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Susan Bysiewicz
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Register and Vote

Help America Vote Act
Best Practices for Voting Machines
Panel Transcript

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Secretary Bysiewicz: That they will be speaking our panelists for the afternoon. Sandra Hutton, can you just raise your hand Sandra Hutton who is President of Connecticut Town Clerk's Association, Richard Abbate who was the President of Registrar of Voters Association, Senator Defronzo and State Representative Caruso are on Legislative business but we do expect to have representative Tim O'Brien of the election's committee joining us shortly. We have Dr. Michael Fischer, Professor of Computer Science, at Yale University and a board member of True Vote Connecticut. We have Christine Horrigan, director of Government Affairs for the League of Women's Voters of Connecticut. And Jim McGaughey, Executive Director of the Office of Protection and Advocacy for People with Disabilities. We have Chris Kuell, the for the National Federation of the Blind. We have Dr. Ted Selker, Associate Professor of the Massachusetts Institute of Technology, Media Lab and MIT Director, Cal Tech's MIT Voting Technology Project. That's a mouthful. And we have Jim Dickson, the Vice President of Government Affairs for the American Association of People with Disabilities and we have the very distinguished Secretary of the State Staff, Maria Greenslade, Deputy Secretary of the State, Attorney Mike Kozik who is our managing attorney for our elections division and Ted Bromley, Elections attorney.

So with that, I'm going to make some remarks and then we will be hearing from each of the panelists. The purpose of this panel is to hear from election officials, local election officials, advocates for people with disabilities and technology experts regarding their thoughts about best practices for a new voting machines as required under the federal Help America Vote Act. The format that we will be following will be a discussion by each panelist. Each panelist will have between five and ten minutes, some of them have brought audio visual presentations and after we hear from each panelist, members of the public will have the opportunity to ask questions of anyone on the panel. CTN is broadcasting live, so when speaking panelists, please use the microphone and remember to press the button before you speak.

So we'll start with an overview of what has brought us here today. We have had a request for proposal an RFP that was issued for the purchase of one electronic voting machine per poling place for each of our state's 769 poling places as required by the Help America Vote Act of 2002. This legislation is probably the most important civil rights legislation that has been passed in our country since 1965 when we passed the Voting Rights Act. HAVA mandates that the voting systems that are used by the states must be first accessible to people with disabilities and also that

there be a paper audit trail. HAVA mandates that all states must update their voting systems by January 1, 2006 and the Department of Justice of the federal level has been very clear that on January 2nd, any state that has not complied will be the target of an enforcement action by the federal government.

As the chief elections official for the state of Connecticut, it is my job to ensure that our state complies with that very strict January 1st deadline. We have received over 30 million dollars from Washington to fund the election reforms under the Help America Vote Act. A large part of this money has been set aside to purchase new voting equipment. There will be no cost to the state because the federal funding does cover the cost of new voting machines for towns and cities.

The RFP that we issued in December allowed any vendor regardless of type of voting technology to respond to the RFP as long as the machine met all of the federal and state requirements. The term DRE is defined in Connecticut regulations as any electronic machine, lever machine or optical scan voting machine. Any machine must meet all federal and state certification requirements and must comply with the Help America Vote Act before it will be considered by our state. We have very strict purchasing rules in our state and the Department of Administrative Services is charged with the authority for handling the RFP evaluations and the subsequent contract award for voting machines in our state.

According to the Department of Administrative Services, procurement policies do not allow the RFP evaluation team to discuss any aspect of the RFP or proposals while they are evaluating the bids. My remarks and the remarks of people from the Secretary of the State's Office are going to be very limited to general comments about the RFP and we cannot discuss any of the bids.

In addition to incorporating all of the HAVA requirements and the existing federal and state law requirements, the RFP also requires vendors to show security and integrity of the voting equipment, backup and disaster recovery capabilities of their equipment and all standards and safeguards designed to ensure that all the votes cast on the machines would be counted accurately. Given that voter security is of the utmost importance we require that vendors who bid on the RFP to file their software code with the National Institute of Standards and Technology Software Reference Library in Washington, DC.

The timeline for the RFP is as follows. At the end of the RFP process, one vendor will be awarded the state contract as required by federal law, federal funding will be used to purchase 771 electronic voting machines from that contract so that each polling place will have one electronic machine so that it is accessible for people with disabilities.

We issued the RFP in December because Connecticut has a very lengthy evaluation process and very lengthy procurement process. We are right now engaged in a very detailed process of examining boxes of documents submitted to us. Training and education is going to be very, very important. The contracting process will take a look at the training to be provided by the vendors. The Department of Public Policy at the University of Connecticut is going to survey participants. Those people who take part in our demonstrations later in the fall. This is the first time in the history of Connecticut that members of the public will have the opportunity to participate in the awarding of a public contract and we think this is a very, very positive thing for our state.

The vendor that is ultimately chosen will be responsible for training the registrars of voters. I wanted to bring to your attention that this session, the legislature has passed a voter verified paper receipt requirement. That is known as Senate Bill 55 and it requires that voting machines in Connecticut use a voter verified paper receipt on the new electronic machines that will be purchased under HAVA. There is nothing more important than insuring and giving voters confidence that their vote will be cast as they intended and I think that voter verified paper receipts will make voters confident that our process has great integrity. The vendors who have applied for the RFP will be required to show us that they can provide a voter verified paper trail on their machine.

Federal certification requirements are very important. The voting equipment that we purchase has to pass the federal certification and be issued a NASED certification number. This certification reviews the entire voting system to ensure that both the hardware and the software in the machines is reliable. We also have very strict and stringent state certification requirements. Before a machine is used in Connecticut, it must pass our state certification system. This includes standards that are contained in our Connecticut General Statutes. For instance, voting machines used in Connecticut must have a full-face ballot just as one example.

Also after the election, new voting machines are subject to a mandatory recount. If one is required by our statutes or if there is a discrepancy and the local officials deem that there is a recount necessary.

I wanted to call to your attention a handout that you have in your packet, it's called the New Voting Machine Update for Connecticut Municipalities. We have provided this update to towns and cities in our state so that they understand what will be provided under the Help America Vote Act. So with this overview, I would like to begin our panel discussion this afternoon and I will call first on Sandra Hutton, President of the Town Clerk's Association, and Sandra remember to use the microphone, thanks.

Sandra Hutton: Thank you Secretary. My name is Sandra Hutton; I'm the City and Town Clerk in Middletown and President of the Connecticut Town Clerk's Association. Today I'm going to speak more from experience as the City Clerk in Middletown because I've been there for 22 years, I've worked in the department for 22 elections and for most of those years, it was the standard lever voting machine as you all know.

Back in 1991, Secretary advisors approached me and asked me to run the Youth Vote Program, which we did. And for many years almost five, we ran that program using the new voting technology. Our goal was to use the youth, the upcoming voters if you will of the state and engage them at a young age, from 4th grade to 12th grade in voting practices, why it's important to vote and to teach them that your vote does matter. And with that program we went out to various voting companies throughout New England and we asked them to bring these machines in. And the first year we didn't get any takers so we had to use the lever machines, which was fine. The kids still thought it was really fun and cool they got to vote. But the second year when the legislation started to become much more heated because of that 2000 election in Florida, the electronic companies became much more interested in Connecticut. So we're very fortunate that since then we use these machines.

I can tell you that the children, the youth did incredibly well on them. We didn't even have to instruct them. Basically they walked in, they knew exactly what to do, they could have taught us. So then it came to the adults. Well they were jealous; they wanted to know why they weren't voting on these machines and why they still have the same old lever machines. And we had the

traditional concerns and you know the education, how you educate people. How do they know the vote is counted? So we went in 2003 participated in the pilot program in the State of Connecticut. We actually was, we actually participated in the voters themselves, voting on electronic machines in Middletown. And it was an absolute success, but the story I had to tell is that a resident that we had who was seeing impaired. And he for the first time in his life was able to walk into a voting machine and put on a headset and completely vote independently on his own and he came out of that booth and he was flying high. And he was just so amazed that his whole life he couldn't do that, he had to have someone assist him. And we had run many educational sessions and I think that was the key and I think that's the key to any process when you are deeply embedded in voting the way we are in New England, and we don't like change, we are creatures of habit. We make excuses for why we shouldn't do things.

The reality is that we need to move forward with the technology for many reasons. And in Middletown, we took the approach that education was our best weapon. So we ran many sessions to open it to the public. Myself with the registrars of voters and voting machine company and we ran sessions periodically throughout the election cycle from about September on and we opened it up to the public to come to sessions like this and read about the machine, vote on the machine, feel comfortable. We also outreached, we went to senior centers, we went to PTA's we went anywhere we could go that there were groups of people gathering and just to have it there, just to make them familiar with it.

The day went incredibly well and the part about it that I liked and the Registrar of Voters liked was the tallying at the end of the night was so quick and efficient and we had our results in a third of the time that we would normally have our results. And then someone asked me how did you know all the votes counted because it was electronic and you know and my question back was how do you know that the lever machine was turning every single time somebody was pulling the lever? Is there someone watching it. So you know whenever you are never in my view going to be 100% sure unless you talk about it and come up with processes like the paper verified voter verification. That's an excellent way to ease concerns to help a voter see physically what they done and that it's registered. But as far as the electronic process itself, from personal experience, which many people don't have in Connecticut at this point, Middletown had a wonderful experience with it, the council and the Mayor were very, very pleased with the process and they were looking for them last November. They thought we were

going to have them again and we didn't and it was sort of a shock that everyone went back to the lever machines and they really questioned it. We actually received hundreds of phone calls on that.

So I think that sometimes when I hear excuses like the I like to call it the upper age population doesn't want them. Let me tell you they are the first people asking to go train them. They were so excited about it and I had no problems with any age of the population. Everybody came in, they had the machine available, vote on it first, feel comfortable. And then I think if you approach in the right manner, that it's going to be fine.

