

## 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\_pt20**

➤ Record of Comm. Proceedings ... RCP

➤ \*\*

AB 627

**Griffiths, Terri**

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**From:** Wavrunek, Glenn  
**Sent:** Monday, October 10, 2005 2:12 PM  
**To:** Griffiths, Terri  
**Subject:** IL Language

Terri -

I couldn't find the version that Jeff drafted, but this is a copy of the IL law that I sent him (Public Act 093-0574):

Sec. 23-15.1. Production of ballot counting code and attendance of witnesses. All voting-system vendors shall, within 90 days after the adoption of rules or upon application for voting-system approval, place in escrow all computer code for its voting system with the State Board of Elections. The State Board of Elections shall promulgate rules to implement this Section. For purposes of this Section, the term "computer code" includes, but is not limited to, ballot counting source code, table structures, modules, program narratives, and other human readable computer instructions used to count ballots. Any computer code submitted by vendors to the State Board of Elections shall be considered strictly confidential and the intellectual property of the vendors and shall not be subject to public disclosure under the Freedom of Information Act.

The State Board of Elections shall determine which software components of a voting system it deems necessary to enable the review and verification of the computer. The State Board of Elections shall secure and maintain all proprietary computer codes in strict confidence and shall make a computer code available to authorized persons in connection with an election contest or pursuant to any State or federal court order. In an election contest, each party to the contest may designate one or more persons who are authorized to receive the computer code of the relevant voting systems. The person or persons authorized to receive the relevant computer code shall enter into a confidentiality agreement with the State Board of Elections and must exercise the highest degree of reasonable care to maintain the confidentiality of all proprietary information. The State Board of Elections shall promulgate rules to provide for the security, review, and verification of computer codes. Verification includes, but is not limited to, determining that the computer code corresponds to computer instructions actually in use to count ballots. Nothing in this Section shall impair the obligation of any contract between a voting-systems vendor and an election authority that provides access to computer code that is equal to or greater than that provided by this Section.



## 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

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

5.91 (18) If the device consists of an electronic voting machine, it generates 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, unless:

*(a) The electronic voting machine is able to validate that the software running on the voting machine is the one and only software approved by the State Elections Board;*

*(b) The electronic voting machine captures a photographic image of all votes cast by each elector that the elector is viewing at the time that the ballot is cast which enables a manual count or recount of each vote cast by the elector.*

To: Terri Sue  
282.3651

As Discussed.  
Michelle



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## WISCONSIN LEGISLATIVE COUNCIL

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*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 \_\_ (LRBs0284/2), Relating to Electronic Voting System Standards

DATE: November 2, 2005

This memorandum describes 2005 Assembly Bill 627 and a proposed substitute amendment to the bill, Assembly Substitute Amendment \_\_ (LRBs0284/2), 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 held a public hearing on the bill on October 13, 2005. Assembly Substitute Amendment \_\_ (LRBs0284/2) 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 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 — (LRBs0284/2)**

Assembly Substitute Amendment \_\_ (LRBs0284/2) makes four 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.
4. Assembly Substitute Amendment \_\_ deletes the requirements of the bill that require the coding for electronic voting systems to be publicly available. Instead, Assembly Substitute Amendment \_\_ requires the Elections Board to determine which software components of an electronic voting system are necessary to enable review and verification of the accuracy of the automatic tabulating equipment used to record and tally the votes cast with the system. The Board must then require the vendor of each electronic voting system that is approved for use in this state to place those software components in escrow with the Board within 90 days of approval of the system and within 10 days of the date of any subsequent change in the components. The escrowed components are to be maintained in strict confidence, and are not subject to inspection under the Open Records law. However, if a valid petition for a recount is filed in an election at which an electronic voting system was used, each party to the recount may designate one or more persons who are authorized to receive access to the escrowed software used in that election. The designated persons may receive access to the relevant escrowed software if the persons agree in writing to maintain the confidentiality of all property information to which the person has access. Additionally, a county or municipality may contract with the vendor of an electronic voting system to permit a greater degree of access to software components used with that system. Finally, the Board is directed to promulgate administrative rules to ensure the security, review, and verification of software components used with each electronic voting system approved for use in this state. The verification procedure must include a determination that the software components correspond to the instructions actually used by the system to count votes.

