2005-06 SESSION

COMMITTEE HEARING RECORDS

Assembly Committee on Campaigns & Elections (AC-CE)

Sample:

Record of Comm. Proceedings ... RCP
- 05hrAC-EdR_RCP_pt01a
- 05hrAC-EdR_RCP_pt01b
- 05hrAC-EdR_RCP_pt02

- *Appointments ... Appt*
- **

- *Clearinghouse Rules ... CRule*
- **

- *Committee Hearings ... CH*
- **

- *Committee Reports ... CR*
- **

- *Executive Sessions ... ES*
- **

- *Hearing Records ... HR*
- **

- *Miscellaneous ... Misc*
- **05hr_AC-CE_Misc_pt19**

- *Record of Comm. Proceedings ... RCP*
- **

WISCONSIN LEGISLATIVE COUNCIL

Terry C. Anderson, Director
Laura D. Rose, Deputy Director

TO: REPRESENTATIVE STEPHEN FREESE

FROM: Robert J. Conlin, Senior Staff Attorney

RE: 2005 Assembly Bill 627 and Assembly Substitute Amendment __ (LRBs0247/1), Relating to Electronic Voting System Standards

DATE: October 12, 2005

This memorandum describes 2005 Assembly Bill 627 and a proposed substitute amendment to the bill, Assembly Substitute Amendment __ (LRBs0247/1), relating to electronic voting system standards. The bill was introduced by Representative Pocan and others and cosponsored by Senator Plale and others. The bill was referred to the Assembly Committee on Campaigns and Elections, which has scheduled a public hearing on the bill for October 13, 2005. Assembly Substitute Amendment __ (LRBs0247/1) has not yet been formally offered.

CURRENT LAW

Current law defines an "electronic voting system" as a system in which votes are recorded on ballots, and the votes are subsequently counted and tabulated by automatic tabulating equipment. The term also includes a voting machine on which votes are recorded and tabulated by electronic means. Current law requires the Elections Board to approve all electronic voting systems prior to their use at elections in the state. The statutes contain a number of specific requirements that an electronic voting system must meet before being approved by the board. Among other things, an electronic voting system must, effective January 1, 2006, permit an elector to privately verify the votes selected by the elector before casting his or her ballot and produce a permanent paper record of the vote cast by each elector at the time that it is cast that enables a manual count or recount of the elector's vote. Further, municipalities that use an electronic voting system which utilizes automatic tabulating equipment must publicly test the equipment prior to the election to make sure that it counts correctly.

2005 ASSEMBLY BILL 627

2005 Assembly Bill 627 provides that if a municipality uses an electronic voting system for voting at an election, the municipal clerk must provide to any person, upon request and at the expense of the municipality, the coding for the software that the municipality uses to operate the system and to tally

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the votes cast. Additionally, an electronic voting system could not be approved for use by the Elections Board unless the coding for the software that is used to operate the system on election day and to tally the votes is publicly accessible and may be used to independently verify the accuracy and reliability of the operating and tallying procedures to be employed at the election.

In addition, the bill provides that if a voting device consists of an electronic voting machine, it must generate a complete paper ballot showing all votes cast by each elector that is visually verifiable by the elector before the elector leaves the machine and that enables a manual count or recount of each vote cast by the elector.

The bill takes effect on January 1, 2006, or the day after publication of the enacted bill, whichever is later.

Assembly Substitute Amendment __ (LRBs0247/1)

Assembly Substitute Amendment __ (LRBs0247/1) makes three changes to the bill. Those changes are as follows:

1. Assembly Substitute Amendment __ specifies that the electronic voting machine must produce a complete, permanent paper record showing all votes cast by each elector rather than a complete paper ballot, as required by the bill.

2. Assembly Substitute Amendment __ requires that the paper record produced by the electronic voting machine must be either visually or nonvisually verifiable, as appropriate.

3. Assembly Substitute Amendment __ adds a requirement that if electronic voting machines are used at an election, any recount of votes cast on such machines must be performed using the permanent paper record of the votes cast, as generated by the machines.

If you have any questions, please feel free to contact me directly at the Legislative Council staff offices.