You know I know that our lever machines around because we believe that they are a sort of the staple of voting in Connecticut, but I believe that Secretary Bysiewicz and her staff have done an amazing job of following the HAVA regulations but also implementing further what she believes are safeguards. I was with her in Washington in December when we went to the Federal Elections Commission which I'm serving on with her for two years as the local official, that meeting was extremely productive. I think that she came out of it with a lot of good information, but I can tell you that she in Connecticut had us many, many steps ahead of the rest of the country. And that was very impressive and made me feel very comfortable as a not only a election official, but a resident and a voter of this state.

So that's just my personal experience and I will pass it around to the next speaker.

Secretary Bysiewicz: *Sandra*, thank you very much. We will next call on Richard Abbate the President of the Registrar of Voters Association, _____.

Richard Abbate: Thank you to your staff, they've been very supportive of us right along as we've gone through this difficult process. I want to especially recognize members of the Registrars of Voters Association of Connecticut who by their presence here today show what a deeply held concern this whole process has been. If I may ask my constituents to rise and be recognized, these are the, come on guys, don't be bashful. As you can see by the numbers present, this is a sizable portion of our membership. *(Clapping)* These are the administrators of elections in Connecticut; these are the people who at the local level make elections happen. And without them there will be no elections in Connecticut.

I want to especially acknowledge a few people. Our legislative committee that has worked very closely with our Connecticut State Legislature and Secretary of the State's Office, George Cody, Mary Mourey, Jan Murtha and Mary Stanton especially, my executive Vice President who has taken a lead on many of these forums regarding the voting technology. So you four if you, I know that several of you are here, George, Mary, if you can just stand up. You guys have just been on the front line of this thing right through the whole process and I really especially appreciate that. *(Clapping)*

All right, now that I passed out the kudos it's time to start slating some brickbats I suppose, that's usually my job. The subject of voting machines is one of very important to all the registrars it should be obvious. These are the people that actually put on the elections in our town and we want voting machines that are accessible to all, easy to operate, dependable and maintain the integrity of the voting process in Connecticut.

Connecticut statutes currently allow two types of voting machines to be used. The lever action machines which most people in Connecticut are familiar with and also the optical scan machines, which are currently used in three towns for all the elections processes and I believe about another 10 towns where they are used exclusively for absentee ballot counting.

The lever machines and the optical scan machines are currently configured to not comply with the accessibility requirements of the Help America Vote Act. And the election of 2006 is fast approaching, so one of the things that we had to contend with and a certain amount of Secretary Bysiewicz and her staff have had to struggle with this is this rush to comply with a federal deadline that has not really given all of us the opportunity to have as much input as we would like. And furthermore, the ongoing process of elections across the United States, particularly in this last federal election cycle has highlighted problems that we have with these new technologies that are emerging.

What's true is that there are new technologies emerging even as we speak here today. There are technologies that are being developed that will allow us to potentially use the optical scan machine as a way of allowing people with disabilities to participate in the elections process as it says in HAVA, privately and independently. And that is the crux of what this whole electronic voting machine issue is about. Is the requirement that we have voting machines that our disabled citizens can use privately and independently. It's

not simply a question of our old machines is no longer serviceable. Our old machines is not do we not have parts for them. The fact of the matter is the old machines still work very well and they are not as far as we've been able to determine being abandoned by the requirements of HAVA. It's simply a matter of we have to have a machine, at least one machine in every poling place by November of 2006. Those machines apparently have to be in place by January 1st, of 2006. In order to comply with that requirement that our disabled voters be able to vote privately and independently.

One of the concerns the Registrar has with all this is that aside from the pilot program that was done two years ago, we really have not had an opportunity other than at our conventions to see what the ongoing technologies are that are being developed. We've seen some of the things that are coming out, one of which will allow the marksense machines to be we believe HAVA compliant. And yet because they were not at the time of the RFP, and I don't mean to make this sound as something that is not a brickbat because that was not in place at the time of the RFP, it was essentially been left out of the mix. And there are those of us who are really concerned that that may cause us to invest in a voting system that will in a very short period of time nearly found to be not as up to date as it could be.

You have to balance this, this is really easy to get caught in a trap here between deciding on our existing technology that we need to comply its requirements and another technology that perhaps is emerging and maybe here in time and unfortunately we are not going to be able to chose it and that's going to leave the towns with their voting machine that may not be state of the art a year from now or two years from now.

This is a very, very difficult process we've all been working through. And I emphasize that because I want the public to understand that this process is one in which we are trying desperately to come up with an answer against a very strict timeline and a very strict deadline that is going to force us to make a choice that may ultimately not be the best choice for all of us.

As long as we understand the game we are playing, I think we can then take a look at the situation very, very conscientiously, make the best choice available to us under the present deadline and then leave ourselves open to the possibility of going with better solutions in the future. The problem with that of course is the problem the government always has which is money. The money is there today to buy these machines and provide them to the

towns. That money is not likely to be there in the future. And these are the concerns the Registrars have.

So there is one other point I want to raise. Not something that we in the Registrars Association have been trying to get to the bottom of and I'll toss it out as a question that doesn't necessarily have the answer immediately, but when you are trying to find where it is in state statute that it says we must have a full face ballot. Several of our people, I set up a task force back in April to sift through state statute to try to find that particular callout and frankly we haven't been able to find it. So just in case somehow or other that got overlooked we can toss that over to the experts on the Secretary of the State's staff to come up with the statute that specifies that perhaps if in fact it's not required in State statute, it may make things a little simpler for all of us. Thank you Madam Secretary.

Secretary Bysiewicz: Thank you Richard. Our next speaker will be Representative Tim O'Brien who is the vice chair of the government administration and elections committee. Thank you for joining us.

Tim O'Brien: Thank you Secretary Bysiewicz. And I'd like to thank you for the work that you have done in this process and we are under as Mr. Abbate pointed out a lot of very tight constraints because of the time table that we are forced to work with because of the federal law and I think you've done great work in guiding us through a very difficult time.

Pardon me *(coughing)* I'd like to just talk about some of the things that I have seen in the time that we dealt with in the government administration and elections committee. The process of what we need to choose in terms of voting machine technology. Because as we dug into what later became Senate Bill 55 as amended by House Bill 6669, we got a lot into the details of what it is that we would expect in a machine and we imagined a lot of different things that would be possible. In truth most of that is left up to the Secretary of the State who has to choose what the machines ultimately are and we passed a law that sets parameters within which we have to live.

The basic things that we are looking for in machines are that first of all they are accurate. That they accurately record people's votes. The advantage of the old mechanical lever machines is that they've been tried and tested and tried and tested and we're pretty, we have a reasonable degree of expectation that they are accurate. That they record people's votes in a very clear way. You can open them up, you can look at the machines, you can make sure that all

the gears and levers are working properly. And when it comes to computers, we have no real expectation that's true.

Everytime my laptop computer crashes; I'm reminded about some of the limitations of computers. And the throws that they can have just by accident. I remember when I was a kid writing computer programs and as I was learning how to use computers and realizing how easy it is to make one tiny little mistake that can cause the entire program to fail. And then of course there is the reality that sometimes people have a motivation for intentionally altering the results of the vote.

So you have to make sure that as we move ahead into computerized technology that we have in fact got accurate vote counts. And there are very little concerns all across the country about some of the vote counts, the accuracy of vote counts that are being recorded on computerized voting machines.

Another very important concern that closely ties to that is transparency. People, you can open up the machine or a mechanical lever machine and you can see that it's working properly. You can't necessarily open up a computerized voting machine and make sure it's working right. It's hard to look at; it's harder to know that it's working properly. And more importantly than that, it's hard for the voters to be able to know that when they cast the ballot and goes into another world of virtual information, that it still remains as they recorded it. Added ability; being able to check the machines afterwards and make sure that they did in fact work properly.

Whatever technology we use it has to be simple. As we started going through a lot of the ideas about what you could have in a machine, we began to realize you can have all sorts of complexity to the process but the not, we are, since we are not using moving parts, for those moving parts is not necessarily appropriate. But the more moving parts you have in a voting machine the more opportunities there are for things to go wrong. So you want to have a machine that has the least amount of possible things that can go wrong, the least amount of moving parts, of components that can fail.

It has to be easy to understand and use. We have to make a voting machine that most voters can go to and understand when they are voting. They can understand what they are supposed to do; they can understand how to accurately cast their vote. And there is a certain amount of education, like when the party lever disappeared,

you all know that it took some amount of education to remind people that you have to push down every lever, you have to hold it down, you can't push it down and pull it back up again. Well some amount of education has to use, that has to be used. But the simpler you make the machine, the harder it is for the voters to make mistakes. And the verification processes itself, we required in Senate Bill 55 and House Bill 6669 a voter verified paper system in voting machines. And that process is designed to be very clear and simple and transparent for the voters. They can see behind a piece of glass, they can hear on an audio playback what it is that, what the votes are, how it was cast and understand exactly what the machine is supposed to be recording.

There is, I'll give an example of what we kind of geared away from. There was one technology that was shown to us in that somebody was trying to persuade us as we were writing a law to not exclude. We ended up excluding it anyway because we wanted that very simple verification process. But it would've had a way of verifying people's votes in the computers as being accurate, using some kind of a complex algorithm that I have to say even I'm kind of nerd myself. And I didn't understand what the heck they were talking about in terms of how this process worked. And if I couldn't understand it, and I'm pretty well informed, kind of geeky legislator, how was I going to explain to the average voter how it is that their vote was being recorded accurately.

So requiring that, this very simple, clear, concise, here's how you voted is the way that we want to make sure that the voters are easy to use by the voters. And then of course accessibility. One of the great advantages of computer technology and the most important reason why we are using it is to allow for accessibility and the two main things of making sure that voters are able to vote independently, on their own, cast their own votes and privacy. And privacy is just another way of saying the integrity of a secret ballot. Making sure that voters with disabilities are able to vote in a way that their votes are not known to the world like everybody else. And there is a lot of other things that we can do, that you can add in computers, you can use different languages which is a utility that we can't have with the lever voting machines and I imagine that as time goes on we'll be imagining a number of other different utilities for these machines.