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

RJC:all:tl:wu

## Griffiths, Terri

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**From:** Wavrunek, Glenn  
**Sent:** Monday, October 10, 2005 1:47 PM  
**To:** Kuesel, Jeffery  
**Cc:** Griffiths, Terri  
**Subject:** Technical Amendment for AB 627 (Committee Exec planned for Thursday)

**Attachments:** Tech Amendment needed in Committee.doc

Jeff -

Attached is a technical amendment that we would like drafted for AB 627. Two items that we're trying to fix:

1 - By taking out the term 'visually' and later using the term 'visually or nonvisual means as appropriate' will fix the bill so that we can avoid a possible conflict with HAVA.

2 - By taking out the term 'machine' and inserting 'voting area' will allow additional machines that are on the market. While some machines allow you to vote and verify the vote via the same machine, there is some equipment currently on the market that it's actually two different machines. This change will allow for both types of equipment.

Any changes, please feel free to call me at 266-8570. Thanks,

Glenn Wavrunek  
Office of Rep. Mark Pocan



Tech Amendment  
needed in Commi...





# State of Wisconsin

## LEGISLATIVE REFERENCE BUREAU

1 EAST MAIN, SUITE 200  
P. O. BOX 2037  
MADISON, WI 53701-2037

LEGAL SECTION: (608) 266-3561  
REFERENCE SECTION: (608) 266-0341  
FAX: (608) 264-6948

STEPHEN R. MILLER  
CHIEF

September 2, 2005

## MEMORANDUM

**To:** Representative Pocan

**From:** Jeffery T. Kuesel, Managing Attorney, (608) 266-6778

**Subject:** Technical Memorandum to **2005 AB-627** (LRB 05-2044/3)

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We received the attached technical memorandum relating to your bill. This copy is for your information and your file. If you wish to discuss this memorandum or the necessity of revising your bill or preparing an amendment, please contact me.

# State of Wisconsin \ Elections Board

Post Office Box 2973  
17 West Main Street, Suite 310  
Madison, WI 53701-2973  
Voice (608) 266-8005  
Fax (608) 267-0500  
E-mail: [seb@seb.state.wi.us](mailto:seb@seb.state.wi.us)  
<http://elections.state.wi.us>



CARL HOLBORN  
Chairperson

KEVIN J. KENNEDY  
Executive Director

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**DATE:** August 31, 2005

**TO:** All State Legislators

**FROM:** Kevin J. Kennedy, Executive Director, State Elections Board

**SUBJECT:** Technical Memo on 2005 Assembly Bill 627, 2005 Senate bill 296

This legislation requires electronic voting systems to generate a complete paper ballot showing all votes cast by an elector that is visually verifiable by the voter before the voter leaves the electronic voting machine. The legislation also requires the coding for the software (source code) used to operate an electronic voting system on election day and to tabulate the votes to be available for public inspection.

Current law already requires an electronic voting device to create a permanent paper record at the time voter casts his ballot that enables a manual count or recount of the elector's vote. S. 5.91 (18), Wis. Stats. This requirement provides a sufficient paper audit of electronic voting systems. It adds to the current requirement for an electronic internal audit that is part of the 2002 Voluntary Voting System Standards (VVSS) that Wisconsin requires all voting equipment to meet in order to be approved for use in Wisconsin. ElBd 7.01 (1)(e), Wis. Adm Code.

The proposed legislation requires the equipment to generate a complete paper ballot showing all the votes cast by the elector which can be visually verified by the voter before leaving the machine. This raises the issue of what is the official ballot for determining the outcome of an election. By requiring the machine to generate a full paper ballot, the legislation negates the primary advantage of electronic voting equipment – an efficient, accurate method of casting and tabulating votes. The paper record generated by the voting equipment is necessary to provide the voter with confidence that the equipment accurately recorded the elector's votes and to audit the accuracy of the voting equipment.