RJC:jal:rv:wu

WISCONSIN LEGISLATIVE COUNCIL

Terry C. Anderson, Director
Laura D. Rose, Deputy Director

TO: REPRESENTATIVE STEPHEN FREESE

FROM: Robert J. Conlin, Senior Staff Attorney

RE: 2005 Assembly Bill 627, Relating to Electronic Voting System Standards

DATE: October 11, 2005

This memorandum describes 2005 Assembly Bill 627, relating to electronic voting system standards. The bill was introduced by Representative Pocan and others and cosponsored by Senator Plale and others. The bill was referred to the Assembly Committee on Campaigns and Elections, which has scheduled a public hearing on the bill for October 13, 2005.

CURRENT LAW

Current law defines an "electronic voting system" as a system in which votes are recorded on ballots, and the votes are subsequently counted and tabulated by automatic tabulating equipment. The term also includes a voting machine on which votes are recorded and tabulated by electronic means. Current law requires the Elections Board to approve all electronic voting systems prior to their use at elections in the state. The statutes contain a number of specific requirements that an electronic voting system must meet before being approved by the board. Among other things, an electronic voting system must, effective January 1, 2006, permit an elector to privately verify the votes selected by the elector before casting his or her ballot and produce a permanent paper record of the vote cast by each elector at the time that it is cast that enables a manual count or recount of the elector's vote. Further, municipalities that use an electronic voting system which utilizes automatic tabulating equipment must publicly test the equipment prior to the election to make sure that it counts correctly.

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In addition, the bill provides that if a voting device consists of an electronic voting machine, it must generate a complete paper ballot showing all votes cast by each elector that is visually verifiable by the elector before the elector leaves the machine and that enables a manual count or recount of each vote cast by the elector.

The bill takes effect on January 1, 2006, or the day after publication of the enacted bill, whichever is later.

If you have any questions, please feel free to contact me directly at the Legislative Council staff offices.

RJC:jal:rv

VOTING TECHNOLOGIES INTERNATIONAL

757 North Broadway
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Testimony Against AB 627
Provided by Anthony Boldin, President/Founder
Voting Technologies International
October 13, 2005

Good morning, my name is Anthony Boldin and I am the President and Founder of Voting Technologies International, one of only a handful of voting system companies in the entire United States. We are very proud to be located right here in Wisconsin, and right in the heart of Downtown Milwaukee.

I am here in complete opposition of Assembly Bill 627 because of two reasons – First, it will not solve the problems the authors intends it to solve, and second, it will essentially regulate us out of business in our home state.

I started Voting Technologies International the day after the 2000 elections. After seeing the snafu caused by the dimpled chads in Florida, I knew there had to be a better way. With my knowledge of software and my desire to create a fraud-proof, affordable and easy to use voting system, I started my company, VTI.

Of specific interest to this committee and in response to the legislation offered by Rep. Pocan, I would like to address the misconceptions of the necessity and reliability of a paper ballot, or receipt, on an electronic voting system, visually verifiable, at the time the ballot is cast.

The basic premise of the paper receipt is to give confidence to the voter. The confidence that their vote was cast as they intended, that there would be a backup incase of lightning strike or some other disaster, or to facilitate a recount if needed. In summary, we don't want to lose votes, we don't want unscrupulous people to change the vote (say to vote for one person and have it count for another), and we want to be able to have a fair recount, if necessary.

The high standards of the federal election commission (FEC) requires voting systems to withstand all sorts of electrical hazards. In fact, our system could be on a line that gets hit by lightning and it has been tested and proven to maintain it's high level of stability - no votes will be lost even in such an extreme circumstance.

Unfortunately, a paper printout is not a real defense against unscrupulous programmers, aka hackers, as this bill intends. A hacker that has the desire to have a voting system record a vote for a person other than what you see on the screen will be just as able to have it record a vote for a person other than who was printed on the receipt. What this does then is gives a false confidence to a voter that all is well. False confidence is not the long term solution to having the electorate have trust and confidence in the voting process.

The only real way to assure that a voting system is guaranteed to vote for a person that you select on the screen, is not the paper receipt, but to assure that the software running on the machine is the one that is certified at the federal labs. Our system does just that - if the software running isn't the exact one certified at the labs, the system will not run and will require the user to reinstall the software so that it does match before launching the voting process. Without this verification, a paper receipt is worthless.