But there is a lot of opportunity and there is also a lot of opportunity to make mistakes. There are opportunities to create failures, to if we are not careful, we can have some pretty catastrophic results and if we are careful, we can make sure as we

proceed into this new world of computerized voting, that we maintain integrity of the voting process that we've had for so long and that you do so much work to make sure we maintain. So thank you Madam Secretary. *(Clapping)*

Secretary Bysiewicz: And I realize that as we were giving the names of some of the people who are here from the Secretary of the State's office, I wanted to recognize also Marisa Morello who is sitting at the clerks table and thank Marisa for all of her hard work in putting this together. Next I would like to call on Dr. Michael Fischer.

Dr. Michael Fischer: Thank you, good afternoon Secretary Bysiewicz, members of the panel, members of the press, voting officials and concerned citizens. I am Professor of Computer Science at Yale University and a founding member of True Vote Connecticut a non-partisan group of Connecticut Voters dedicated to bringing accessible and verified voting to Connecticut.

I have research interest in distributed computing cryptography and computer security, with a special interest in electronic voting. I want to speak to some technical aspects of computerized voting systems. Before I begin I want to make clear that I am speaking as an independent concerned citizen. I have no ties to any voting machine vendors and I am not a lobbyist for anything but the truth.

Section 201 of HAVA requires among other things that all voting systems must provide accessibility for individuals with disability and produce a paper permanent paper record with a manual audit capability. These requirements must be met by January 1st, 2006. Because Connecticut's lever machines fair on both counts, they must be replaced or possibly upgraded. The current RFP for putting one accessible DRE machine in each voting district will normally meet the first requirement. However, one machine is not enough a spare is needed in case the primary machine fails.

The lever machines replacements can also be accessible through our new machines, but HAVA does not require that. So there are really two separate questions. How does the State best meet the voting needs for individuals with disabilities and how does the State best meet the voting needs for abled voters. Remembering that we cannot continue ___ needs with their unmodified lever machines.

I want to step back a bit and say that any voting system must provide three things. First a trustworthy means for voters to cast a ballot that accurately reflects their intent while maintaining the

privacy of their vote. Second, a trustworthy means for preserving a ballot from the time its cast until the time it's counted. There must be reasonable assurance that the ballots counted are the same ones that were cast and that they have not been altered during storage. And third a trustworthy means for counting the votes and recording the final tallies. A DRE machine performs all three functions in one box ___ its weakness. Nobody can see what goes on inside the machine; the electronic ballot is invisible. Even if a problem is discovered, there is no way to recover the lost ballot. Such failures of DRE is to properly record votes who not ___ they've been documented in a number of recent elections. For example in Carteret County in North Carolina.

Senate Bill 55 restores trust by requiring that machines produce a voter verified paper record. The vote can still be cast electronically, the paper record is used for auditing and recounts. I thank Representative Caruso, Senator DeFronzo and the many other supporters in the legislature and government for passing this bill. I know ___ should be added to that list, he was one of the key players.

The paper record is the key that allows the three voting system functions to be independently audited. So voters can inspect the voter verified paper record before the vote is cast and ensure it correctly captures the voter's intent. For ___ procedures for persevering paper records would be in part to ensure the integrity of the voting verified paper records before a tally. Even though the DRE machine reports the tallies as the invisible electronic ballots, their accuracy will be checked through random ___ recounts of the voter verified paper records.

This works, it can be made trustworthy but is it what we really want? Look back and see how much we can simplify the process. First of all, a DRE machine with the voter verified paper records now has two ballots. The trustworthy ___ PR and the invisible electronic ballot inside the machine. And we can ask why do we need two different ballots. If we had a right to easily count the paper votes, we would have no need for the electronic ballot. By eliminating it all together, we would ensure that only the paper ballots affect the final tally. We would no longer have to worry about complicated interactions between the vote casting and the vote counting processes, which in the DRE take place inside the same inaccessible machine.

How do we count the voter verified paper records? Now that's a big question that I'm sure many of you in this room are very

concerned about. There are voter's responsibilities in regards to ___ counting. _____ voter verified paper record and ___ called technology to scan and tally the ballots. Of course it then becomes essential that the manual random audits of the paper records being to ensure that the barcode is valid and matches the human __ form.

Another possibility is to make the voter verified paper record so that it is readable by both humans and machines. And then use the machine to count the ballots. Sound familiar? In one sense optical scanning system are one example of this approach. Either way we end up with a system that has two different kinds of machines, a ballot counting device that produces the voter verified paper record and a ballot tallying device that reads the ballots and produces the tally.

The ballot marking device is functioning just a simplified DRE machine, voter verified paper record printer that now no longer maintains internal records of the votes. I can tell it's a big advantage not to maintain internal records if the machine crashes during Election Day, it can simply be removed from service without concern about lost votes. You don't really want those votes inside the machine.

Most of the costs in computerized voting system are for the devices the voters use to cast the ballots. Whether those device are DRE machines or ballot marking devices. That's because each machine is tied up for several minutes that it takes each voter to reach his or her selections. So many machines must be provided each ___ parts to accommodate all voters. By way of contrast, one or two scanners will be sufficient for the tallying phase in the voting district. There is many more improvements to the system that can be made that slashes the cost to a fraction of what they would be otherwise. Thus to then able them to mark their ballots with a simple plan instead of a expensive computerized device. Computerized ballot marking device are still needed to promote individuals with disabilities to vote privately and independently as required by HAVA but ___ else equipment is needed when most voters wrote their ballots out by hand.

Good arguments could be made that hand marked ballots are subject to more errors than machine marked ones. However, most such errors are caught when the ballot is scanned just prior to submission, and can be corrected then. So the difference in accuracy between the two approaches is slight, whereas the difference in cost between pen and a computerized ballot printer is enormous. The diffusion ___ number one of economics. Is the

___ from providing every voter with a fancy computerized pen worth the cost. I personally think not, but that's a political question, not a technological one. The political question would get addressed when the towns realize that they must replace their lever machines. And if the state does not have enough HAVA funds to provide DRE machines or computerized ___ devices for every voter. At this point, Connecticut may then join dozens of other states that have already discovered the attractiveness of accessible ___optical scanning systems and ____ needs.

I wish to thank Secretary Bysiewicz for organizing today's panel and for giving me the opportunity to address you this afternoon, thank you. *(Clapping)*

Secretary Bysiewicz: Thank you and next we'll have Christine Horrigan, the director of Government Affairs for the League of Women Voters.

Christine Horrigan: Okay, first I'd like to thank Secretary Bysiewicz for including the League of Women Voters here today. When I was asked by the leadership of the League of Women Voters to do this, I was a little intimidated because I went down the list of speakers and I realized that many of them had a great deal of technical expertise and we just heard one of them. I do not have a lot of technical expertise, but I also noticed as Secretary Bysiewicz pointed out in the beginning that the people who have been asked to speak here today represented various groups. You have advocates for the disabled community; you have the people who actually run the elections. And so I started thinking to myself, well what group do the League of Women Voters represent? And I decided that what I would focus on today is what really is our core mission, that we represent the average voter. We are a non-partisan group; we have over 2500 members statewide. 10's of thousands nationwide and we do a great deal of voter outreach, voter education, and we actually have participated in taking surveys and things of that nature, all having to do with voting.

So with your indulgence today, I'd like to speak or at least try to speak for the average voter. And to a certain extent my comments are going to overlap with those of Representative Tim O'Brien, which make sense because he of course represents the people of Connecticut.

I think the average voter wants three things. They want piece of mind, they want ease of use and then to a lesser extent because voters tend to be taxpayers, they want reasonable cost. At least they would want reasonable cost when the bill comes due. The

piece of mind requirement I think dovetails very nicely with the League of Women Voters standard for voting technology. We have adopted a standard, which we call SARA. And SARA stands for secure, accurate, recountable and accessible. And I think that these are the things that voters want in the state of Connecticut. They want to be secure; they want to know that their vote is going to not be stolen and that it is going to count. And I think that we've made some important decisions here in Connecticut in choosing stand alone machines, rep which will then be tallied as stand alone machines rather than going to a central database and I think that there are other protections that are being put in place by the Secretary of the State with regard to depositing the software code in a national registry and things of that sort that can give people a sense of security.

They want to know the machine; whatever machine they are voting on is accurate. And that the vote is accurately recorded. There are a number of ways to do this and even when it's better than my judgment there is independent testing and certification machines and when we in Connecticut I think we've taken a very important step in passing legislation which requires a voter verified paper record. So people will actually be able to see the vote that is going to be recorded.

The third thing is they want to know that they are safeguards in place in case something goes wrong and that's where the accountability comes in. I happen to come from the Northwest corner, we do have elections up there where fewer than 10 votes can decide who is elected to the legislator where budgets go down by one vote, things of that sort. So I think it's important that we have an audit capability and that we have the ability to recount. And that's an important piece of mind aspect to this. Any system that is purchased under HAVA I think needs to give voters that piece of mind that their vote will be counted and recounted accurately.

The second thing I think voters want is ease of use and this is where the fourth criteria for the League of Women Voters encompassing and that's accessibility. We do believe it's very important that the machines be accessible, both to the handicapped community and to people who speak in alternative language. Also we think you need to take into consideration how user friendly that machine is. Because while our software can be very complex in the mechanizations behind it very complex, when people go into vote, it needs to be fairly simple and has to be user friendly for them. And I think that ---

(End of first side, Beginning of Next)

The state has provided or will provide that opportunity in the fall and we also feel that proper training is key on the machines. Finally I think there is an issue of cost here. We are all concerned about funded mandates. And so we need to take into consideration not just the cost incurred to put that one machine in each poling place initially in order to comply with HAVA, but what the cost would be to replace all machines down the road. And we need to balance the needs of the various constituencies in determining what the best machine is.