The legislation should not require the equipment to generate a complete paper ballot because it will lead hand counting all votes on election night. There are too many potential problems with the current delivery of paper ballots on electronic voting equipment to treat them as the official ballot. These ballots may jam in the machine or be illegible.

The better approach is to require the equipment to generate a permanent paper record that can be visually verified by the voter before leaving the machine. The permanent paper record would be available to be manually counted and would meet the need for a contemporaneously generated paper audit trail.

*specify who can view \**

The requirement for the source code that runs the voting equipment and tabulates the votes to be publicly available will eliminate any equipment currently on the market. The State Elections Board staff is not aware of a vendor of voting equipment willing to make its source code available for public inspection. The source code is proprietary and voting equipment manufacturers will not submit equipment for approval if the source code is available to anyone upon request.

The State Elections Board requires source code to be escrowed as part of the approval process for electronic voting equipment. EIBd 7.03 (2), Wis. Adm Code. The code would be available to be examined and tested in the event of a recount or election contest in which the performance of the voting equipment was an issue. The State Elections Board or a court would set the parameters for independent review of the source code that protected the proprietary interest of the equipment vendor while ensuring that candidates or interested person were able to substantiate the performance of the voting equipment. In addition, the federal government is drafting Voluntary Voting System Guidelines (VVSG) and voting equipment certification requirements that will require voting equipment software to be stored at a national software library that can be accessed to verify the authenticity of the software used in the conduct of an election.

If this provision is enacted into law, no new voting equipment will qualify for approval in the state in the foreseeable future. This will make it impossible for the state to meet the federal requirements for accessible voting set out in Section 301 of the Help America Vote Act of 2002 (HAVA).

CRB 0247/1

**Changes need in highlight:**

5.91 (18) ~~It produces a permanent paper record of the vote~~ If the device consists of an electronic voting machine, it generates a complete paper ballot showing all votes cast by each elector at the time that it is cast that is visually verifiable by the elector, by either visual or nonvisual means as appropriate, before the elector leaves the machine voting area and that enables a manual count or recount of the elector's each vote cast by the elector.

**Thus, 5.91 (18) would then read:**

5.91 (18) If the device consists of an electronic voting machine, it generates a complete paper ballot showing all votes cast by each elector that is verifiable by the elector, by either visual or nonvisual means as appropriate, before the elector leaves the voting area and that enables a manual count or recount of each vote cast by the elector.

