votes independently and secretly. It is a sad comment on our democracy that each extension of voting rights in the United States has been bitterly opposed by groups or individuals who never have faced the same obstacles to voting as encountered by others.

In my opinion and, I believe it's one I share with most election officials, too much focus has been placed on technology in this debate. We desperately need management standards to accompany voting system standards. This is something the election community has supported for many years. By management standards, I mean standards that can be used by every state that include procedures for secure system storage, maintenance, delivery, set-up, start-up, shut down and polling place operations. These standards could also address parallel monitoring, restriction of access to equipment and ensuring that local election officials maintain control over ballot creation. We also need a centralized entity to accept and distribute reports when equipment does malfunction to ensure this information is made available to all election administrators across the country.

Finally, I believe we need to take an extra step that may be unpopular in the election community. We need to conduct thorough post-election audits as part of each state's canvassing process. New Mexico has used a triple audit of its elections for many years. The returns from each precinct, including audit tapes from every machine in the state, are examined at the state level with a comparison of machine tapes to rosters to the local jurisdiction's canvass. This allows the state to examine the returns for residual voting patterns, programming errors and any other possible malfunctions or polling official errors. Then, after the state completes its review, independent certified public accountants review the materials to discover any exceptions or anomalies. This process takes time – nearly three weeks in our state, however, I believe the confidence it engenders is well worth the effort.

Chairman Soaries and Commissioners, thank you again for the opportunity to testify before you today and I am willing to answer any questions you might have.