The only way to give the confidence that the vote was cast as intended is not to have a paper receipt, but to take an actual photograph of what they were looking at, at the exact time they cast their ballot. Our system takes this photo, or screenshot, of the screen with the voters choices, at the exact time their vote is cast. This photograph is then saved in multiple places and can be printed out or reviewed later in the case of a recount.

Therefore, the only real way to give true confidence to the voting public - that their vote will count as intended - is to give them a voting system that is safe, secure, and auditable – so that it can be trusted, not a feel good piece of paper. When we moved from pure paper to optical scanning many years ago, the change was just as scary, but today all is well. Over time through utilization the same will occur with electronic voting, the voting public will become comfortable with the technology after years of successful elections.

Additionally, there are many hidden financial costs of this bill. It is not only about 4000, $100 printers and rolls of paper. It is really much greater than that. First, printers need to have paper changed, ink changed, and they jam up from time to time. Do we really expect our poll workers, who are mostly senior citizens, to have the skillsets of computer technicians? Or, maybe we are going to pay computer techs to man the polls now? Second, the speed that voters can be processed through a system with a paper receipt is slowed dramatically - about 20 percent slower than a system without. Why? Because voters are spending time reviewing their receipts and are also going to want to recast ballots in the case that they change their minds, even if there is nothing wrong. This means that the cost isn't just those $100 printers anymore, it requires each voting location to have 20% more voting systems than they actually need. We're talking about at least $2 million of unnecessary taxpayer expense here.

Lastly, we'd be reverting back to the old deficiencies of paper systems - they are all still there, but are now multiplied 10 fold. Why? Because receipts can be easily recreated by even a low-skilled individual. There could then be ballot box stuffing by someone creating receipts that were never cast on a machine that would disrupt the recount process. But more importantly, there could also be vote buying, where voters keep their receipts in their pockets and put another piece of paper that looks like the receipt into the ballot box to make it appear as if they followed the proper procedure. This is the scariest one of all because it would be so easy to do.

Although the intention of this Bill is laudable, essentially wanting to bring security and confidence to the voting process, it unfortunately fails on many counts. Additionally, the real costs of this Bill in combination with the real risk of voter fraud induced by the paper receipts are just too great.

In summary, the only way to enable true voter confidence is to employ a voting system that can be trusted - such as the one that we have developed - which has already solved the problems that this Bill is trying to solve. Our system takes a photograph of the voters choices at the time the ballot is cast and our system validates that only state and federally certified software is running at the time of voting.

Unfortunately, the language of this bill would essentially assure non-approval of our system by the Elections Board, and would put us out of business here in Wisconsin and voting system companies from Ohio, Nebraska, or elsewhere would take our place.

For all of these reasons, we respectfully ask that you oppose Assembly Bill 627 in it's current form.

Lastly, I do have some written testimony for the committee to review. I hope that you would find some time to review them as well before making your final decision. We also would be happy to provide a full demonstration to the committee upon request. Thank you very much for your attention here today. I would now be happy to answer any questions that you might have.

Subject: Election Line Press Release

For Immediate Release
October 6, 2005

Sean Greene, 202-338-9860

With Use of Paper Trails Growing, Recount Rules Are in Flux

A mix of machines and procedures raise questions in close races

Washington, D.C. - Half of the states in the country will require the use of voter-verifiable paper audit trails with electronic voting machines in the next two years. How they might be used to resolve close elections, however, has not been determined.

A new report finds that while 25 states will require the use of paper trails in time for the 2008 presidential election, so far only 14 states currently plan to use them as the official record in a recount of votes. How or if they would be used in recounts - and how difficult that process might be - are questions many states still need to answer.

Those findings are part of "Recounts: From Punch Cards to Paper Trails," a new study analyzing recount procedures from across the country and the 12th such briefing produced by electionline.org, the nation's leading source for election reform news and information.

"It would appear that more and more states are making the decision to require the use of voter-verifiable paper audit trails (VVPATs) with their electronic voting machines. But what they will do with them, aside from putting voters' minds at ease, is likely to be the subject of sharp debate in the immediate future," said Doug Chapin, electionline.org's director.

The trend toward using VVPATs, and the apparent reluctance in some states to use them for recounting votes, highlights the growing debate over their use.

Nevada, which required the use of paper trails in last year's presidential election, used the paper spools to verify the accuracy of electronic machine totals. According to one county official, the mandatory audit of VVPATs was time consuming, cumbersome and prone to human error. Other county officials, particularly from California, oppose recounts of VVPATs, arguing they cannot be used because they lack the same standards as ballots.

