



Senator Feinstein Raises Concern About Trouble at the Polls

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Washington, DC – With the fourth anniversary of the Help America Vote Act approaching this weekend, U.S. Senator Dianne Feinstein (D-Calif.) raised serious concern today about reports of possible problems at the polls in at least 10 states on November 7.

“Four years ago, in the wake of serious problems with hanging chads on punch-card ballots, Congress passed the Help America Vote Act to modernize the nation’s voting systems,” Senator Feinstein said. **“But now, we are hearing of serious problems with electronic voting machines, the training of poll workers and in the establishment of electronic voting databases.”**

Senator Feinstein, a senior member of the Senate Rules and Administration Committee, plans to seek hearings in the committee on these problems and others that may arise during the election to consider what revisions of the Help America Vote Act may be necessary to ensure fair and accurate federal elections.

According to a 75-page report released this week by the nonpartisan Election Reform Information Project, which tracks electoral reforms across the United States, “as the mid-term elections approach, machine failures, database delays and foul-ups, inconsistent procedures, new rules and new equipment have some predicting chaos at the polls at worst and widespread polling place snafus at best.”

The report, funded by the Pew Charitable Trusts, is available online at www.electionline.org. It concludes that: “The Nov. 7 election promises to bring more of what voters have come to expect since the 2000 elections: a divided body politic, an election system in flux, and the possibility – if not certainty – of problems at polls nationwide.”

The report notes that an estimated one-third of the nation’s voters will cast ballots on voting machines never used before in general elections and that new procedures and legal battles over voter identification could confuse voters and/or poll workers. Ten states were listed as “states to watch” on Election Day because of possible problems during the election: Arizona, Colorado, Connecticut, Florida, Indiana, Maryland, New York, Ohio, Pennsylvania and Washington.

Some of the most problematic issues include:

- New electronic voting machines, which have been prone to mechanical and human errors in many early roll-outs and may also not have sufficient security safeguards in place;
- Voter identification requirements, which have now been implemented in 23 states (up from 11 in 2000) and have been subject to lawsuits and court action in many states because they could deter poor, disabled and elderly voters;
- Statewide voter registration databases, which are required by the Help America Vote Act, and may be inaccurate; and
- New third-party voter registration restrictions -- especially in Florida and Ohio, which have been either struck down (Florida) or subject to a preliminary injunction (Ohio) in federal court.

Senator Feinstein announced earlier this month that she plans to introduce legislation to help ensure the accuracy of future federal elections by requiring that electronic voting machines print a paper record which can be verified by the voter and is subject to an independent audit to help ensure that the machines are secure from error.

“Serious questions have arisen about the accuracy and reliability of new electronic voting machines, including concerns that they can be susceptible to fraud and computer hacking attacks unless proper security measures are taken,” Senator Feinstein said. **“It is imperative that Congress does everything it can to help ensure that votes cast by American citizens are recorded accurately.”**

Senator Feinstein said she plans to introduce the bill – *the Ballot Integrity Act* – on the first legislative day of the new Congress in January.

The provisions of the legislation relating to paper records, audits and voting system integrity are similar to the bipartisan Voter Confidence and Increased Accessibility Act introduced by Rep. Rush Holt (D-N.J.) and cosponsored by 219 other House Members. But Senator Feinstein’s bill also has several additional provisions, including a prohibition on a state’s chief election officer from participating on a political campaign committee on behalf of any federal candidate and measures to make it easier for military and overseas voters to send in absentee ballots.

The Commission on Electoral Reform, also known as the Carter-Baker Commission, has also endorsed voter-verified paper audit records for electronic voting machines, citing four reasons for its recommendation:

- To increase citizens’ confidence that their votes will be counted accurately;
- To allow for a recount;
- To provide a back-up in cases of loss of votes due to computer malfunction; and
- To test – through random recount – whether the paper result is the same as the electronic result.

The Brennan Center Task Force on Voting System Security published a comprehensive study of electronic voting machine vulnerabilities last summer, including a survey of hundreds of election officials around the country and categorized over 120 security threats to voting machines.

“A number of recent elections have been determined by a very small difference in votes, and a failure to have paper records that can be audited could ultimately call into question the validity of the upcoming election,” Senator Feinstein said. **“Congress needs to act to help restore confidence in the outcomes of elections.”**

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A summary of the Ballot Integrity Act follows:

- **Paper Records, Voter Verification and Audit:** Requires that voting machines produce a paper record that voters can verify, and correct if necessary, after casting their vote. Also requires that the paper record be preserved and used in a mandatory, random, one percent audit.
- **Electronic Voting System Security:** Takes measures to prevent technological manipulation of electronic voting systems and requires that all voting system software be disclosed to and certified by the Election Assistance Commission.
- **Campaign Activities by Election Officials:** Prohibits a chief state election official from serving on any political campaign committee of a candidate for Federal office, making any public comments in support of a candidate in an official capacity, or soliciting political contributions on behalf of any candidate for Federal office.
- **Official Election Observers:** Grants all official, legitimate domestic and international election observers unrestricted access to the election process, provided that they accept election rules, do not interfere with the election process, respect the secrecy of the ballot and are accredited by the Election Assistance Commission.
- **Military and Overseas Voting:** Makes it easier for overseas and military voters to send in absentee ballot requests, absentee ballots and voter registration forms by prohibiting states from refusing to accept ballots and registration forms due to non-essential requirements (such as size and stock of paper, and whether or not it is notarized).
- **Enforcement of HAVA Provisions:** Clarifies that individuals can pursue legal resolution of violations of the Help America Vote Act. Permanently extends the authorization of the Election Assistance Committee. Requires that contractors hired by the Commission go through a public bidding process.