And also quite frankly whether or not we feel it's acceptable to have electronic voting machines to deal with issues of accessibility for certain populations, but other types of machines for other types of voters. I think if you asked an average voter to think about best practices and really think about it, they would probably say something like stand alone machines, independent testing and certification of machines. Voter verified paper trail, audit, familiarity and ease of use and reasonable cost. But if you just grabbed them on the street, I'd think they say piece of mind, ease of use and cost. Technical, no, common sense, absolutely. Thank you. *(Clapping)*

Secretary Bysiewicz: Thank you next we will go to Jim McGaughey, he is the executive director of the Office of Protection and Advocacy.

Jim McGaughey: Thank you Secretary Bysiewicz, and thank you for hosting this panel. Certainly the topic of best practices in implementing HAVA is something that is near and dear to the hearts of people working in our office and people involved in the disability rights movement generally. I think that's in large part due to the fact that if you consider---

Female: We can't hear you over here.

Jim McGaughey: I pushed the button, if I move up closer, can you hear me now, can you hear me now? Okay, I'll move my notes so I can see them. If you consider the history of this country, there is a large chapter devoted to the evolving and somewhat contentious struggle that minority groups have gone through seeking access to the franchise, seeking access to the right to vote. Nothing has been considered more fundamental or has been struggled over more vigorously then access to the ballot. And I think there are a couple of reasons for that.

First it's very practical. Access to the ballot equates to access to political power. You get the select candidates that pay attention to your needs and interest and who may in fact be drawn from the community that you belong to. It assures you some access to and some seat at the table of government.

The equally important access to the ballot has a tremendously important symbolic meaning because you are being recognized as a voter. As a society, you attach a positive value both to the act of voting and to the people we entrust to exercise the right to vote. It's not always been the case that all citizens in this nation have had that right. As a franchise we've gradually and grudgingly extended to women and to members of racial, ethnic and economic minority groups. That fact symbol of the change in the status of those people in terms of the way they are viewed in our culture and our society. There were, the worldliness I guess as citizens was finally recognized. And so it's for those two very important reasons that people with disabilities are extremely concerned about barriers to voting.

And it's pretty troubling to know that in, that the voting patterns that have been measured over the last several election cycles with relatively few people with disabilities who are eligible to vote have participated. Most recent poling that was done I believe on the 2000 presidential election, that was the most recent that I'm aware of indicated that as many as few as 30% of the eligible voters with disabilities actually participated. There are so many closely contested elections and so much is at stake in terms of the fundamental policy issues that we just can't afford to lose such a significant proportion of eligible voters any longer. Now in the wake of that awareness of low levels of participation, the national organization on disability conducted a series of focus groups where they ___ people with disabilities and tried to determine what were the barriers that existed that were inhibiting them from participating in elections.

And there were two big ones that surfaced. One was continued inaccessibility of polling places. This despite the fact that there have been laws on the books for some time that require a recent federal elections and also here in Connecticut by the way that polling places be accessible, architecturally accessible. But the other issue that surfaced was difficulty in the balloting process itself. With respect to the inaccessibility of the polling places there are a couple of lessons that I think are important to learn that also apply to the issue of the technology for balloting.

One is that just passing a law doesn't guarantee that there is going to be a change. We sort of seen that the voting accessibility for the elderly and handicapped act was enacted I think in the mid 1980's and yet there is evidence that across the country, somewhere in the neighborhood of 45% of all polling places are still architecturally inaccessible to people with disabilities.

The other lesson that you can extract from that experience I think is the difficulty that emerges when you try to measure accessibility. There would be different surveys done with respect to the architectural accessibility of polling places by different groups. The federal election commission published one in the early '90's that said it really wasn't a big problem, 85% of all the polling places are in fact fully accessible. And this didn't really jive well with the experience, the anecdotal experience of a lot of individuals with disabilities or disability advocacy groups. They began to do their own surveys and in fact there are, there have been a number of court cases that challenged inaccessible poling places and the courts commissioned individuals to do you know the Universities and others to do objective surveys.

And the numbers came back very differently than the FEC survey. So one of the lessons that emerged was that a lot when you are trying to measure or determine the issues about accessibility, a lot depends on the perspective from which you begin that survey. If you are in fact looking at the questions of accessibility from a perspective of people with disabilities, you may come up with very different answers than if you look at it from a perspective of somebody who's just not aware or is not trained on what the various features requires for accessibility are. And I think that's a lesson that can also be applied to the question of voting technology because there are a number of different DRE machines and other kinds of technology that are in play here but if you are really trying to improve accessibility you need to look at the features as they would be used by the people with disabilities themselves to determine which of those features are really going to be useful to people and encourage participation in the voting process.

So the other reason of course that the focus groups participants indicated that they had trouble or just chose to opt out of the entire process was because the validating process itself was problematic. People who are visually impaired or blind or have limited upper arm strength or limited ability to reach and move levers and so forth. Found they had to take somebody into the booth with them. It was not a private process, it was not something they can do

independently and so it was experienced instead of being sort of an affirming exercise in citizenship, it was sort of a demeaning reminder of the low value that our society places upon their participation and frankly if you do have a disability in this world, you get enough of that just conducting your life on a daily basis. You don't need to experience it when you go to the polls and so people just opted out.

So with that in mind and it's that context that we sort of look at these questions of accessibility and of the technology that is evolving and that HAVA is now requiring to be part of the polling process. You know that's why people with disabilities feel so strongly about having this technology available and that they are so interested in seeing it come unwind and I know that there are concerns about how quickly its coming and so forth, but for folks with disabilities, it can't come soon enough.

And I think that that's basically all I have to say on it and think of any other questions later.

Secretary Bysiewicz: Thank you Jim. Next I'd like to call on Chris Kuell*(Clapping)* The National Federation for the Blind.

Chris Kuell: Hello, my name is Chris Kuell; I'm representative of Connecticut affiliate of the National Federation of the Blind. We are the largest consumer group of blind people in the world and we waited a long time to be able to vote. As a blind person, I want to be able to vote privately, independently, securely and accurately. As a taxpaying American citizen, I want to be able to vote privately, independently, securely and accurately. So I don't think our goals are mutually exclusive in any way, it's just how we go about doing that. And I want to commend the Secretary of the State's office, her staff and all of the legislature for working so diligently on Senate Bill 55, it's come a long way since the first draft that I saw several months ago to where it currently exists and indeed I am very much looking forward to voting by myself in 2006.

Now there is a lot of differences in opinions as the best way to go from here, and that's largely what this panel is about. When it comes to DRE's versus optical scan machines, well first of all, I'll say we have to go electronic, the lever machines, you know they'll look good in the museums some day. But we need to go electronic. So it's a matter of DRE's versus optical scan machines. Both types of machines are accessible to blind, vision impaired people. And I think both machines have their pluses and minuses. I think the DRE is very logical, it's been worked on for many years

so there are many vendors that have fully accessible machines that have been time tested, used in other states and have proven themselves to be reliable, secure and accurate.

Same goes true for optical scan machines. Here in Connecticut we wanted a voter verified paper trail. Initially our national organization was opposed to that because they saw it as just one more delay in getting accessible machines into the polling places. However again as a concerned American, I want some verification myself. I'm a cynical person by nature and I want to be sure that our votes are cast, counted and are counted accurately. So I'm not opposed to a paper trail, however the way that the law is written now I think there is a little bit of an issue because the DRE machine will cast the vote electronically, it will be counted electronically, it will produce a paper receipt. That receipt is then can be verified by a sighted person but by a blind or vision-impaired person.

At this point in time we can't verify that that is indeed accurately reflects the way that we voted. I personally don't have a problem with that because I figured the other sighted people in the world will be checking on the machine plus that paper receipt will be used in an audit trail and I think random audits are essential to make sure that to assure the citizens that the machines are counting accurately. Where I have a problem is if that paper receipt is used as a ballot in the case of a recount because I didn't get to see that paper receipt, I don't know exactly what it said. Plus as a scientist, when you add more steps to a process, you will incrementally increase your margin for error. And so I think the least number of steps is advantageous. And when you have DRE's that are secure you know they record directly, you really minimize the number of steps. You get the results from the election very quickly and I think that is a very positive thing.

The optical scan machines, they are fully accessible, they have the advantage that when they produce a computer printed record, that can also be scanned as the optical scanning machine reads the ballots and again can be read aloud so it can assure a blind voter that indeed the way that you pressed it on the computer is the way it was printed out and the way that the optical scan machine counted it. And that's a real advantage.

My concerns about the optical scan machines mostly come from data that I've read about the use of pens or pencils to mark those. I read something from the California Foundation for Independent Living that in the 2004 Presidential primary, 2.7% of the optical

scan ballots submitted were unreadable. And that's a lot you know and today's world of very polarized political parties you know, 3% almost that's cause for concern.

So I don't have a perfect solution, I think that the fact that disabled people are here dialoguing with everyone else is a tremendous step forward and I'm very grateful for the opportunity to be here to speak. I am very much looking forward to voting by myself in 2006 and I think Connecticut has been very smart in not jumping onto the electronic bandwagon, but taking the time to evaluate different machines, different vendors and I'm sure the choice that we make will be right. Thank you very much for your time.

Secretary Bysiewicz: Thank you very much and next we will go to Dr. Ted Selker, from Massachusetts Institute of Technology and he has a presentation, visual presentation that he brought to make as well.

Dr. Ted Selker: First I want to encourage you to realize that getting rid of these lever machines isn't an awful thing. We might think that mechanical things are very durable. In our recent experiment of 800 lever machines, 200 were found to have stuck odometers. So in fact inside of these machines it is hard to view how things are going. There are lots of automated ways of testing software that are used as with any other system whether it works in the final test. And certainly worthy of our efforts.