**Griffiths, Terri**

**From:** Michelle Kussow [mkussow@charterinternet.com]  
**Sent:** Wednesday, November 09, 2005 4:09 PM  
**To:** Rep.Staskunas; Rep.Ott; Rep.Vruwink; Rep.Lamb; Rep.Nischke; Rep.Gronemus;  
 Rep.Benedict; Rep.Ziegelbauer; Rep.Davis; Rep.Owens; Rep.Sinicki; Rep.Gielow;  
 Rep.LeMahieu; Rep.Meyer; Rep.Vrakas; Rep.Travis; Rep.Ward; Rep.Cullen; Rep.Kaufert;  
 Rep.Towns; Rep.Hines; Rep.Friske; Rep.Pridemore; Rep.Seidel; Rep.Hahn; Rep.Boyle;  
 Rep.Lasee; Rep.Kessler; Rep.Loeffelholz; Rep.Bies; Rep.Hebl; Rep.Sherman;  
 Rep.Underheim; Rep.Fields; Rep.Hundertmark; Rep.Fitzgerald; Rep.Mursau; Rep.Stone;  
 Ambiguous Address Rep.Wood; Rep.Petrowski; Rep.Kreuser; Rep.Ballweg; Rep.Parisi;  
 Rep.Kleefisch; Rep.Ainsworth; Rep.Gard; Rep.LehmanJ; Rep.Steinbrink; Rep.Townsend;  
 Rep.Richards; Rep.Zepnick; Rep.Krawczyk; Rep.Van Roy; Rep.Rhoades; Rep.Vukmir;  
 Rep.Nerison; Rep.Young; Rep.Molepske; Rep.Gottlieb; Rep.Gundrum; Rep.Honadel;  
 Rep.Pettis; Rep.Pocan; Rep.Schneider; Hubler, Mary; Rep.WilliamsM; Rep.Huebsch;  
 Rep.Colon; Rep.Krusick; Rep.Montgomery; Representative Polly Williams; Rep.Pope-Roberts;  
 Rep.Kreibich; Rep.Turner; Rep.Vos; Rep.Kerkman; Rep.Gunderson; Rep.Jensen; Rep.Suder;  
 Rep.Wasserman; Rep.Sheridan; Rep.Albers; Rep.Shilling; Rep.Black; Rep.Freese;  
 Rep.Kestell; Rep.Nass; Rep.Wieckert; Rep.Strachota; Rep.Jeskewitz; Rep.Grigsby;  
 Rep.Berceau; Rep.McCormick; Rep.Moulton; Rep.Musser; Rep.Van Akkeren; Rep.Toles;  
 Rep.Loethian; Rep.Nelson  
**Subject:** Assembly Bill 627  
**Attachments:** VTI floor memo.doc; VTI White Paper.doc

Dear Members of the Assembly:

Attached and below you will find a memo and additional information on Assembly Bill 627 which is scheduled for a floor vote tomorrow. This information is provided on behalf of Voting Technologies International which is an electronic voting equipment manufacturer based in Milwaukee, Wisconsin. VTI is opposed to AB 627 in its current form and seeks an amendment which allows for paper ballots or an electronic image of each vote cast.

If you have any questions on this issue, please contact Michelle Kussow at 608.244.8460.

**VOTING TECHNOLOGIES**  
INTERNATIONAL

757 N Broadway  
 Milwaukee, Wisconsin 53202  
 888.989.VOTE (8683)  
 414.270.9507 (Fax)

**MEMORANDUM**

*November 9, 2005*

**TO:** Members of the Wisconsin State Assembly  
**FROM:** Anthony Boldin, President  
 Voting Technologies International

11/10/2005

RE: Assembly Bill 627

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On behalf of Voting Technologies International, we urge you to **oppose Assembly Bill 627** sponsored by Representative Mark Pocan. Among other election mandates, AB 627 insists that the federally-required electronic voting equipment generate a paper ballot visually verifiable by the voter at the time the vote is cast.

*Voting Technologies International (VTI) manufactures voting equipment which meets all necessary requirements of the Help America Vote Act.* In addition, our system goes one step further by electronically capturing each ballot after the vote is cast which provides the highest level of security, eliminates tampering and insures accuracy of each vote. As required by HAVA, our system generates a printout of each ballot which can be used for the purposes of manual recounts and ballot verifications.

AB 627 will essentially regulate VTI out of business in our home state. We are one of only a handful of voting equipment manufacturers in the entire country and are proud to be located in Milwaukee, Wisconsin. However, if AB 627 passes, we will be precluded from being approved by the State Elections Board.

We are urging you to consider amending AB 627 by allowing paper ballots AND electronic images of the ballot. This amendment would provide the necessary security measures sought in the legislation while allowing municipalities to choose which system works best for their needs. Attached you will find a white paper which answers questions to common concerns regarding whether or not a paper ballot is necessary.

We all have the same goal in mind—integrity of the voting systems. We believe that AB 627 works against the integrity by precluding technology which is meant to ensure the sanctity of the ballot.

We respectfully ask you to consider our perspective on AB 627. Thank you for your time.

