

Congress of the United States
Washington, DC 20515

March 3, 2004

Dear Colleague:

As the principal authors of the Help America Vote Act (Public Law 107-252) (HAVA), signed into law by President Bush on October 29, 2002, we feel compelled to express our concerns about recent legislative efforts that promise enhanced electronic voting system security. Various proposals have been introduced in the House and Senate, but a common feature of these bills is they would amend HAVA to require that all voting systems, including electronic and computer-based systems, produce or accommodate a "voter verified paper record." Not only are such proposals premature, but they would undermine essential HAVA provisions, such as the disability and language minority access requirements, and could result in more, rather than less, voter disenfranchisement and error.

We are certainly aware of the alleged concerns that have been raised in recent months regarding security issues associated with computer-based voting systems and technologies, especially Direct Recording Electronic (DRE) voting systems. These concerns are neither new nor unanticipated by HAVA. To address security-related issues, HAVA creates a Technical Guidelines Development Committee, chaired by the Director of the National Institute of Standards and Technology (NIST), to assist the new Election Assistance Commission (EAC) in developing guidelines and standards to ensure the reliability of the computer technologies being employed in voting systems. These standards will focus not only on the security of computer and network hardware and software and data storage, but also on the detection and prevention of fraud and the protection of voter privacy. Additionally, HAVA provides that the testing and certification of voting system hardware and software must take place in accredited laboratories. NIST initiated this process with a two-day public conference this past December, 2003.

The goal of HAVA is to ensure that every eligible American has an equal opportunity to cast a vote and have that vote counted. HAVA does not mandate the use of DRE systems. It does require, however, that voting systems be enhanced to avoid the errors and accessibility problems associated with antiquated systems, such as punch cards. Computer-based voting systems have a demonstrated track record of achieving this goal, particularly for persons with disabilities. While there are risks associated with any technology, the solution is not to rush to judgment by returning to flawed systems. Rather, the answer is to allow the Commission, together with the active input of election officials, computer experts, and civil rights groups representing voter interests, to develop standards for ensuring the security of all voting systems, as required under HAVA.

The proposals mandating a voter-verified paper record would essentially take the most advanced generations of election technologies and systems available and reduce

them to little more than ballot printers. While such an approach may be one way to address DRE security issues, it would, if adopted, likely give rise to numerous adverse unintended consequences. Most importantly, the proposals requiring a voter-verified paper record would force voters with disabilities to go back to using ballots that provide neither privacy nor independence, thereby subverting a hallmark of the HAVA legislation. There must be voter confidence in the accuracy of an electronic tally. However, the current proposals would do nothing to ensure greater trust in vote tabulations but would be guaranteed to impose steep costs on States and localities and introduce new complications into the voting process.

Questions regarding voting systems security, as well as many others, need to be examined by the entity responsible for doing so under existing law, the Election Assistance Commission, before Congress begins imposing new requirements, just months before the 2004 presidential and congressional elections, that have not been fully considered. The security of voting technology is a non-partisan issue. We encourage you to allow HAVA to be implemented as enacted and provide those who are charged with ensuring the security of voting systems the time and flexibility needed to get the job done effectively.

Sincerely,


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