As to Dr. Fischer's idea that bar codes might be a useful way of marking a paper trail to the extent that I can't view it I'm concerned. In fact there is a paper you can find on our website called Vulnerabilities of Verified Paper Trails Verification, which talks about how you would hack a system where people check only so many of the verification trails. And this barcode is an example of one of those that will be very easy to hack. In fact, even paper trails can be hacked in, if you know how many people will check the verification. Without getting far into that, I just want to say that the voting technology project that I've been part of since 2001 has done many experiments and studies. In fact we've done some very interesting work in checking whether full face voting is a good thing. And we found that in fact if you are reading disabled, you get more confused and are more likely to make errors if you have a full faced voting machine. So it is not clear that you are losing much with that. I'm here to say I've also done experiments that show ways to ameliorate those problems.

Whatever problems we found we can do a lot to fix also. We've tested new kinds of security approaches, new kinds of ___

interfaces, new kinds of verification through and mostly we spent a lot of time noticing that most votes are lost with registration problems. Confusing ballot design is the second largest loser of votes that we know of. Polling place operations, long lines and stuff like that seem to have lost a million votes in 2000. We have no idea how many votes are lost due to unknown secret voting such as absentee ballot.

(Tape cut out) Oh, I'm sorry. We've done the first verification experiment where we checked paper trails against other verification methods to see how well people do. How well do voters do in that. And then I'll also point out other things about best practices possibly if we have time.

So I've seen a lot of paper trails used in 2002 there was a machine called the PBC 2100. It was a precinct voting machine in Illinois, it allowed people to see after they voted the postcard how they did. And I was appalled to find that one out of 10 people that were told that they made a mistake on their ballot was willing to get a new ballot and vote. Now that was just in my experience. It was only a few hundred voters so I went back and watched again and saw the same thing. And I thought about it a lot and you know we can talk about that later. But in any case, I've watched a lot of places, you guys watched in Wilton Connecticut. The reports from the Wilton Connecticut experiment with a voluntary seems to be that it was a big problem, it caused confusion and so on, so.

If you take a look at this audio verification approach that I've kind of built over in my as my way of ___ what I would do to make sure that a persons vote is what they should be compared to the paper trail that people have been rolling out into legislation in various places. You'll see a couple of differences. One it's much cheaper to use the audio that is coming out for the sightless people and listen to that. Two it's about temp the price. This shows kind of a picture of how it would work with a person with earphones watching a tape recorder listening to if they voted for Bush then they would hear that ____ Bush said. So they hear at the time that they are doing it. It's a perceptual task rather than looking at a paper trail later.

And down below you see an actual paper trail in use in Florida, I mean in Nevada. They rolled it out across the ___ the first polling place I went to, this woman who was seen holding something in her hand she was cut that paper trail from a paper trail printer which is jammed. One out of 20 of the ____ printers jammed that I saw jammed during setup or rather than being used on the day of

election, September 7th I think it was. And I never saw one of them that was a secure ballot box. None of them had a seal on it at all. Anyway I'm not sure what she is going to do with this paper trail that she is taking out of the printer. Hopefully she'll send it to somebody or something.

So we did a verification study where we had about 28 voters look at four ballots each for paper trails and four of audio trails where they had to listen and in when they are looking at then one out of the four didn't have an error. The errors were you made marks on your ballot and then your verification system was wrong. It was different than how you voted, okay. So this is what we are worried about is that people will be able to recognize if the verification is different from what they voted. And we found that with audio, 25 of the 108 ballots they found, they recognized errors on and three on paper trails. The reported 14 people reported audio trail problems; nobody reported a problem with paper trails. We recognized as we watched their body language and we could tell they've seen an error. The ___ for some reason is not as easy for them to do. The audio took 10% longer and the audio voters were they found errors were less happy.

In fact 85% of people after the vote we asked them did you see any errors, 85% of the people with the audio trails said yes, 7% with the paper trails. That's a picture of the voting machine out there that we vote used. The style of we did many things to actually stack this experiment against us but I'll get into that later I'm sure that whenever, if you want to get back to me about it. I'm concerned about public confidence in voting being about many things. A lot of the problems that these people up here that are sitting not looking very happy in their polling place are having are caused by other things, process problems. These people actually accidentally gave them provisional ballots. Nobody checked their work when they gave their ballot. I've seen that problem happen with paper, I've seen it happen with punchcards and guess what it happened with these DRE's as well.

So we have to make sure that we check the whole system and we have to be able to monitor these systems. Just an aside, we seem to find that up to 3% of selections that either make or for the vote, excuse me I didn't mean to go on. For the vote next to the one that they meant to vote for. On many vote ballots, so user interface is a crucial thing. The voting interface that is on the bottom is ___ voting interface that reduces the number of adjacency errors by half. Here's a very simple thing. Just changing the layout of the ballot can make a big improvement. What I'm saying is that we

have to be careful on an end to end basis to get to these best practices that we are talking about. We have to make sure that these voting systems work, that we've tested them with the algorithms, that they are reliable, that we sealed the odometers, that they are secure. That there is no malware or connections and if you take a look at the security issue, where people say there is no way to look inside. Actually there are verification approaches for testing software and furthermore after software has been used. If you have a binary round and if you set the clock back to when it was being used, it will, should act the same way. And I'd be happy to discuss this with you. But in fact making code run differently if you had the same binary and all the same conditions is not what the code does.

Usability has to be better than what it replaces and we have to have verification from beginning to end. You see this woman sitting here, she is checking on the odometers at the beginning of the day as a voting machine, which has sat by itself over Labor Day in a church. And if she makes a mistake taking down what number, how many people have voted on this machine before that, at the beginning of that day and doesn't even allow herself enough time to say there is a problem and take the voting machine out of the mix. We have a problem; today polling practices are such that she had nobody besides her that knew anything about the voting machines in the polling place. No mutual supervision and we have to think about how to make all of the steps. Be sure that we have the simple ways that people can add votes to a process be obviated. The ways that people working backend software by themselves; checking on voting machines by themselves. How were things transported? I watched as the optical scan ballots, the voting machines that counted them and the ballot modules were all strapped together and walked down the street in Boston with one person in charge. If that person dumps in the river, you know we don't have that stuff.

And when we have multiple records and redundant records, those are all audit trail. Those are all ways of checking for things and we are in danger as we move forward and make electronic redundancies in the system of not adding the practices to give the polling workers and election workers a chance to use the additional security and reliability and audibility that we can get with those things. Thank you very much. *(Clapping)*

Secretary Bysiewicz: Next we have Jim Dickson, the Vice President of Government Affairs for the American Association of People with Disabilities.

Jim Dickson: I'm Jim Dickson, Vice President of American Association of People with Disabilities. I have two disabilities, I'm blind and I'm blunt. *(Laughing)* AAPD represents all disabilities; we have 100,000 dues paying members across the country and 2,000 in Connecticut. I want to commend Secretary Bysiewicz and her staff for putting this event together. I think everytime we talk about the process of elections our public benefits. I want to thank the election officials who are here. You are truly the guardian angels of our democracy. I've been studying elections for 25 years. Every day I learn about new complexities, new problems that our election officials face everyday.

I want to put, I want to address first the law that was recently passed in Connecticut. In our judgment, the paper trail being used as the audit is a violation of HAVA and the Americans with Disabilities Act. I'm going to put in context for you the importance of why the Help America Vote Act was passed and as citizens of the Nutmeg state you should all be very proud of Senator Chris Dodd who did outstanding work improving our nations voting system.

21 years ago Congress passed a law saying that polling places will be wheelchair accessible. As my colleague Jim said we don't know for sure how many are actually wheelchair accessible. His data was 45%, I just looked at actual surveys from four states in the Midwest, 70% are not accessible, 21 years after the law was passed. That is not right. 12 years ago Congress passed the motor voter law. I with the League of Women Voters played a role in the development of passage of that law. Section of that law requires that Medicaid and other disability and social service offices offer voter registration to people with disabilities and poor citizens in the same way as the department of motor vehicle does.

Congress recognized the polling disabled people have much reason to go to the DMV. It's 12 years later; one state is doing it right, Kentucky. The January 1st deadline was put into the law because nothing focuses the mind like a deadline. AAPD prior to the passage of HAVA filed suit in Jacksonville, we actually filed three suits about voting, using the ADA. This was significant because and we won all three. It's significant because the ADA allows for attorneys fees. Seeing Jacksonville purchased an inaccessible optical scan system, the court found that the ADA does in fact apply to voting. I passed out the court decision. It's going to cost Jacksonville twice what it would have cost to do the right and legal thing in the first place because you are paying very expensive lawyers fees.

There has been I want to address three points that were mentioned in previous comments. Regarding the automark or the vote marking optical scan devices. An automark works wonderfully for people who are blind. It is not accessible for people who cannot use their hands. It does not meet federal access standards. Federal HAVA money cannot be used to purchase it. I've heard the advocates of paper trail ballots say for years; say for the past two years "progress is coming, we are going to have an accessible paper trail." For 35 years I've heard scientists say to me, "We are very close to finding a cure for blindness, it's just around the corner." When people with disabilities hear promises about just around the corner we know that that corner hardly ever comes and never comes on time.

Professor Fischer found ____ mentioned the problems with DRE's in Carteret County, North Carolina. There's been a lot of stories in the news about problems with DRE's. The problems stemmed from either old, obsolete and inaccessible DRE's or they came from the challenges that our election officials and poll workers face with any new system. In Carteret County the voting machine that we are talking about was 20 year old technology. Had Carteret County purchased one of the new accessible touch screens that meet federal standards, they sure would have shut off when the database was full, it would not have been 4,000 unregistered ballots.

We need to make decisions about our voting process based on fact, not on ideology, not on myth. I heard several people mention the importance of doing hand recounts. There is an excellent scientific paper that has been produced. In a typical congressional race, if one hand counts 90% of the ballots you will have, I'm sorry if you hand count 60% of the ballots, you will have an accuracy rate of 90%. Or another way of saying that is hand counting sample ballots does not give you a factual predictor of accuracy in close elections.