Michelle Kussow  
The Capitol Group, LLC  
One S. Pinckney St., Suite 504  
Madison, WI 53703  
[www.thecapitolgroupllc.com](http://www.thecapitolgroupllc.com)  
(608) 244.8460

November 9, 2005

TO: Members of the Wisconsin State Assembly

FROM: Anthony Boldin, President  
Voting Technologies International

RE: Assembly Bill 627

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On behalf of Voting Technologies International, we urge you to **oppose Assembly Bill 627** sponsored by Representative Mark Pocan. Among other election mandates, AB 627 insists that the federally-required electronic voting equipment generate a paper ballot visually verifiable by the voter **AT THE TIME THE VOTE IS CAST**.

*Voting Technologies International (VTI) manufactures voting equipment which meets all necessary requirements of the Help America Vote Act.* In addition, our system goes one step further by electronically capturing each ballot after the vote is cast which provides the highest level of security, eliminates tampering and insures accuracy of each vote. In addition, as required by HAVA, our system generates a printout of each ballot which can be used for the purposes of manual recounts and ballot verifications.

AB 627 will essentially regulate VTI out of business in our home state. We are one of only a handful of voting equipment manufacturers in the entire country and are proud to be located in Milwaukee, Wisconsin. However, if AB 627 passes, we will be precluded from being approved by the State Elections Board.

Therefore, we are urging you to consider amending AB 627 by allowing paper ballots AND electronic images of the ballot. This amendment would provide the necessary security measures sought in the legislation while allowing municipalities to choose which system works best for their needs.

We all have the same goal in mind—integrity of the voting systems. We believe that AB 627 works against the integrity by precluding technology which is meant to ensure the sanctity of the ballot.

We respectfully ask you to consider amending AB 627. Thank you for your time.

## 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 audibility 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 are 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 voters 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.

**CHART 4: STATES WITH SPECIAL TAX OR PUBLIC FINANCING PROVISIONS**

STATE	TAX PROVISIONS				PUBLIC FINANCING	
	CREDIT	DEDUCTION	CHECKOFF	SURCHARGE	SOURCE OF FUNDS	DISTRIBUTION OF FUNDS
Alabama	---	---	---	\$1 [a]	Surcharge	To political party designated by taxpayer
Arizona	<p>---</p> <p>\$5 reduction in tax for \$5 clean elections checkoff; for voluntary donation to fund, a dollar-for-dollar tax credit not to exceed 20% of the tax amount on the return or \$530 per taxpayer, whichever is higher</p>	\$100 [a]. Money designated as surcharge is deductible.	<p>---</p> <p>\$5 for clean elections fund</p>	<p>\$2, \$5 or \$10 [c]</p> <p>---</p>	<p>Surcharge and donated amounts</p> <p>Checkoff, clean elections fines, lobbyist fees, surcharge on civil and criminal penalties [b]</p>	<p>To political party designated by taxpayer</p> <p>Clean elections funds to qualified candidates for statewide or legislative office</p>
Arkansas	\$50 for contributions to candidates; small donor PAC; approved PAC; or organized political party [a]	---	---	---		
Florida	---	---	---	\$5 [d]	Direct appropriations; candidate filing fees; donated surplus funds; and voluntary surcharge on intangibles tax return, motor vehicle registration, driver's license application, boat registration, and annual reports for corporations	To candidates for governor/lt. governor and members of the cabinet
Hawaii	---	\$100 for contributions to central or county party committees, or \$500 for contributions to candidates who abide by expenditure limits, with deductible maximum of \$100 of a total	\$2 [a]	---	Checkoff, appropriated funds, other moneys	To candidates for all non-federal elective offices

