

TESTIMONY OF JOYCE E. THOMANN
On Behalf of members of the
MARYLAND FEDERATION OF REPUBLICAN WOMEN
the
REPUBLICAN WOMEN OF ANNE ARUNDEL COUNTY
And herself as a Maryland Resident and Registered Voter
Re: House Bill 18
February 1, 2007
Before the House Ways and Means Committee

Chairman Hixon, Members of the Committee: On behalf of the 1,600 members of the Maryland Federation of Republican Women, the Republican Women of Anne Arundel County and myself, I want to thank you for the opportunity to express support for House Bill 18.

At its 2006 Fall Convention and 85th Anniversary celebration, the Maryland Federation of Republican Women unanimously adopted a resolution calling for the passage of legislation to require voter verified paper records for use in all Maryland elections.

As Chairman Hixon has proven by her introduction of this important legislation, this is not a partisan issue. This is an issue where the integrity of the vote, the cornerstone of our Nation, is protected by insuring that all votes are counted as cast by the voter. We agree with House Majority Leader Kumar Barve who recently said, "There is no good way to audit an electronic record in a chip and it certainly wouldn't be accepted in financial accounting."

On Tuesday, January 30, 2007 Florida Governor Charlie Crist announced his intention to recommend that the controversial touch screen machines be scrapped and replaced with optical scanners. U.S. Representative Robert Wexler, Democrat, was quick to praise the Republican Governor for his "bold and comprehensive" plan and went on to say, "We are about to resolve, once and for all, the election integrity problem in Florida, and we are about to realize the dream of creating a paper trail for every voter in the state of Florida."

I have previously appeared before this Committee strongly supporting a return to the reliable, infinitely cheaper, election judge friendly Optic Scanner which uses a voter verified paper record. This paper record is independent of the machine in its creation and can be used to verify the accuracy of the machine itself as well as to conduct a verifiable recount.

I have been a Chief Election Judge for 26 years and have only missed serving in one election – the 2004 General Election.

As a Chief Election Judge, user of the equipment and a taxpayer, I am an avid supporter of the Optic Scanners for many reasons -- not the least being that ONE Optic Scanner can easily serve the needs of an entire precinct whether that precinct has 400 or 2,000 registered voters because the machine is NOT, what I will refer to as, "voter-linked." When an Optic Scanner is used, voters are free to mark their ballots in the "privacy booth", on the floor of the precinct, on the walls, on a table, a chair, or on the backs of each other. They do not need the actual machine in

order to mark their ballot. The only wait when the Optic Scanners were used was at the Book Judge check-in table – not at the voting machine itself. The new E-poll books provide for a faster check-in process.

The touch screen machines, or Direct Recording Electronic Devices (DRE's) ARE “voter linked”; therefore one DRE is required for every 200 registered voters in the precinct. In the 2006 election, we had voters standing in lines to use the touch screen machines because they cannot complete a ballot independently of the machine itself. Anne Arundel County's ballot was long with Federal, state and local offices, 3 Constitutional Amendments; 1 State-wide ballot issue and 3 Amendments to the Anne Arundel County Charter. In the 2006 General Election, one gentleman took over 30 minutes to cast his vote; the minimum time at each machine was 5 minutes per voter. With the Optic Scanners, the time needed to cast a vote ON THE MACHINE was less than 15 seconds.

In my native state of Colorado, touch screen machines are also used and thus are “voter-linked”. In the 2006 election many voters were not able to cast their votes until 1:00 and 2:00 A.M. These were voters who were already in lines that wrapped around the block before the mandatory poll closing time and thus met the criteria for being able to vote. However, many voters, like my daughter-in-law, were not able to vote because they could not wait for a minimum of two hours in order to cast their ballot. This voter disenfranchisement is the consequence of machines which are “voter-linked”. Today, the City of Denver and surrounding jurisdictions are making plans to do away with the touch screen machines and move entirely to absentee ballots – which are voter verified paper ballots that can only be counted on an Optic Scanner.

Nationwide, the push by voters, by constituents, for voter verified paper records is increasing. Six of the 10 most populous states use or soon will be using voter-verified paper records throughout (CA, NY, IL, OH, MI and NJ). According to a December 1, 2006 report of the National Institute of Standards and Technology (attached for reference), a total of 35 states use voter-verified paper records throughout. Twenty-seven states MANDATE voter-verified paper records statewide; 8 don't mandate them but use them statewide; 10 states use them on a county-by-county basis and 5 states use only DRE's statewide (DE, GA, LA, MD and SC).

Maryland's State Elections Administrator Linda Lamone objects to having printers added to the touch screen machines. I AGREE with Ms. Lamone – but not for the same reasons.

Already the touch screen machines are a nightmare for election judges. We went from having one machine which was easily wheeled into the precinct, set up and monitored throughout the day, to having to deal with 7 to 11 machines. Each of these 55 pound machines must be handled four separate times in each election. Each of these 7 to 11 machines must be separately activated, individually monitored throughout the day and then separately deactivated when the polls close.