Backers of VVPATs, however, question the wisdom of requiring the paper trails without using them to recount votes.

"Lost in the debate over whether states should require paper trails is what to do with them after a law is passed," Chapin added. "The one state that conducted a mandatory audit does not use VVPATs in recounts. But not using paper for a recount will be unacceptable to proponents of VVPAT systems. The survey results give a clear indication that this will be the next phase of the debate over verifying voting."

Among the other findings in the report:

- The most publicized instances of contested elections have been in the courts - the *Bush v. Gore* decision in the 2000 election and the 2004 gubernatorial recount in Washington are perhaps the best known recent examples. Recounts, however, are far more common in local races and most states have established rules to avoid such legal battles.

- States vary in their "triggers" that initiate ballot recounts. In 39 states, losing candidates can request recounts, largely at their own expense. In 25 of those, a recount can be undertaken regardless of the margin of votes while in 14, the difference must be within a certain margin of votes.

- Sixteen states have rules that require an automatic recount of votes if contests fall within a prescribed margin.

- Four states - California, New York, West Virginia and Kentucky - recount a small percentage of ballots from randomly-chosen precincts to test the accuracy of the vote.

- Eleven states require manual audits of VVPATs. Audits test the accuracy of electronic voting machines by comparing paper totals to digitized machine totals, but do not change the outcome of elections. The most recent audit in Nevada, teams took as long as four minutes each to count accurately a single ballot on a paper audit trail.

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electionline Weekly is produced by the staff of *electionline.org*, a non-partisan, non-advocacy research effort supported by The Pew Charitable Trusts and administered by the University of Richmond . More information about the Project and up-to-the-minute news on election reform throughout the week can be found at *electionline.org*.

Election Briefing

Voter Verifiable Paper Trail... necessary or not?

February 2004

VOTING TECHNOLOGIES INTERNATIONAL

757 North Broadway
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Voter Verifiable Paper Audit Trail… necessary or not?

This topic is one that is being discussed and decided upon by election officials in response to concerns raised by advocacy groups skeptical of the motives of some voting equipment suppliers and the accuracy of the systems they are selling. In an attempt to insure that elections be auditable, and to restore what they perceive as eroded voter confidence they are promoting that each voter be provided with a paper copy of each electronic vote. The theory being, that not only will the voter have a paper copy of his touch screen vote to verify if the computer registered his vote correctly, but this will also insure that there will be a paper trail for audit ability purposes.

Unfortunately the paranoia being generated regarding touch screen voting equipment is based on incomplete information. The skeptics have chosen to completely ignore the regulated field process required to conduct an election, deciding rather to focus on lab conditions which are irrelevant. They have also based their platform on the evaluation of only a select few vendors products refusing to acknowledge systems that may satisfy their intent. Equally unfortunate is the additional costs that will befall the taxpayers because of this zealous effort to correct a process that may not need fixing.

To sooth the skeptics, many elected officials have opted to climb on the VVPAT bandwagon legislating expensive changes without completely evaluating all of the facts surrounding the claims being made. For those taking a more educated approach to understanding the validity and necessity for a voter verifiable receipt, Voting Technologies is providing the information in this document as an evaluation tool, to hopefully assist those making the decisions regarding VVPAT,

"There is no way to tell if the vote is accurate or not on a computerized voting machine, and because of this voter confidence has been eroded". This is the battle cry of those who feel there is a giant conspiracy being perpetrated on the American voter to purposely rig elections in this county for political gain. Computer scientists and advocacy groups supported by a group of legislators, initiated VVPAT in an effort to restore what they perceived to be a lack voter confidence in new voting technology. They embarked on their cause, drew their conclusions and made generalizations on information that lacked investigative thoroughness. Because of this knee-jerk reaction and hysteria laden propaganda many election officials and legislators unfortunately bought into this unsupported logic, and mandated legislative reforms to provide voters with a paper receipt. For those are seeking to arrive at a more informed responsible decision we hope that the following questions will be addressed and answered during the evaluation process.

1) **Can the proponents of VVPT provide any documented evidence on any touch screen system that supports their claim that these systems can be hacked into, or tampered with to alter the outcome of an election?** There has never been a case of voter fraud, or equipment/ software tampering, with touch screen systems however there are numerous documented cases of fraud with paper based voting which is what they are advocating a return to. Touch Screen systems are also not networked in any way contrary to claims being made.

