Thank you Commission Members for the opportunity to testify and identify the major issues experienced in the 2012 election, those areas of improvement that should be made in that process, and the long-term challenges and solutions to running accurate and clean elections in the United States that enhance voter confidence in the voting process.

One of the major issues that the Commission and Virginia is reviewing the what, how, and why's of long lines in some precincts in Virginia.

Lines are often the result of any attraction that a lot of citizens want to participate in, often at the same time. Voting is one of them. Every four years in presidential elections, there are lines. In many ways, the lines in 2012 were very similar to those in 2008. So while we expect some lines to some extent, we need to focus on our voters (our clients) with a laser beam to make the experience a positive one in which voters emerge more confident in the process and will return to vote another day. While we found lines were not widespread, there were problems in some of our high population and growing urban areas that need to be addressed.

The localities with lines normally had problems in one or two of their precincts. For these purpose of analysis, we called them "problem precincts". While a small problem relative to over 2200 precincts, a line over an hour needs to be

addressed aggressively by the election community and we are taking notes of "lessons learned" for ways we can plan for and *break those lines* in future elections. The way forward is a commitment by state and local election officials to "***break those lines"***

With a survey of local election officials and analysis by the SBE of problem precincts, the precincts have a number of common characteristics:

- The registered voter size of the precinct. The problem precinct had a much a larger number of registered voters than the average precinct – six of the problem precincts had over 5,000 registered voters on election day
- The precinct had a higher number and higher percentage of "inactive voters" than on average – some more than 2x the average number of inactive voters
- Urban areas – high growth areas
- Precincts nearly highly transient voters and university precincts
- Large number of provisional voters
- Precincts with low absentee voting rate precincts

Our survey found that most of the lines in Virginia were actually in the morning. Followed by late AM- early PM, and then 10% of lines were near the closing of polls.

Where were the chokepoints? In Virginia, the chokepoints were overwhelmingly waiting to use Voting Equipment. The major contributor of our waits can be attributed to waiting to use equipment. Less so but significant were lines attributed to the check-in table. A large percentage of election officials said voting equipment and check-in process both attributed to lines. In Virginia, we have a ban on the acquisition of additional electronic voting machines, so the ability to replace, supplement or plus up with additional equipment is limited or prohibited.

What did our survey find to be the **source of problems**? Overwhelmingly, local officials opined that the ballot length with constitutional amendments and local races increased the number of races on the ballot, increasing the amount of the time each voter took in reviewing the choices.

Second on the list were registration problems and inactive or outdated registrations that delayed the efficient processing of voters.

Third, taken together, voting equipment shortages and breakdowns were noted 57% of the time as contributing to lines.

HOW do we "Break the Lines" with the evidence before us in an environment of fewer dollars and high profile scrutiny. The answer is that we improve those areas of the voting process where we directly interact and touch the voters with technology.

In **the registration process**, we are moving towards electronic registration and address updates, reducing errors and costs, increasing the accuracy and integrity of the voter rolls, and provide online mechanisms for prompt update of registration address for a highly mobile and online society.

By **sharing data** with other states in compacts such as the Electronic Registration Information Center (ERIC) or the Kansas Crosscheck, we compare our voter registration data with other states registration and motor vehicle information to identify registration errors or voters that may have moved to a different jurisdiction with a new residence and registered.

Inaccurate or inactive registrations often cause delays in a polling place as poll workers try to fix the problem - in a perfect world, that issue would have been

resolved months ago so the poll worker can focus on the voting process. The registration rolls can be improved with an investment and focus on using the latest technology and upgrades to our statewide voter registration databases while interacting with other state and national databases.

Another example using new database technologies is providing a statewide online interactive sample ballot for all voters to review their ballot and constitutional amendments prior to entering the polling booth.

The second point where election officials interact directly with voters is during the check-in process. The use of electronic polls books in Virginia has dramatically improved the accuracy and integrity of the voter check-in process with fewer errors and more accurate voter history. New technology in this area provides an opportunity to make this process more efficient for voters and accurate for election officials.

The **third and last point** of direct interaction with the voter is the voter using the voting equipment to cast a ballot. This process can be down efficiently and accurately.

Virginia faces an issue that many states across the nation face – how to transition and upgrade to the next generation of voting systems as aging equipment purchased after the enactment of HAVA reach the end of its life-span and, in many cases, are obsolete or breaking down.

With the reduction of election budgets and resources across the country, the ability to purchase new voting systems has been very limited. For the most party, local election officials have not been able to take that prudent step in upgrading the most fundamental of the voting process. Instead, election officials have been taken extreme measures to keep their voting equipment operating until the environment changes.

In my estimation, on a national level this is the major issue of concern for the 2016 General Election. Technology will help us mitigate some of the other issues, but planning and focusing now on this fundamental structural issue will prevent major problems in 2016.

Related to this issue, the Voting Systems Certification Program at the EAC is not entirely broken but highly problematic and the future is unclear. The need for new voting systems and new technology is critical and the current process is clearly not working to the extent state and local election officials need one. The

current process is expensive and time-consuming. The states need a timely certification process that enhances competition and the development of new technologies. With little resources to purchase new equipment, some jurisdictions are desperately seeking alternatives to the current relationships with the EAC and voting system manufacturers.

The future is very unclear and unsettling. If federal certification is dissolved at the EAC, the states will need to join together as we have done in the past with NASED (the National Association of Election Directors) to test and certify voting systems or dramatically increase the reciprocity of different state testing of voting systems.

Many states, including Virginia, are trying to improve their individual state testing and certification of voting systems and develop relationships with other states and the testing labs to prepare for a future without the EAC or federal certification. This decentralization has both positives and negatives. Will manufacturers be able to create hardware and software for various state testing programs? Will that end up increasing the cost of new systems and testing. One thing we do know -there will once again be huge change to our process of testing and certifying voting equipment.

Thank you the opportunity to discuss these issues with you.