Testimony of Stan Boyd from SAVE Our Votes, Presented to the Maryland Senate Education, Health, and Environmental Affairs Committee February 22, 2007

Madame Chair and Members of the Committee:

Thank you for giving me this opportunity to testify in support of SB392. It is gratifying to see that 38 Senators have signed on as sponsors of this excellent bill. It is also encouraging to see that the House of Delegates and the U.S. Congress are moving ahead on very similar legislation.

Earlier witnesses have testified as to why this bill is necessary and how it is fiscally responsible to implement this by 2008. I wish to make two major points:

1. Maryland needs to pass this bill in this session to be in compliance with new federal election standards; and
2. This bill CAN be implemented by 2008.

I attended the December 4, 2006 meeting of the Technical Guidelines Development Committee where NIST reported that paperless DREs, which Maryland uses, are software dependent and SHOULD NOT BE PERMITTED for future election systems. In justifying this new standard, it was stated that:

(1) all software is buggy (4 to 5 bugs per 1000 lines of code);

(2) it is impossible to write bug-free code for a large system such as an election system (50,000 lines of code for DRE; 5,000 lines for op-scan system);

(3) a voting system is software dependent if an undetected bug in its software can cause an undetectable change in an election outcome; and

(4) to be software independent, the recording of votes must be separate from the counting of votes.

It also said that ELECTIONS, not the voting system, must be verified by means of a random audit that includes a hand-count of paper ballots.

We don't need to wait until July to read the new published standards. We know what has been proposed and SB392 will put the state into compliance with them. And since our DRE voting system has been declared unacceptable, it should be changed now, so Maryland doesn't end up joining Florida and Ohio as states that have made people question the outcome of a Presidential election. Common Cause lists Maryland as one of 17 states most at risk for a catastrophic election failure. We must correct this in time for the 2008 Presidential election.

Now to my second point. It is simply not true to say that Maryland CAN"T make this change by 2008. Other states have switched from DREs to an optical scan system in less than a year.

- Both Montana and New Mexico enacted legislation in April 2005 that changed to using paper ballots and was successfully implemented in 2006.
- North Carolina switched in nine months, despite being delayed by a lawsuit.
- Connecticut enacted legislation in July 2005 for 25 cities. In August 2006 a contract was entered into with the vendor and the November election went so well that the Secretary of State ordered the entire state to switch to op-scans by the end of 2007.
- In Florida, Governor Crist has announced that the few remaining counties using DREs will change to op-scans for the 2008 elections.
- If implemented immediately, Maryland should be able to get it done by the 2008 primary, and if not then, certainly by November 2008. We made bigger changes than this in the recent past.

Maryland has an advantage over these other states, since we already use op-scan machines to count absentee ballots in each county, and all but five counties were using op-scanners prior to the switch to DREs. An op-scan voting system requires far less training than one using DREs. Voters know how to mark a paper ballot with a pencil and it is very simple to insert it into the scanner. Statements that it will take months to retrain elections judges and educate the public are nonsense, and since federal standards will mandate paper records, the statements are just an attempt to delay the inevitable.

IT CAN BE DONE RIGHT BY 2008 AND WILL BE DONE IF YOU PASS SB392 AS SUBMITTED.