



Electronic Voting in 2008

Amidst the buzz of probably the most active election year that we can remember in terms of both interest in the candidates as well as expected voter turnout, it is time to check up on the progress of electronic voting in our nation and, specifically, in Colorado. At national level, after six years and millions of dollars into a major overhaul of the US election system, a number of states including California, Florida, New Mexico, Ohio, Maryland Virginia, New Jersey and Colorado are considering a "retreat to paper" after failed or troubled experiences with e-voting technology. Although circumstances and timing in these states differ, they all share some common threads:

- problems at the polls with electronic machines, and/or poll workers operating them, in one or more elections
- a bipartisan, usually cooperative effort, by each state's chief election official and lawmakers to enact legislation and/or fund a purchase of replacement voting systems
- state-funded and/or private studies that question the integrity of e-voting systems

According to the Pew Center on the States, only 13 states now allow the use of Direct Recording Electronic Systems (DREs) without voter-verifiable paper audit trails and three of those are slated to make the switch before the 2012 elections.

At federal level Representative Rush Holt (NJ-12) continues to push Congress to act on a required voter-verified paper audit capability as well as required random and event-triggered audits for federal elections. HR 811, introduced in May, 2007 and supported by LWV-US, continues to make slow progress although it is currently co-sponsored by over 200 legislators. In January 2008, Rep. Holt also introduced HR 5036 to provide emergency funding for state reimbursements to allow voters the choice of paper ballots in cases where e-voting may have been used exclusively in previous elections. Unfortunately, HR 5036 failed a voice vote in the House on April 15.

At State level, in December 2007, Colorado Secretary of State Mike Coffman, faced with the 2006 court-mandated retesting of electronic voting equipment often referred to as "recertification", decertified three of the four national vendors of e-voting systems operating in Colorado. The only vendor allowed to continue without change after testing was Premier (formally know as Diebold) which supplies the equipment currently in use in La Plata County. (Note that the La Plata County e-voting systems all include a paper audit trail capability - not necessarily the case in other Colorado counties.) The good news in this decision was that Sec. Coffman made dramatic changes, including the insertion of three additional layers in the testing process, within the course of his decertification decision. Three actions resulted almost immediately from the Coffman decision including legislation sponsored by Governor Ritter (HR8-1155) to authorize the

Secretary to continue the certification process to verify and demonstrate that the major deficiencies found in 2007 have been resolved or mitigated. HR8-1155 was signed by the Governor in February and recertification was announced in late March for all of the equipment but with a lengthy number of specific conditions and restrictions on their use. This recertification involved much healthy dialog with the County Clerks and Recorders who raised legitimate concerns regarding the retreat from DRE equipment and the major cost and timing issues related to reintroduction of paper ballot processing in their voting precincts. During this period, Colorado Senator Ken Gordon introduced SB8-189 that would mandate the conduct of 2008 elections primarily by paper ballot and reimburse counties for mail-in ballot costs. After much opposition by the county election officials and Sec of State Coffman, SB8-189 was defeated in Committee in March 2008.

In conclusion, Colorado and the nation at large are converging on the conclusions that e-voting equipment should only be used when a voter-verifiable paper trail is available and that a paper ballot should be the vote of record in all recounts and audits as a check on electronic tallies. In Colorado we should expect that after considerable retesting and recertification, e-voting equipment will remain and probably be increased but that more voters will be given a choice as to how to cast their ballots and that their confidence in the ensuing results should rise based upon increased transparency and auditability of the results.

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