Before the touch screen machines were put into use, election judges could arrive at the polling place the day of the election at 6:00 a.m. and have the polls ready to open at 7:00 a.m. It is now “suggested” that we go to go to the polling place a day ahead of time. Those of us who do this

put in at least 3 hours the day before the election getting the machines off the transfer cart, legs pulled out and locked in place and each of the 55-pound machines set up on their legs so voters can use them. (The machines are not opened, powered up or activated until the day of the election. Normally, that activation operation, plus putting up required signage and setting up tables and chairs for election judges takes an hour with 6 people working feverishly to accomplish an on-time opening.)

In order to stem the hemorrhaging of election judges, Maryland's families (through their taxes) are now paying Diebold employees (hired by the State Board of Elections) to come in to each precinct on election day help with the set up and trouble shoot the machines throughout the day. In the January 30, 2007 Special Election held in Annapolis, the Diebold employee arrived at the Eastport Volunteer Fire Hall polling place prior to the election judges and, except for the two hours when he went to dinner, remained in the polling place until after 9:00 p.m. Like the election judges he had a long day. Unlike the election judges, we taxpayers most likely paid him extremely well.

It is only because adding a printer to each of these machines would create an even greater nightmare for the election judges that I agree with Ms. Lamone's objection to them.

Ms. Lamone usually warns that to change to the Optic Scanners would require a total re-training of Election Judges and reprinting of all the manuals. Prior to Maryland going to the touch screen machines, 19 of Maryland's 24 jurisdictions used the Optic Scanners. They are infinitely easier to set up and use and I can assure you that the Election Judge's manuals were much smaller!

Members have been given incorrect information about the Optic Scanners, i.e., they are not capable of detecting and therefore preventing either an over- or an under-vote. This is factually inaccurate. The Optic Scanners easily detected either an over- or an under-vote – and the voter was given an opportunity to correct their ballot before it was cast.

Recently, Maryland temporarily dodged a DRE bullet. On December 5, 2006, the Technical Guidelines Development Committee, by a tie vote, did not pass a proposal to the Federal Election Administration Commission, which would have required all electronic voting systems to be "software independent" and readily audited (which Maryland's touch screens are NOT) by the 2008 election. The next day, the Committee changed its course and voted UNANIMOUSLY to begin drafting regulations that would require the next generation of voting systems (think 2010) to be software independent. Already news accounts report Maryland will be facing a \$1.4 Billion deficit next year. It makes no sense to throw another \$50+ million after the \$100 million already spent on the acquisition of touch screen machines which may soon be banned for use in elections by the Federal government when returning to the Optic Scanners would solve many problems at a much lower cost.

Dr. Michael I. Shamos, a computer scientist who appeared before this Committee on December 7, 2004 was recently quoted as saying, "There is nothing demonstrably wrong with the Maryland voting system." This is legal speak – and Dr. Shamos is an attorney. The term "Maryland voting system" encompasses more than the touch screen machines but legal speak or not, Dr. Shamos cannot independently prove beyond a reasonable doubt the accuracy of his own

statement. Simply because Dr. Shamos, Linda Lamone and the Diebold Corporation say the touch screen machines operate flawlessly does not make it so.

If looking only at the touch screen machines, Dr. Shamos' statement is also at odds with statements made by many other equally highly qualified computer experts. The December 2006 NIST report states:

“But many people, especially in the computer engineering and security community, assert that DRE’s are vulnerable to undetectable errors as well as malicious software attacks because there is no audit mechanism other than what the DRE can report on: how many records it has stored, ballots styles, etc. Potentially, a single programmer could ‘rig’ a major election. The computer security community rejects the notion that DRE’s can be made secure, arguing that their design is inadequate to meet the requirements of voting and that they are vulnerable to large-scale errors and election fraud.”

Dr. David Dill, a Stanford University professor of computer science and a member of the Common Cause panel on election problems noted that votes being switched to another candidate on the electronic ballot, or “vote flipping” had been reported all over the country during the 2006 elections.

The Maryland Federation of Republican Women strongly supports the recommendation contained in House Bill 18 to have a voter-verified paper record.

I believe that by returning to the precinct-based Optic Scanners and also complying with the HAVA requirements for accessibility for the handicapped, which can be done by the use of an electronic marking device in each precinct, also provided for in H.B. 18, the exodus of election judges will dramatically abate, the costs of conducting Maryland elections will be lower and Marylanders will once again have confidence that their vote IS counted as THEY cast it – not as an unknown programmer may have directed.

3 Attachments

1. NIST Draft Report, Posted December 1, 2006, “Requiring Software Independence in VVSG 2007: STS Recommendations for the TGDC.” (14 pages) <http://vote.nist.gov/DraftWhitePaperOnVVPRinVVSG2007-20061120.pdf>
2. “Gov. Crist to recommend ditching touch-screen machines,” by Anthony Man, South Florida Sun-Sentinel, January 30, 2007. <http://www.sun-sentinel.com/news/local/southflorida/sfl-0130cristvoting,0.6954161.story>
3. “Crist a breath of fresh air for skeptical Florida voters,” by Howard Goodman, South Florida Sun-Sentinel, February 1, 2007.