2) **Why weren't all TS systems evaluated for their security and ability to be hacked into as these scientists who have contended is not only possible but likely to occur?** There are approximately 10-12 touch screen voting suppliers in the country today, yet the computer scientist only evaluated a couple of the larger companies to arrive at the generalized conclusion that all touch screen software is created equal. This is simply not true. Some systems utilize a Windows operating

system and some use a Linux operating system, some use a Smart Card, others utilize Voter ID Pin numbers, some systems utilize older TS technology and some the more recent TS technology which makes calibration a non-issue. To lump all systems together merely reinforces the lack of thoroughness regarding the academia's claims.

3) **Is it really likely that any supplier would risk the legal consequences of tampering to affect the outcome of any election?** If voting equipment suppliers would have the capability to alter voting software to modify results or not count certain votes as the skeptics claim, then they surely could modify the software to adjust what the voter saw and what was printed out to achieve a desired result. Unfortunately the programming and coordination required to implement any modifications coupled with the severe legal penalties make this concern non-existent. To insure against tampering, Voting Technologies utilizes a series of checksums which insure that the certified software is the software which is being utilized for an election. In addition all of the activities that occur on each machine are logged by function and time, further guarding against any uninvited manipulation.

4) **What if the computer crashes or is hit by lightning and votes is lost?** This condition has been addressed in the most recent 2002 Federal testing standards and all certified voting systems have been tested for this type of failure. Should equipment malfunction or crash as skeptics have indicated all voting systems have multiple retrieval processes built into them. The Voting Technologies system has a UPS (Universal Power Supply), which is designed to protect the Election Processing Unit and hard drives against severe electrical and magnetic surges. VTI also provides multiple redundant backup of the votes cast to insure that no votes are lost including a paper copy, CD version and two (2) hard drives.

5) **Why do the skeptics fail to acknowledge the L & A testing that voting equipment is put through prior to every election to insure accuracy?** Because the skeptics do not understand the entire election process, they would rather ignore checks and balances if they don't support their cause. Pre-election testing is purposely designed to detect the inaccurate tabulation the skeptics are contending is inherent in the software before the equipment is officially used to conduct an election.

6) **What is the audit/recount process of the various TS systems?** All TS systems have their own process of audit ability. The technology developed by VTI as an example, takes a photographic snap shot of each electronic ballot cast and stores it for future use. Each ballot picture can then be printed and hand counted for verification with the electronic vote if necessary.

7) **What are the proponents of VVPAT suggesting regarding the specifications of a voter receipt, and the implementation of their demands?** The answer is "very little". While insisting on a VVPAT for each voting booth, the skeptics have failed to define exactly what it is they want. They apparently feel the solution addressing the following consequential issues are better left to the very suppliers they vehemently distrust.
   - How large must the print be on the receipt to allow a visually impaired voter to verify his cast ballot? How large must the receipt be?
   - How will privacy be insured so another voter or poll worker would not be able to see a voter's ballot receipt?

- Can the voter take the receipt home with him? Does the printed ballot go behind glass? Into a box?
- Does the receipt need to be printed in multiple languages?
- How will the visually impaired voter receive a receipt?
- What if voters are disenfranchised from voting because of long lines due to delays caused by voters verifying their ballot, jammed printers, and ink running out?
- Does the receipt need to be printed before the ballot is cast or after it is cast?
- If the ballot is printed after the voter casts the ballot and the voter claims that is not how they voted, what happens? Can the ballot be invalidated? How will this happen if voter confidentiality is to be maintained?

8) **Where is the proof that voter confidence has been eroded?** In study after study of voters who have used TS voting systems, they consistently rate their confidence in the ability of the new technology to record their vote properly at between 80% & 90%. In addition unlike in the past, today's voting equipment must pass stringent federal and state certification testing before it can ever be used in an election. This process has also served to strengthen voter confidence.
    - For the 10% - 20% of voters who do not have a confidence in electronic voting it would be a wiser and more fiscally responsible alternative to offer them the opportunity to vote on paper through an optical ballot since most counties utilize this type of voting in conjunction with TS as a means of accommodating absentee voting.