		contribution to a single candidate				
Idaho	---	---	\$1	---	Checkoff	To political party designated by taxpayer
Indiana	---	---	---	---	Revenues from personalized motor vehicle license plates	Percentage divided equally between the qualified political parties for state party and county party use
Iowa	---	---	\$1.50 [a]	---	Checkoff	To political party designated by taxpayer or divided among qualified parties as specified by taxpayer
Kentucky	---	---	\$2 [a]	---	Checkoff	To political party designated by taxpayer for party activities and distribution to general election candidates
Maine	---	---	---	(1) Any amount	(1) Surcharge	(1) To political party designated by taxpayer
	---	---	(2) \$3 [a]	---	(2) Checkoff, general fund, surplus candidate seed money, unspent candidate funds, voluntary donations, fines	(2) To candidates for governor, state senate, and house of representatives in primary and general elections
Maryland	---	---	---	Add-on not to exceed \$500 per tax filer	Direct appropriations; fines; tax add-ons	To candidates for governor and lieutenant governor only
Massachusetts	---	---	\$1 [a]	---	Direct appropriations; checkoff; monies from former public campaign finance fund	To candidates for certain offices abiding by expenditure limits and raising specified qualifying contributions in statewide primary and general elections
Michigan	---	---	\$3 [a]	---	Checkoff	To candidates in gubernatorial primaries and candidates for governor and lieutenant governor in general election
Minnesota	Refund up to \$50 for contributions to political parties and qualified candidates [a]	---	\$5 [a]	---	Direct appropriations, checkoff, anonymous contributions to candidates and committees	To qualifying candidates for governor, lt. governor, attorney general, other statewide offices, and state senator and state representative, after primary and general elections; to the state committee of a political party for multi-candidate expenditures; and to state general fund for administrative purposes.
Montana	---	\$100 [a]	---	---	---	
Nebraska	---			\$2 of income tax refund	Direct appropriations, taxpayer contribution of income tax refund, amounts repaid to campaign finance limitation cash fund by candidates, civil	If highest estimated maximum expenditure of opponents not agreeing to abide by the statutory spending limitation for the office is greater than the spending limitation, the difference to otherwise qualified candidates for

					penalties, and late filing fees	governor, secretary of state, attorney general, auditor of public accounts, legislature, public service commission, board of regents of the University of Nebraska, and state board of education who agree to abide by the statutory spending limitation.
New Jersey	---	---	\$1 [a]	---	Direct appropriations and checkoff	To qualified gubernatorial candidates
New Mexico	---	---	\$2 [a]	---	Checkoff	To political party designated by taxpayer
North Carolina	---	\$25 for political contribution or newsletter fund contribution. Income tax surcharge for candidates is intended to be deductible.	\$1 [a]	Up to an amount of income tax refund due	Checkoff for political parties fund; surcharge for candidates fund	Political parties fund divided among political parties according to registration. In non-general election years, not more than 50% in election campaign fund to state party and 50% to presidential election year candidates fund. In general election year, 100% in election campaign fund to state party (with 50% to special party committee). If presidential election year, 100% in presidential election year candidates fund to state party (with 50% to special party committee). Candidates fund divided among opposed candidates for governor who agree to abide by the expenditure limit and raise matching funds equal to 5% of expenditure limit. Matching funds are provided on a one-to-one basis for general election campaign.
Ohio	\$50 for contributions to statewide and legislative candidates [a]	---	\$1 [a]	---	Checkoff	Divided equally among major political parties each calendar quarter. Party allocation divided: 50% to state executive committee of party, and 50% to county executive committees of party according to proportion of income from tax return checkoffs in each county to total checkoff income.
Oklahoma	---	\$100	---	---		
Oregon	Lesser of (1) total contributions with a maximum of \$50 [a], or (2) the taxpayer's liability for contribution to a major or minor party, a candidate for any office, or registered political committee.	---	---	---		
Puerto Rico	---	---	---	---	Commonwealth treasury	To political parties and gubernatorial candidates. In non-general election years, participating political parties may draw not more than \$300,000 from a special electoral fund. In a general election year, political parties may draw against the surplus left from preceding years, and each participating political party and its candidate for governor have the right to draw on the fund not more than \$600,000.  The political parties and candidates for governor that avail themselves of the benefits of the electoral fund