The State of Washington just finished a traumatic experience with paper ballots. 90% of the ballots in Washington State are paper. There were three hand counts, three counts from those ballots. Each time it was counted, there was a different number. How, whenever paper in the quantity that we are talking about is counted, one never gets the same number twice. That is a fact. Hoping and believing that a hand count of a paper trail is going to give accuracy is just not blown out by experience of experiment.

We have a crisis in this country and it is a crisis of low voter participation. Every other industry of democracy in the world has more people go to the polls as a percentage of the population than we do. Touch screens that are accessible to people with disabilities benefit the illiterate, benefit people who speak another language and that's like my grandparents came from another country and became citizens they have a right to vote comfortably and easily.

Surveys after the use of touch screen voting in county after county, state after state show that the public has high confidence in the accuracy of the system. Senior citizens after they have used touch screen voting, approve of the touch screen devices 85% of the time. Our democracy is the most important treasure we have. Our democracy is based on the sacrament of the vote. All citizens need to have easy access to the ballot. We must have a system that allows all Americans, not just disabled Americans, those who are illiterate; we don't let our school systems fail. Those who speak other languages to vote accurately and securely. Thank you for your attention. *(Clapping)*

Secretary Bysiewicz: Thank you very much. We have approximately a half an hour for a public question period. I'm looking out and we probably have close to a 100 people with us today. I know you are all very passionate about our election process so I know you have a lot that you want to ask. We'd like to make sure that everyone who is here has the opportunity to ask a question. We'll do that for 30 minutes, than after that as many of our panelists can stay will be here to answer whatever individual questions that you might have. So we will start the public question process and out of courtesy to your fellow members of the audience, we ask that you limit your question to be as brief as possible so we can answer as many as we can.

So with that, okay and I'm sorry to make sure that CTN can hear the and all of us can hear the questions, we are going to ask that if you would like to pose a question that you please step up to this chair and put on the microphone and please identify yourself and go ahead and ask your question. So the first person who has signed up is Linda Helene Schnitzer from the Commission on I can't really read this, disability issues. I apologize; go ahead Linda.

Okay, we are having some accessibility issues; I apologize. Go ahead I think we can hear you and I'll repeat the question, so.

Linda: Thank you, I thought it was a comment from you so I didn't actually think of one question or a zillion, but I would first of all want to thank everyone, I've learned a great deal today. In terms of who I am, I'm Linda Helene Schnitzer, I'm Commissioner of Disability Issues in the City of Hartford. I'm also chair of your legislative sub-committee and vice-chair of their building code advisory. I'm one of the State local groups I'm with. I am one of those people that is a nightmare for people planning stuff like this because I have multiple disabilities and I don't consider being blunt a disability necessarily. It is perhaps a bit of a character flaw. Okay the bottom line I didn't hear a lot about dealing with people who are voting who have English as a second language. I didn't hear anything about dealing with people who are registered to vote who have developmental disabilities and I am beginning to wonder what are your definitions of accessibility for these machines. How are you going to address these various issues? I come from a situation in which my brother had me at his knee learning what he did down South to help implement the voting act. Teaching people at the polls and what it meant to be a person who is different going down South.

So I'd like to hear what you have to say about that and if anybody gripes about the one 2006 deadline for accessible units, I think they ought to go sit in the corner and think it over again. I've waited too long. The first time I voted in the city of Hartford, two hours before they even understood how to run the damn crank machine and got somebody over there. So be that as it may I thank you again and I'd like to hear what your definitions are.

Secretary Bysiewicz: Sure, thank you Linda very much. You asked about what provisions are made for people who speak other languages and in fact in our state law and our federal law there is a requirement that there be ballot materials available in eight different languages and that is a requirement that is reflected in the RFP. So all of the vendors who come forward with that have to show how they can meet that language requirement.

Linda: Okay, are they going to be available for eight different languages in alternate formats for people with disabilities and if so what formats and which languages are you going to decide to do that with? That is just that part of the question; we haven't gotten to the other issue.

Secretary Bysiewicz: Linda right now in our Connecticut general statutes and according to the federal law, Connecticut is required to have a ballot in English and in Spanish in certain communities, we have a statute

that allows for an additional six other languages in the event that other languages are required in Connecticut, but right now it's English and Spanish.

Linda: And are they available in all ____ formats, do you know what I'm asking? Are they available in large print, brail, whatever?

Secretary Bysiewicz: According to the RFP at this point had requested for vendors to indicate in their response how the vendor was going to make large print and other types of alternative language available so that is something that the vendors were questioned on.

Linda: So they aren't presently.

Secretary Bysiewicz: Excuse me?

Linda: Presently they are not available?

Secretary Bysiewicz: For the lever machines?

Linda: No, no, the materials that you hand out at the---

Secretary Bysiewicz: At the polling places today the materials that we hand out are available in English and Spanish. The larger print I know we have been working with the Office of Protection Advocacy to have---

Linda: I'm concerned about the fact that the majority of citizens in Hartford, okay are Spanish speaking---

(End of Side 1, Side 2, Beginning of Side 3)

Linda: ---through the ten cities in the United States, ten top cities that have highest concentrations of their citizens are disabled. Okay, we have this unusual concentration. Okay, so therefore it is my assumption though there are a number of people who have Spanish speaking problems that---

Jim Dickson: There are several pieces of information that I think would please you. One of the advantages of the DRE's is that they do have screens, they are accessible computers. Are the instructions can be put in the language that the voter uses. The 2002 standards require large print and we are currently you asked an earlier question about issues for people with cognitive disabilities.

Linda: Developmental disabilities.

Jim Dickson: The National Institute for standards and testing, which has received funding under the Help America Vote Act has commissioned a study to look at in the rest of the world, pictures and party icons are placed on the ballots. Another good thing about touch screens is that is a relatively easy thing to do as opposed to paper. That study will be done in December and will be reported to the EAC if you see me afterwards and give me your e-mail, I will be sure you get a copy of that report.

Linda: Thank you.

Secretary Bysiewicz: Okay, thank you so much Linda, we want to make sure that others have the opportunity, but we'll all be here if you have other questions. Next we have Michelle Dupre of the City of New Haven Disability Office.

Michelle: Good afternoon Secretary Bysiewicz and the members of the panel. My question today is about whether there are currently any acceptable variations that have an accessible verifiable paper ballot currently in production as highlighted in Senate Bill 55 because it is unclear to me that there is currently the equipment available.

Jim Dickson: There are several companies that are selling voting machines and have even installed voting machines that have paper trails. The ability to verify that the person when they say that this paper trail is different from what I voted does not exist in any voting machine that I know of.

Michelle: Because I actually agree with Mr. Dickson that without that, the Senate Bill 55 violates Americans with Disabilities Act in the Help America Vote Act and for the City of New Haven, it puts us in a very precarious situation because now we are required to accept equipment that is going to be inaccessible for some of our citizens and I think that's problematic and I think that is something ___ many concerns but consider because obviously it's been rough to decide of the debate and I think that everybody here should seriously look at whether we really are dividing access and I don't think it's accessible, I don't think it's acceptable for us to lean back on the fact that somebody with a visual impairment can bring somebody else with them to verify the paper trail because I think that's unacceptable.

Jim Dickson: I want to correct myself; actually none of the paper trail systems are accessible.

Secretary Bysiewicz: Yes, we are going to have Richard Abbate and then Mike Fischer respond to that.

Richard: This is exactly what I was referring to as the concern that the Registrars have and I hope it wasn't misunderstood when I highlighted the deadline. Not that the deadline was a problem for us, but it's a problem that we are all having to contend with in that the systems that we want to see in place. To truly address the issues that HAVA speaks too, we don't really have in place right now and I'm not suggesting that changing the deadline necessarily is the answer; in fact I would rather not see the deadline change personally.

But I think we've got to recognize that we are asking that the Secretary of the State's office and the State of Connecticut and in fact every other state, but this is the state that we have to be concerned with and these are the towns that we have to put our elections in are being put in a situation where in order for us to try to address the needs of our disabled community, you are looking at equipment that doesn't necessarily do what we want it to do. And that's a real concern for us and I want to emphasize it's not a question of us resisting this, we are actually trying to shine a very bright light on the fact that we may come up with an answer here that's not really the answer, it's not the solution to the problem in place.

Secretary Bysiewicz: Mr. Fischer.

Mr. Fischer: I'd like to point out that the automark, ballot marking device does provide accessible verification. There is a standard that will read the ballot that is proven and play it back through earphones so that a disabled voter can vote, cast a ballot and then read it back and verify it. This device has passed it's federal certification test and the official certification number is expected later this month so this is part of that new technology that is becoming a reality but isn't quite here yet. Two weeks from now it very likely will.

Secretary Bysiewicz: Richard did you want to respond?

Richard: Not, I'm not trying to be contentious here, but I think what Professor Fischer is talking about in fact highlights the concern we have which is that the mark sense and the auto sense with that happen to take as a step in the right direction, it's my understanding that currently only meets the needs of those who are disabled through blindness, it doesn't in fact meet the needs of those who have other disabilities. I've used the term from day one

when this first came up and I mean no disrespect in fact God rest his soul, I refer to that we have to have the Christopher Reeve machine. We have to have a machine that meets the needs of every single individual with a disability and not just specific disabilities here with specific individuals disabilities there. If we are going to meet the requirements of HAVA, it has to be a total comprehensive machine and I'm not aware and I'd love to be corrected if I'm wrong, but I'm not aware that such a machine exists today.

Secretary Bysiewicz: Richard, I'll say that automark sense has not been federally certified therefore in Connecticut we cannot consider it and also I'm sure Jim Dickson could speak to the privacy issues because even if the auto marksense ballot were federally certified and the blind person could use the machine to mark a ballot then they have to take the ballot and place it in the scanner and that may be very difficult for a person that is blind or has sight impairments and I think there are privacy issues with that.