9) **Who will end up paying for the addition of printers for all of the touch screen machines in service?** The burden to fix a system that does not require fixing will ultimately befall the already burdened taxpayer. This is because Federal funding provided under HAVA will either be gone or insufficient enough to accommodate this modification. Here again the very suppliers that the skeptics distrust will gain financially from the insistence of this grass roots effort.

While the debate continues to forge on we can only hope that before any decisions are made resulting in long lasting implications, that all of the reasons for making any change are properly considered. For the officials responsible for evaluating the need for a voter verifiable paper receipt, we trust they will be prudent in their decision making process and seriously weigh the factors in determining a conclusion on this matter.

Election Briefing

Security and Auditability of the Electronic Vote

"Is the electronic vote recorded as it was cast?"

March 2004

VOTING TECHNOLOGIES INTERNATIONAL

757 North Broadway
Milwaukee, Wisconsin 53202
888.989.VOTE (8683)

Security and Audit ability of the Electronic Vote

The only real way to give true confidence to the voting public - that their vote will count as intended - is to give them a voting system that is safe, secure, and auditable – so that it can be trusted with their votes. Voting Technologies International has designed their voting system with multiple layers of security to prevent tampering and fraud to insure the sanctity of the vote and protect it to be recorded as it was cast.

Software Security.

Key Is Required. Upon startup, the VTI voting system uses a technology that guarantees that the software that is running is the exact software that has been certified by the Federal Election Commission (FEC). The voting system is not networked in any way and does not utilize smart card technology that has been controversial recently. Our system utilizes a key which is required for each processing server to operate. If the software on the system isn't the exact one certified at the labs, the voting system will not run and will require the user to reinstall the software so that it does match before launching the voting process. The voting data is also redundantly backed up through multiple hard drives, burned to CD-ROM, and has paper report total tallies.

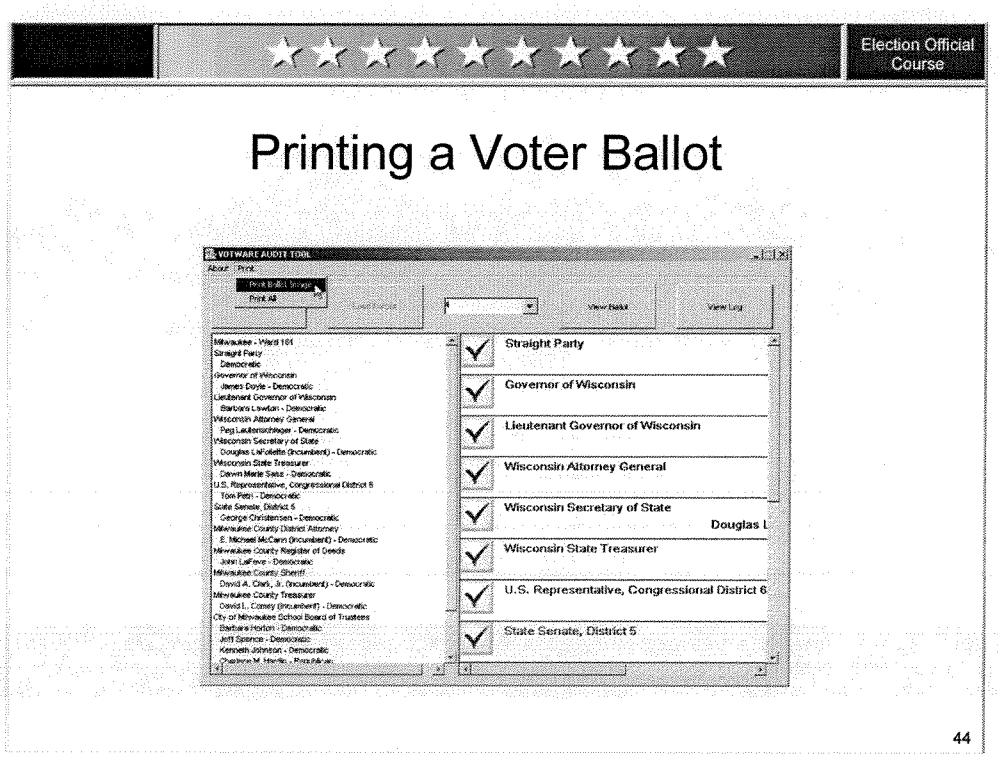
Auditability of the Vote.

