

August 1, 2007

The Honorable Debra Bowen
California Secretary of State
1500 11th Street
Sacramento, CA 95814
Sent via email to votingsystems@sos.ca.gov

RE: Top-To-Bottom Review of Voting Machines

Dear Secretary Bowen:

We are writing with regard to your office's review of the Diebold GEMS 1.18.24/AccuVote; Hart Intercivic System 6.2.1; and Sequoia WinEDS version 3.1.012/Edge/Insight/400-C voting systems, and in particular with regard to the security reports released on July 27, 2007 by the University of California technology experts your office contracted with to conduct "red team testing" of such voting systems, and the accessibility report released on July 27, 2007. Our organizations are civil rights and civic engagement organizations that have significant experience in working with voters, particularly with voters with limited English ability, voters with disabilities and new voters.

The reports contained findings that question the security and accessibility of these voting systems. The testers stated that they focused their testing on the technology of the voting systems rather than on the policies, procedures, and laws of the Secretary of State or local election officials intended to compensate for any technological shortcomings. To the extent that vulnerabilities were found, we support the recommendations calling for compensating controls, including the development of security plans that address physical security, security training of staff, and contingency planning.

We oppose any decertification of the voting systems as a means of addressing such findings. Our recommendation is based on the following reasons:

1. In Section 6.0 (Results and Interpretations) of the Overview of Red Team Reports, the University of California technology experts basically state that they believe the information in the reports would allow the voting system vendors to take corrective action to mitigate or eliminate the security vulnerabilities that the technology team reported ("We request that the Secretary of State provide the public and confidential reports to the respective vendors... With their intimate knowledge of their systems, this should be enough to enable them to determine, and take, appropriate corrective action."). Additionally, the red team testing was conducted under laboratory conditions without simulating the actual pre-election day and election day security procedures that normally occur during elections. Because of this, we believe that the red team testing results do not compel decertification. We also strongly disfavor any decertification based on accessibility non-compliance. The findings contained in the accessibility report can be addressed without forcing counties to switch to other voting systems. Additionally, there is not a voting system that meets all access requirements so a forced switch would simply create new access barriers for people with disabilities.

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2. Decertification of these voting systems would result in decreased access for voters with limited English proficiency and voters with disabilities in the counties currently using such voting systems. Electronic voting machines offer increased access to the polls for such voters compared with paper-based voting systems. For example, ballots in multiple languages can be displayed much more easily on an electronic voting machine than on a paper ballot, benefiting voters whose first language is not English. Voters who are blind or have manual dexterity disabilities can vote privately and independently on voting systems that have an audio component, whereas they cannot with paper ballots.

3. Decertification would force counties to retrain poll workers on how to set up new voting systems, which takes away from the time that counties could spend to train poll workers to offer better customer service. We believe that this is likely to have a negative impact particularly on the ability of poll workers to serve language minority voters and voters with disabilities.

4. Decertification would result in confusion among voters who have to use new voting systems, particularly among newer voters who are generally less familiar with the voting process than experienced voters. We believe the potential for confusion is particularly significant given the lack of time for counties to conduct voter education before the early February 2008 election.

Sincerely,

Asian Pacific American Legal Center

California Council of the Blind

California Foundation for Independent Living Centers

Disability Rights Legal Center

FREED Center for Independent Living

Independent Living Resource Center

League of Women Voters of California

Protection and Advocacy, Inc.