Male: And I think the, I think there are machines that are available, it's a matter of there are DRE's that all disabled people can use and they do produce a paper trail which then becomes inaccessible. However if you don't use that as a ballot, if you just use that for audit purposes to assure the voter that the machine is recording things correctly and that's a random audit and you do a certain percentage of machines and you change and nobody knows what machine is going to be done. Those machines do exist today and are used in other states with large success.

Secretary Bysiewicz: Okay, thank you. Thank you very much Michelle for coming today. Ellie Klapatch who is a registrar of voters in Bristol. Could you use the microphone on Ellie please?

Ellie Klapatch: First of all I'd like to thank Secretary Susan Bysiewicz for putting this panel together. I think you've all been very informative and to registrars of voters; I simply appreciate this. My question is directed to Susan. You had mentioned the electronic voting machines and about getting in the fall. What I'm interested in and my elected officials, our council our mayor and the financial people of course are interested and do you have an actual schedule put together that we will be able to meet that January 1st, 2006 schedule?

Secretary Bysiewicz: Yes we do and it is our intention to in September have meetings or demonstrations in each of the five congressional districts and we will invite election officials, both registrars and town clerks and

members of the public to test and use any machine made by a company who has met all the state and federal requirements and the University of Connecticut Polling Forum will be speaking to each person who uses the machines, you as an election official will have the opportunity to rate the companies on the type of training they provide for the different machines so your input is going to be and your suggestions, your comments and opinions are going to be very important in that process. We'll be doing that in September, then during the months of October and November, our office will be using that information along with the information that was given to us in the RFP to make a determination about which machine we will ultimately choose for Connecticut.

And then we will begin in and then we will begin training because that is going to be very, very important and maybe Maria you'd like to talk about some of the training that will be available because as has been mentioned here that is very critical.

Maria: Thank you Ellie, I'm sorry I can't see you. The training piece of it will begin soon after one vendor is chosen and there will be a comprehensive training. It will first begin with the registrars of voters, it will go through the town clerks, we are also looking at doing some training for the poll workers and moderators. We then will be doing training to the general public as well to prepare them for the fact that a new piece of equipment will be added to each for polling places.

So each of the vendors right now is required to give our office a training piece and the Secretary indicated you will be able to listen to that training methodology and rate the vendors on that.

Ellie: So then we are in good shape to meet our deadline.

Secretary Bysiewicz: Yes, absolutely.

Ellie: Thank you so much.

Secretary Bysiewicz: Thank you Ellie, we appreciate it oh go ahead and Mr. Selker has a ---

Mr. Selker: Just a quick comment is one of the, one of my colleagues Charles Stewart wrote a paper where he discovered that in places where the training was central and done well, the same equipment had half the errors of places that did not. So these are very important question and this process I'm real excited about how you guys have set this up to take time and effort for the training.

Secretary Bysiewicz: Next we have Robert Landino.

Robert Landino: Thanks Madam Secretary, good afternoon. Just one question, I have several, but one that comes to mind is after January of 2006 you then have a 2007 deadline that HAVA requires that all towns either retro fit their existing lever machines or make a full transition to electronic voting machines and if so has there been any work with your office in regard to a cost analysis of the comparison between the two and ultimately what burden the towns will be facing in a year from now and will that need to ultimately apply for the 2007 elections.

Secretary Bysiewicz: Sure I'm going to just say, make a brief comment. And then I'm going to ask our HAVA expert Ted Bromley to also comment. We are going to give the towns after the 2006 election which will be the first election that they will use the new machines the opportunity to tell us whether they would like to replace all of their lever machines and we will replace them on a first come, first serve basis. One of the things that I have learned both as a legislator and even more strikingly as Secretary of the State that we are a very Yankee independent minded state. We have many towns and cities that have very different opinions about whether they would like to replace their lever voting machines.

Some would do it in a heartbeat, others would never do it. But it's our job to make sure that we allow every town to comply by having that one machine. And so any liability based on a decision that a town makes will be on the town. So we are giving the towns and cities great discretion, but they have to understand that there were lawsuits brought you know on an equal protection basis or otherwise yet they will be ultimately responsible for that decision. So Ted do you have anything else you would like to add to that?

Ted: Sure, just one thing. I think that the and perhaps Jim Dickson could help us out here a little bit too because I know he's involved in this. I think the 2007 deadline that is in HAVA really is more of a restriction on how you can spend the HAVA funds than it is in terms of machine technology. In 2007 the HAVA funding is even more restricted on what you can spend on. In fact Jim correct me if I'm wrong I believe that after 2007 you would have to spend HAVA money if you were to buy a voting machine on the most accessible machine that was currently available.

Jim Dickson: That is correct.

Robert Landino: So is the goal of HAVA to not have any local burden to the purchase of electronic voting machines provided that the transition is made within a timely manner prior to 2007? Is that---

Jim Dickson: Yes.

Robert Landino: Okay, thank you.

Secretary Bysiewicz: And also I'll just to add that we cannot retrofit the lever voting machines using HAVA money due to a decision that our former governor John Rowland made. We are not allowed to do that with federal money so to the extent that towns want to do that and retrofit them with a printomatic device then it would be up to the towns. Because our state unfortunately forfeited that opportunity.

Next we have Miriam Butterworth. Okay, thank you. Next we have Rich Seville.

Rich Seville: Yes, good afternoon, my name is Rich Seville. I've had nearly 30 year career in corporate IT implementing computer systems. I've noticed in the handout it was mentioned that it's required that these machines be usable for 20 years and that the vendors I believe provide technical support for five years. In my experience it seems like computer technology changes much quicker than that. They often find ourselves upgrading the clients computer system, software systems just because the hardware's changed. So I'd like to ask the computer scientist on the panel to comment on the reasonability of the 20 year life span.

Ted Selker: The experience that Guilford County, Georgia has kind of is pertinent. I'm totally with you about that. I've been a computer scientist for longer than I want to tell you and he seems to be able to keep his machines for seven years and that is kind of what I find you know in life anyway. I mean most machines that I've had to deal with you know they are really fancy for a while and then they are kind of old and find in seven years you find yourself getting something else. That's my experience.

Male: Yes, I would agree with that assessment that seven years is kind of the upper limit we can expect.

Male: And that ___ over the last three generations of electronic voting machines for this particular election.

Rich Seville: So any decisions we make we should take that into account the replacement giving the lifetime.

Secretary Bysiewicz: And Rich that 20 year requirement that you read about, that is a requirement that's in our state statutes. That's where that comes from. Next we have Ralph Morelli.

Ralph Morelli: Thank you Secretary Bysiewicz for putting on this very informative panel. My name is Ralph Morelli I am a voter from Wethersfield, Connecticut, I teach computer science at Trinity College. What I've heard today is fairly widespread agreement among the panelists. Of all the voting technology, electronic voting technology that's available, the only one that seems to be completely accessible in the way that Ms. Dupre would like and Mr. Dickson would like is the automark. You would have a DRE machine and you would have a touch screen vote marking device that would be accessible to the blind to other forms of disabilities that would be used to mark an optical scan ballot. And that ballot could be put back into the machine and read back to the person with a disability audibly or ___ to allow them to verify that it recorded their votes the way they intended them.

Given that and given that the automark has just recently completed the federal certification process and is now already perhaps days away for its federal certification number. I'm going to ask Ms. Secretary Bysiewicz if the automark would receive it's federal certification number tomorrow would you allow the RFP to be opened to allow that machine to be bid as one of the machines that could be used on January 1st, 2006 in Connecticut.

Jim Dickson: I'd like to address this too.

Secretary Bysiewicz: Okay, go ahead Jim.

Jim Dickson: I must not have made myself clear. I apologize, the automark is not accessible; it doesn't meet the Christopher Reeve test as our colleague just said. If HAVA was explicit that it is what is required is secrecy and independence. A person who can, who has no hands or lacks the use of hands cannot complete the voting process with the automark without giving up secrecy. Someone has to take the ballot, have the opportunity to read it and place it into the increasing counter. For voters like myself who are blind, there are some voters who are blind who putting the ballot into the slot in the increasing tabulator is difficult. Those voters would have to allow a person to handle the ballot, to put it into the increasing counter and the blind voter would not know whether or not that individual had read the ballot.

It would be wonderful if the automark met federal access requirements; it does not. ___ finding my question in that.

Secretary Bysiewicz: Yes, and by the way we are not aware that it has been federally certified.

Ralph Morelli: That has completed the federal certification process and is awaiting its federal certification number. It completed it successfully we believe. Let me refine my question then. I believe it's probably the case that there is no electronic voting technology that is accessible to every form of physical disability. Certainly Professor Selker's audio verification process for example would be completely inaccessible to the deaf community, my daughter happens to be deaf and so I'm a bit sensitive to that approach to replacing voter verified paper with something that would rule out another large segment of the disability community.

So let me refine my question to among all the different machines that we heard about today, mostly which were DRE machines that record the vote in ___ computer, the one that seems most accessible to the biggest community of the disabled is in fact the automark. And given that that's the case and that would make it really susceptible to legal actions, which seem to be threatened here. Would your office consider opening the RFP to allow the automark to bid if it hasn't already bid in this process because I believe there would be time to allow it to be purchased in place by January of 2006.

So the US census reports that there are eight million Americans who have hand limitations such that it is difficult to use paper. You can't just ignore that large a number of people. I can't actually site the study perhaps one of the other people on the panel know about it, but there is recently legal opinion requested by ES & S and that's regarding the automark and this very question of would it violate the ADA and HAVA. And the legal opinion was carefully developed a 12 page opinion said, "No, it would not." That was a legal opinion issued in that case.

Secretary Bysiewicz: I'm sorry, what, by whom which legal opinion are you speaking of? Are we allowed to see it or do you have it?

Ralph Morelli: It was commissioned by ES & S, Bill do you have the opinions? We have the opinion, we'll present it to the panel and you can review it yourself. But getting back to my question---

Secretary Bysiewicz: And the answer to your question is that company did not bid under the RFP and we are prohibited under state law in our procurement process from reopening it and again we do have that very strict deadline of January 1st, 2006 that we have to meet. It doesn't mean that we couldn't consider it in the future after the 2006 deadline, but we cannot reopen the RFP.