The only way to give the confidence that the vote was cast as intended is to take an actual photograph of what they were looking at, at the exact time the voter touches the "Cast Ballot" button, at the exact time their vote is cast. The VTI touch screen voting system captures this photo, or screenshot image, of the screen with the voters choices. This photograph is then saved in multiple places and can be printed out or reviewed later in the case of a recount.

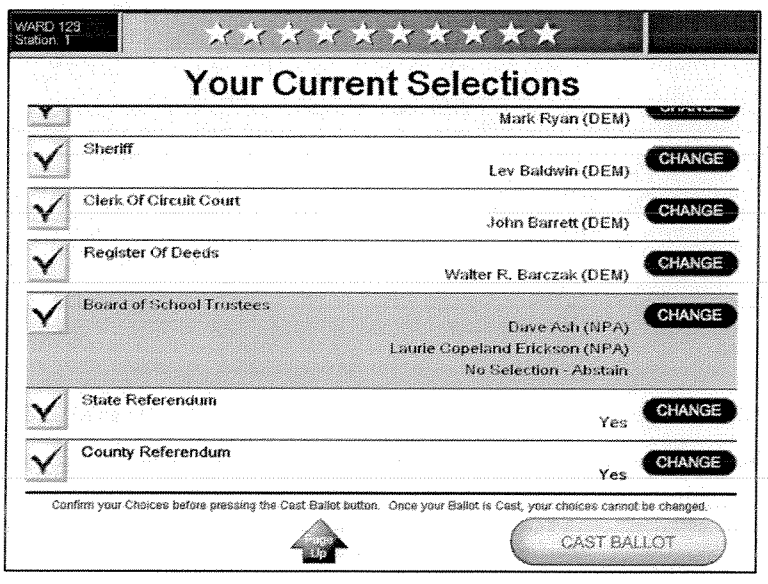
This feature is unique in the industry and allows our system to provide a paper copy of each and every ballot cast at any time in the future. If there are 1000 votes cast on this machine, there will be 1000 tallies and 1000 photographs/images taken. This makes recounts and audits simple and easy, and most importantly, produces audits and recounts that can be trusted.

This is only possible due to the robust computing power of our systems. Other DREs simply do not have the processing power or memory to save such large

image files. Competitive systems may state that they have voter "images", but what is actually done is information is pulled out of the database to create an image of what the voter may have seen. This is a process that is still susceptible to tampering. We do not show what they could have seen, we show exactly what the voter saw - which results in 100% confidence in any recount or audit. These images can be printed once the polls have been closed at the central tabulation location.



Screenshot of Voting Technologies Audit Tool showing database on the left and a voter's ballot on the right. This screen image can be printed for each ballot as shown below.



STATE REPRESENTATIVE
TERESE BERCEAU
WISCONSIN STATE ASSEMBLY
76TH DISTRICT

Memo

To: Representatives Mark Pocan and Steve Freese

From: Representative Terese Berceau

Date: 08/19/2005

Re: Constituent Suggestions for Paper Trail Bill

Dear Mark and Steve,

I received this e-mail from a constituent who had a few ideas for amendments regarding your legislation to require electronic voting machines to produce a paper ballot. He is interested in making it easier for both candidates and electors to demand recounts, as well as ensure more accurate counts by allowing for a wider use of manual recounts. Take a look and let me know what you think.

STATE CAPITOL, POST OFFICE BOX 8952, MADISON, WI 53708 • (608) 266-3784 • FAX: (608) 282-3676
E-MAIL: rep.berceau@legis.state.wi.us • WEB PAGE: //www.legis.state.wi.us/assembly/asmhomepages.html
LEGISLATIVE HOTLINE: 1-888-362-9472

4825 Bayfield Terrace
Madison WI 53705
August 3, 2005

Dear Rep. Terese Berceau,

Rep. Pocan and Freese recently announced that they were looking for co-sponsors for a bill that would require a paper trail for ballots. But.....

What good will it do if the paper ballots are hardly ever counted?

Please don't co-sponsor this unless it includes these changes, which would increase the events under which the paper ballots are actually counted.

Change state law 5.90, which allows recounts to be done simply by sending the ballots through the tabulator again. This is currently at the discretion of the local board of canvassers. Change to require a manual recount.

