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Davis, Waxman, Sensenbrenner, Conyers, Boehlert, and Gordon React To GAO Report on Security Problems With Electronic Voting Systems

WASHINGTON, D.C. — Government Reform Committee Chairman Tom Davis (R-VA) and Ranking Member Henry A. Waxman (D-CA), Judiciary Committee Chair F. James Sensenbrenner (R-WI) and Ranking Member John Conyers (D-MI), and Science Committee Chair Sherwood Boehlert (R-NY) and Ranking Member Bart Gordon (D-TN), issued the following statements upon today's release of the Government Accountability Office's report, "Federal Efforts to Improve Security and Reliability of Electronic Voting Systems Are Under Way, but Key Activities Need to Be Completed" (GAO-05-956):

"It is certainly disappointing that, despite the recommendations from federal organizations and non-governmental groups, many states still have not made progress to make sure their electronic voting systems are safe from fraud and can be relied on to accurately count votes," Chairman Davis said. "However, I am pleased that the EAC is continuing to push states to improve their voting systems and comply with the requirements of the Help Americans Vote Act (HAVA). American's voting system must be made to be world class, everywhere in the country, as soon as possible."

"The GAO report indicates that we need to get serious and act quickly to improve the security of electronic voting machines," said Rep. Waxman. "The report makes clear that there is a lack of transparency and accountability in electronic voting systems — from the day that contracts are signed with manufacturers to the counting of electronic votes on Election Day. State and local officials are spending a great deal of money on machines without concrete proof that they are secure and reliable. American voters deserve better."

Chairman Sensenbrenner said, "The Founders established the states as the entity primarily responsible for the administration of both federal and state elections. While Congress has provided direction through HAVA and federal grants to modernize state election systems, some states continue

to drag their feet in preventing voting compilation errors and eliminating questionable voter registration and poll day procedures. In my home state of Wisconsin, the current Governor has done his best to block the legislature's efforts to implement voting reforms conforming with HAVA guidelines, despite evidence of widespread voter fraud in Milwaukee in recent elections. The EAC will have to push hard to overcome the resistance of those who rely on outmoded and unreliable voting practices to keep themselves in power."

"I am shocked at the extent and nature of problems GAO has identified in our electronic voting systems, and I fear that this may just be the tip of the iceberg," said Rep. Conyers. "It is totally unacceptable that in 21st century American we would allow faulty machines and systems to rob citizens of their voting rights. While GAO offers some modest recommendations for improvement, it is incumbent upon Congress to respond to this problem and to enact much-needed reforms such as a voter verified paper audit trail that protects all Americans' right to vote."

Chairman Boehlert said, "I wholeheartedly endorse the GAO recommendations, which underscore the need for the Election Assistance Commission and the National Institute of Standards and Technology to continue their work to establish standards and testing procedures for voting equipment. This work must move ahead on an ambitious schedule, and the Science Committee will continue to monitor its progress."

"The foundation of democracy rests upon the accuracy, integrity and security of our voting system," Rep. Gordon said. "The Science Committee gave the National Institute of Standards and Technology a pivotal role to ensure that our voting systems are trustworthy. However — as the GAO report highlights — much remains to be done before the next election cycle. Their report is a wake-up call for adequate funding for NIST's activities and makes clear that closer oversight by Congress is warranted."

Background / GAO Results Summary

All levels of government share responsibility in the U.S. election process. At the federal level, Congress has authority under the Constitution to regulate presidential and congressional elections. The *Help America Vote Act of 2002* increased the federal role in state and local elections, in part by giving states the resources to improve the accessibility, security, and reliability of their voting systems. Under HAVA, nearly $39 billion has been allocated to states to purchase electronic voting systems and improve the voting process.

Voting System Vulnerabilities Identified by GAO:

- Cast ballots, ballot definition files, memory cards, and audit logs could be modified.
- Supervisor functions were protected with weak or easily guessed passwords, and memory cards that allowed individuals access to voting machines were inadequately protected.
- Systems had easily picked locks and power switches that were exposed and unprotected.
- Voting machine vendors had weak security practices, including the failure to conduct background checks on programmers and system developers, and the failure to establish clear chain of custody procedures for handling software.

Voting System Failures Have Already Occurred During Elections

In addition to identifying potential vulnerabilities, GAO identified a number of cases of operational failures in real elections. These examples included:

- In California, a county presented voters with an incorrect electronic ballot, meaning they could not vote in certain races.
- In Pennsylvania, a county made a ballot error on an electronic voting system that resulted in the county's undervote percentage reaching 80% in some precincts.
- In North Carolina, electronic voting machines continued to accept votes after their memories were full, causing over 4,000 votes to be lost.
- In Florida, a county reported that touch screens took up to an hour to activate and had to be activated sequentially, resulting in long delays.

Problems With Implementation of Voluntary Standards, Testing, and Federal Efforts to Improve Voting System Security

GAO reported that voluntary standards for electronic voting adopted in 2002 by the Federal Election Commission contain vague and incomplete security provisions, inadequate provisions for commercial products and networks, and inadequate documentation requirements. GAO also found that tests currently performed by independent testing authorities and state and local election officials do not adequately assess electronic voting system security and reliability

The GAO report indicated that national initiatives to improve voting system security and reliability of electronic voting systems either lack specific plans for implementation or are not expected to be completed until after the 2006 election. According to GAO, "Until these efforts are completed, there is a risk that many state and local jurisdictions will rely on voting systems that were not developed, acquired, testing, operated, or managed in accordance with rigorous security and reliability standards — potentially affecting the reliability of future elections and voter confidence in the accuracy of the vote count."

The Election Assistance Commission, which was created as part of the "Help American Vote Act" began operations in January 2004. To improve the security and reliability of electronic voting systems, GAO recommends that EAC establish tasks, processes, and time frames for improving the federal voluntary voting system standards, testing capabilities, and management support available to state and local election officials. EAC commissioners agreed with GAO recommendations and stated that actions on each are either under way or intended. The National Institute of Standards' (NIST) director also agreed with the report's conclusions.

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