Ralph Morelli: Are you forbidden by law?

Secretary Bysiewicz: Yes, I'll ask my election attorneys to speak to that if you would, Mike.

Mike: The answer is very simple that we are prohibited under state law from reopening the RFP and changing the rules in the middle of the process.

Ralph Morelli: No, then I think ____ follow up and I've read the RFP, the title of the RFP is the DRE voting machine RFP. DRE it's commonly understood to mean direct recorded electronic. The only machines that count as DRE in the broad community of voting technology are DRE machines, those that record their votes in the memory of the computer. Lever machines are not DRE's, they don't direct and record their votes electronically. Optical scan machines are not DRE's, they do not record their votes electronically and therefore I don't see how you can have a RFP being that we are placing our voting machine that minutes to just DRE machines. ___ type of computer technology here.

Secretary Bysiewicz: Mr. Morelli the definition of DRE that we used in the RFP is a definition that is in our State law which is a direct recording device and it includes electronic machines, lever machines and optical scan machines.

Ralph Morelli: Direct recording device is not the same as direct recording electronic device.

Secretary Bysiewicz: But it is our statute and that is the definition that we used in our RFP so that any company that applied would meet our state statutes.

Ralph Morelli: So if you didn't by law to reopen or extend a flawed RFP as well as a unflawed RFP.

Secretary Bysiewicz: Thank you. Yes, Richard.

Richard: Not to get into the contentious issues that are presented in that last exchange, but it goes back to what I was saying earlier and I think I am speaking for a significant number if not the vast majority of the registrars. Our concern it goes beyond the limits of the current RFP, goes beyond the requirements of meeting HAVA within the deadline. It goes to the ongoing issue of the years ahead as new technologies and new approaches to voting machines are developed that we have to have a plan in place that allows us with or without federal money to be able to access these new technologies for the better use of our citizens so that the best technology available can be made available to them.

I've used the analogy in some of my conversations with my colleagues and if you'll pardon me for just a moment, I'm going to go a little bit far field. Some of you know that I have had a very vast experience in the automotive range. Years ago the federal government made its interest to standardized headlights on automobiles. Back in the 1940's, we had seal beamed headlights for the next 30 years while the rest of the world developed better lighting technologies for the automobiles.

Finally their infinite wisdom, Congress appealed that requirement in the1980's, we now have much better lighting equipment on our cars then we ever had for the past 60 years. And I use that analogy as one that applies in this case. Obviously you must meet the requirements of HAVA and you are doing the best job you can with that. You got state laws you got to deal it which affectively closes off opening up the RFP and that's certainly understandable. Suggesting that we have to start thinking outside of that box, think about how are we going to deal with this in the future, what instrument mentalities are the legislature and our government at large going to come up with to make sure that the registrars of voters, the elections administrators can have access to the best technology available in the future.

Secretary Bysiewicz: Thank you. *(Clapping)* Okay, we have two more people that we are going to hear from. Bill Bunnell has a question and the last person is Ducky Bancroft and then we have one other person who is a member of the media who is signed up and we'll be very happy to talk to him after we hear from the last two members of the public. But we do want to finish this; we want to try to give everyone the opportunity to ask their question.

Bill Bunnell: My name is Bill Bunnell, voter Madison, mostly involved with True Vote Connecticut. Our thanks to you Madam Secretary for providing us an opportunity at the least which is to ask questions of

you and also for putting together this discussion. Also most importantly to ___ state and I think there are several here who would agree with me to inform me of ___ when your ___ instrument ___ questions have been posed by people throughout the last year. We have ___ definition that we've had before. There has been unfortunately a lot of discussion this afternoon about automark. It is unfortunate that True Vote Connecticut has to be involved in those discussions because one of the ___ that your office has had is that you felt True Vote Connecticut was a lobbyist for a vendor and a lobbyist for arm work. The reality of both you and Miss Greenslade at least would acknowledge I believe that over ____ election over a year ago we starting training to have a dialogue with your office about the kinds of issues that have been brought up today.

We had been totally, almost totally unsuccessful in that dialogue. So it is most heartening to inform you today that there may be an opportunity to improve the dialogue of consequence with your office. To that end there was a couple of statements relative to automark that Mr. Dickson had made I just wanted some clarification on. I believe you said the automark is not financially able to be used ___ with HAVA funds, am I paraphrasing that?

Mr. Dickson: That's correct.

Bill Bunnell: Okay, is that in your opinion ___said to me where there is confirmation of that opinion to be found in HAVA? Other than your interpretation sir.

Mr. Dickson: Yes, that is my interpretation. I will just say that I've been involved with every voting lawsuit that has been filed in the past four and a half years. The definitions of access are not found in HAVA. HAVA refers the definitions that come under the Americans with Disabilities Act passed in 1990. As part of that process the federal government established the ADAG, which is the guidelines for defining accessibility. And those guidelines absolutely include access to people who have hand, arm limitations. If you speak to me afterwards, I would be glad to get you the website so you can read the regulations yourself.

Bill Bunnell: Thank you, have you Mr. Dickson yet seen the automark? Had you actually participated in a demonstration of ___ that has been certified?

Mr. Dickson: Eight times in eight different states.

Bill Bunnell: Pardon me?

Mr. Dickson: Eight times in eight different states. I have actually voted on ---

Bill Bunnell: Okay, thank you.

Secretary Bysiewicz: And also I just wanted to add that since January of this year those questions that we passed out on paper have been out on our website and we've had quite a lively dialogue with members of True Vote of both in my office via e-mails, letters, discussions, other public forums.

Bill Bunnell: The answer is that you are talking about from the vendor conference were posted by True Vote Connecticut, that is correct on their website. They were not publicly distributed by your office. They were available ____ that is right.

Secretary Bysiewicz: That's right because they are charged with the procurement process.

Bill Bunnell: But there are many issues appear to be and again just appeared today so we didn't have a chance to read it. There are the issues in there that had not been provided in the answers previously received. One more further ___ of your time one particular issue that does come up here and it would appear from the ___ that you received here today that you are prepared to not consider the automark based upon if I ____ contention that there is a legal reason not to consider it. And can you continue to base the agreements on the positions of an advocate or upon other legal considerations.

Secretary Bysiewicz: We make our decisions based on federal civil rights law and state statutes.

Secretary Bysiewicz: If our attorney Mike Kozik has anything to add to that.

Mike Kozik: We are certainly not basing our legal determinations on the opinion of an advocate. We are basing it on our own analysis of state and federal law and our own legal research and our own internal interpretations of the state procurement laws among other things.

Bill Bunnell: And your legal consumeration issue of the automark device has been made.

Mike Kozik: The automark did not bid on the RFP.

Bill Bunnell: That's one thing we would agree on.

Secretary Bysiewicz: Okay---

Bill Bunnell: To be one other question on areas of concerns to others if I may and my last question, given the audience concern your office has for optical scan and marksense devices; they are based on what you heard here today. Should the towns and voters anticipate that the ___ 06 that you will do certified such devices that are currently used in Connecticut?

Secretary Bysiewicz: We have certified for use in Connecticut lever voting machines and optical scan voting machines and those will remain in use in Connecticut. We are acting to meet the requirements of federal law under HAVA that we have one accessible voting machine with an audit trail for January 1st, 2006.

Bill Bunnell: So the lever machine requirement takes care of the HAVA requirements.

Secretary Bysiewicz: That is the minimum ___ requirement and that is our first step.

Bill Bunnell: But to replace the existing lever machines in the state. Where does HAVA say that every machine that is replaced needs to be replaced by a voter with disabilities labeled DRE.

Secretary Bysiewicz: Ted, do you want to answer that?

Ted: The, this goes back to the comment that I made prior to that HAVA does require that after the 2007 mark.

Bill Bunnell: I'm sorry ____?

Ted: The answer to that question is actually the same as the answer to the prior question, which is that HAVA does require that after 2007.

Bill Bunnell: After 2007? Not after 2006? 01-01-06, excuse me.

Ted: That's correct.

Bill Bunnell: So HAVA ___ could be used to provide optical scan systems, readers to replace lever machines?

Ted: We are not actually required to replace lever machines because we do not take the title one money.

Bill Bunnell: The question was whether you have the authority to allow HAVA money to be used to buy optical scan devices to replace lever machines?

Ted: I think that the priority at this point is to place the fully handicapped accessible machine into the poling place.

Bill Bunnell: I think that defines____.

Secretary Bysiewicz: Thank you very much, we have Ducky Bancroft will be our last person, thank you for your patience.

Ducky Bancroft: Ducky Bancroft, Registrar of Voters from Sharon. We are one of the eight towns in '03 that tested the electronic voting machines. We used a bounty machine which is a eighteen type and they are very skeptical of it because it was not a full screen ballot and we had 15 contests in just the time to go through each contest but it went perfectly, everybody loved them. And the one thing that we liked about it that nobody has addressed is supportability. Not having a full screen ballot enables you to have a small machine that you can carry even a little Registrar can carry a couple of them in the backseat of the car go in the community not only for education purposes but we'd be able to go into the schools, we'd be able to go into elementary schools. At this time the machines are so big and we are not able to do the education that we would like to. So if possible, had you ever thought about the portability?

Secretary Bysiewicz: Yes, as a matter of fact we have as a legislator and Secretary of the State I have advocated for getting rid of the full face ballot requirement that we had in our State, unfortunately our general assembly has not seen fit to eliminate that requirement therefore it does limit the options of voting machines that we can look at, so speak to your legislator.

Ducky Bancroft: Thank you very much. *(Clapping)*

Secretary Bysiewicz: Well I want to thank everyone for coming and if there is Elizabeth Cartier who is the Registrar of Voters from Pomfret, we found your badge and we'll leave that here for you and we thank everyone for coming and we will be here to answer any other questions that you might have, thank you very much. *(Clapping)*

(End of Audio)