						<p>in an election year may incur additional campaign expenses up to a maximum of \$5 million.</p> <p>In general election year, political parties whose gubernatorial candidates opt for public funding share equally in additional funding (\$1.50 x total registered voters).</p> <p>In general election year, all political parties and independent candidates receive pro rata share of \$1.2 million provided for voter transportation (minimum \$25,000).</p>
Rhode Island	---	---	\$5 [a]	---	Checkoff ("credit")	<p>First \$2 (\$4 for a joint return) of checkoff allocated to major political parties. Distributed to eligible political party designated by taxpayer. If a party is not designated, 5% of the amount is allocated to each party for each state officer elected, and the remainder to each party in proportion to the votes its candidate for governor received in previous election. Maximum of \$200,000 allocated to all political parties. Remainder to qualifying candidates in general election for governor, Lt. governor, secretary of state, attorney general, and general treasurer as state matching funds (maximum for 1994 was \$750,000 for governor and \$187,500 for other candidates).</p>
Utah	---	---	\$1	---	Checkoff (although funds actually are from revenue from sales and use taxes)	<p>To political party designated by taxpayer: 50% to state central committee, and 50% to county central committee in proportion to the number of taxpayers designating the party in each county to the total number of taxpayers in the state who designate the party</p>
Vermont	---	---	---	Up to amount of income tax refund or overpayment	<p>Surcharge, public funding penalties, unexpended campaign finance grants, portion of corporation annual reporting fees, gifts, and state appropriations</p>	<p>To qualifying candidates for governor and Lt. governor. Governor candidates: Non-incumbent—\$75,000 minus qualifying contributions for primary; \$250,000 for general election. Incumbent—\$63,750 minus qualifying contributions for primary and \$191,250 for general election. Lt. Governor candidates: Non-incumbent—\$25,000 minus qualifying contributions for primary; \$75,000 for general election. Incumbent—\$21,250 minus qualifying contributions for primary; \$63,750 for general election.</p>

Virginia	\$25 for contributions to candidates [a]	---	---	\$25 [a] of income tax refund	Surcharge	To designated political party
Wisconsin	---	---	\$1 [a]	---	Checkoff	According to formula, to state executive office, state legislative office and state supreme court candidates in a spring, general, or special election [e]

**NOTE:** This table details only those states that have a tax provision relating to individuals or a provision for public financing of state elections. Credits and deductions may be allowed only for certain types of candidates and/or political parties. Consult state law for further details.

**KEY:**

- No provision
- [a] For joint returns, amount indicated may be doubled
- [b] Use of lobbyist fees, and surcharge on civil and criminal penalties are being litigated
- [c] Additional amounts may be donated
- [d] On intangibles tax return
- [e] Candidates must meet certain qualifications

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5.91 (18) If the device consists of an electronic voting machine, it generates 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, unless:

*(a) The electronic voting machine is able to validate that the software running on the voting machine is the one and only software approved by the State Elections Board;*

*(b) The electronic voting machine captures a photographic image of all votes cast by each elector that the elector is viewing at the time that the ballot is cast which enables a manual count or recount of each vote cast by the elector.*

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*December 6, 2005*

TO: Members of the Wisconsin State Senate

FROM: Anthony Boldin, President  
Voting Technologies International

RE: Assembly Bill 627

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On behalf of Voting Technologies International, we urge you to **support Senate Amendment 1 to Assembly Bill 627**. AB 627, sponsored by Representative Pocan, insists that the federally-required electronic voting equipment generate a paper ballot visually verifiable by the voter **AT THE TIME THE VOTE IS CAST**.

*Voting Technologies International (VTI) manufactures voting equipment which meets all necessary requirements of the Help America Vote Act. In addition, our system goes one step further by electronically capturing each ballot after the vote is cast which provides the highest level of security, eliminates tampering and insures accuracy of each vote. As required by HAVA, our system generates a printout of each ballot which can be used for the purposes of manual recounts and ballot verifications.*

While we do not support the original scope of AB 627 for these reasons, we believe that Senate Amendment 1 offers additional time in the process to allow us to comply with the requirements. The amendment will allow the process for approval to begin upon completion of functional testing from the federally designated independent testing authorities. A background paper on this process is attached for your information.