Change state law 9.01 (1)
Currently only candidates may ask for a recount. Change it to allow any elector to request a recount. The election belongs to the voters, not the candidates.

Change 9.01 to allow wider bands for different payment levels. Instead of a free recount if the margin is less than 0.5%, raise the margin to 1%.

Instead of a $5 fee per ward for margins between 0.5% and 2%, raise the margin to 3%.

Instead of an open-ended fee for margins above this level, change it to a fixed fee.

Let's make sure the declared winner is really the one with the most votes!

Sincerely,

Paul Malischke

malischke@yahoo.com
phone 608-238-8976

Griffiths, Terri

From: Rep.Pocan
Sent: Monday, August 01, 2005 10:54 AM
To: *Legislative Assembly Democrats; *Legislative Assembly Republicans; *Legislative Senate Democrats; *Legislative Senate Republicans
Subject: Co-Sponsorship / Pocan, Freese & Plale / LRB 2044 & LRB 2666 / Require electronic voting machines to produce a paper ballot / DEADLINE 8-15-05

TO: All Legislators

FROM: Representative Mark Pocan
Representative Steve Freese
Senator Jeff Plale

DATE: August 1, 2005

RE: Co-Sponsorship of LRB-2044/3 and LRB-2666/2 – **Requiring Electronic Voting Machines to Produce a Paper Ballot** (relating to: electronic voting system standards.)

We are reintroducing legislation that will require electronic voting machines to produce a paper ballot. A recent trend in voting machines in the United States has been the adaptation of electronic voting systems in the voting booth. While these machines avoid the problems of hanging chads and butterfly ballots, they do pose a problem since a physical ballot is never produced. Once a person leaves the voting booth there is no longer a paper trail due to the lack of a verifiable, paper record of an individual's vote. If a recount is called for, there is no paper ballot to hand-count to verify the system's accuracy.

Last session a similar bill (AB 680) had bipartisan support and passed unanimously in the State Assembly in the form of a committee bill. It did not, however, make it through the State Senate. Also, a slight change from last session's bill includes a requirement where the machine's source code must be publicly accessible.

If you would like to sign on to this bill please call Representative Pocan's office at 266-8570, Representative Freese's office at 266-7502 or Senator Plale's office at 266-7505 by **5 PM August 15, 2005**. The co-sponsor lists from both offices will be combined for the Assembly (LRB-2044/3) and Senate (LRB-2666/2) drafts of the bill, unless a legislator otherwise specifies.

Analysis by the Legislative Reference Bureau

Currently, with limited exceptions, every municipality with a population of 7,500 or more must use voting machines or an electronic voting system at all primaries and other elections held in the municipality. Either mechanical or electronic voting machines may be used. No electronic voting system, including an electronic voting machine, may be used unless the system meets statutory standards and is approved by the State Elections Board for use at elections held in this state. The system must enable an elector to privately verify the votes selected by the elector before casting his or her ballot. All electronic voting systems must be tested publicly before each election to determine if they are functioning properly. If voting machines are used, ballots need not be printed and distributed to electors, but if electronic voting machines are used, the machines must

maintain a cumulative tally of votes cast that is retrievable in the event of a power outage, evacuation, or malfunction so that the record of the votes cast prior to the time that the problem occurs is preserved, and the machines must produce a permanent paper of record of the vote cast by each elector at the time that it is cast that enables a manual count or recount of the elector's vote. Currently, there is no requirement pertaining to accessibility or independent verification of software that is used to operate a system or to record and tally the votes cast.

This bill provides that if a municipality uses an electronic voting system that consists of a voting machine, the machine must generate a complete paper ballot showing all votes cast by each elector that is visually verifiable by the elector before the elector leaves the machine and that enables a manual count or recount of each vote cast by the elector.

The bill also provides that the coding for the software that is used to operate the system on election day and to tally the votes cast must be publicly accessible and must be able to be used to independently verify the accuracy and reliability of the operating and tallying procedures to be employed at an election. In addition, the bill provides that each municipal clerk or board of election commissioners of a municipality that uses an electronic voting system for voting at an election shall provide to any person, upon request, at municipal expense, the coding for the software that the municipality uses to operate the system and to record and tally the votes cast.

For further information see the ***local*** fiscal estimate, which will be printed as an appendix to this bill.