We all have the same goal in mind—integrity of the voting systems and the sanctity of the ballot cast by the voters in Wisconsin. We believe that AB 627 works against the integrity by precluding technology which is meant to ensure the sanctity of the ballot.

We respectfully ask you to support SA1 to AB 627. Thank you for your time.

***Recommendation of Beginning Voting System Approval after completion of Functional Testing at Independent Testing Authorities.***

**Background:**

The current policy of the Wisconsin State Elections board is to not begin the approval process of voting equipment until after the National Association of State Election Directors (NASED) has issued its "NASED Number", which states that the particular voting system in question has met the qualifications under the 2002 Voting Systems Standards (VSS).

Although Wisconsin Statute requires that voting systems meet the 2002 Voting Systems Standards, the Elections Board has arbitrarily chosen to not begin the approval process until this "NASED Number" has been issued. The only requirement of Wisconsin law is that this number must be received in order to be approved.

It is the Independent Testing Authorities (ITA's) that determine if a system meets the 2002 VSS or not, not NASED. NASED's role is to review the work by the ITA, through reading and reviewing the reports written by the ITA, and then issue the Number after this review. If the ITA's have determined that a system meets the 2002 VSS, then it meets the requirement of the law and testing can commence.

The longest and most important streams of this process are independent and can be run in parallel to each other. It does not require a sequential ordering. There are at least (13) significant and distinct processes in order to receive approval.

They are:

**Outside Wisconsin Control:**

- Complete Functional Testing by an ITA
- ITA writes up test report
- Submit to NASED for number and wait in queue
- NASED report review and revisions to report
- NASED Number Issuance

**Within Wisconsin Control:**

- Review ITA Report
- Public Display and Commentary
- Independent Expert Reviews
- Independent Group Reviews (such as Disability Groups)
- Perform (3) Mock Elections
- Discussion over Data, Reports, and Reviews
- Recommend Approval
- Present to Elections Board at the next Hearing

Because of the infrequent meeting frequency of NASED, and because of the fact that this committee is on a volunteer basis, where each person has responsibilities back at their own states, there is little incentive and little manpower to move through this

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process quickly. It does take months for a voting system to receive a number from NASED after the ITA has completed their functional testing and writing their report.

The Wisconsin approval process also takes 8-12 weeks. The process of scheduling mock elections, reviews by independent groups, and reviewing the data and reports is time consuming. There is only one item among the Wisconsin responsibilities that is affected by the NASED process, and that is the ITA report. The ITA report may be modified slightly after it's initial issuance by ITA.

None of the other distinct processes are dependent on the NASED process. One could have independent groups review the equipment. We could perform mock elections. There could be public display. None of them utilize anything that NASED provides.

During the 3+ months of time that exists between the completion of the original ITA report from the test lab and the issuance of the NASED Number, the entire approval process could be completed. Once the NASED Number is released and the ITA reports are considered final, a rudimentary review of the ITA report could then be made for any sections that have been revised since the initial review.

In all, this would condense the time it takes to approve a voting system in Wisconsin from half, from about 9+ months to about 5 months. Please refer to the Gantt timeline below.

		Month					
		0	1	2	3	4	5
ITA Testing Completed	<<	■					
ITA Reports Written			■				
NASED Review and ITA Report Revisions				■	■	■	
NASED Number Issuance							■
Application by Vendor to Wisconsin			■				
Wisconsin Approval Process				■	■	■	
Recommended Approval by Board							■
Election Board Hearing							■

This will allow 3 additional vendors to be certified early enough for 2006 HAVA changes. Otherwise, the number of choices will be three or less.

Sincerely,

Anthony J. Boldin  
Voting Technologies International  
December 12, 2005  
888.989.VOTE (8683)