

Dear Congressman [Snyder, Berry, Ross, & Boozman],

I'm writing you today to express serious concerns regarding the *Voter Confidence and Increased Accessibility Act of 2007 – H.R. 811*. Many of the provisions in this proposed legislation are not feasible and would put an undue strain on state, county, and local resources.

As you are aware, the *Help America Vote Act of 2002* (HAVA) dramatically changed elections in Arkansas and across the nation in 2006. Through diligent efforts, cautious planning, and countless hours of communication with local jurisdictions, my office met the HAVA-mandated deadlines, even though Congress has yet to fully fund HAVA as authorized in 2002.

H.R. 811 gives the states less than one year prior to the first Presidential primaries to put into place another round of massive upgrades to election equipment and procedures, devotes insufficient financial resources to make those upgrades, and penalizes jurisdictions that satisfied voter confidence issues by introducing state legislation to require a voter verified paper trail (VVPAT).

These proposed changes do not allow the same flexibility included in HAVA for states to tailor the process based on each state's particular set of circumstances. My office gave Arkansas's counties the option to choose the voting system that best met their needs based on their rural/urban makeup and considering our limited budget. Not so with H.R. 811. The proposed changes are very specific, to be implemented within a short timeframe, and they were suggested without any consultation from the very state election officials who are charged with seeing that they are implemented effectively. No input was requested from the National Association of Secretaries of State (NASS) or any of the state election officials. Indeed, had we been consulted, this bill would look vastly different.

The voters also have to be considered when new changes to the process are proposed. A CNN poll widely discussed at the recent NASS conference reported that more than 90 percent of the public likes the new voting equipment purchased in response to HAVA. Similarly, in Arkansas there were very few anecdotal reports of dissatisfaction with the new machines, but countless instances of voters using the equipment with ease. I worry a lot about the integrity of our election process, but I also care that the voters have confidence in our elections. Is this the time to impose new changes on Arkansas's voting public when there have been no significant reasons to alter the process?

Please allow me to call to your attention several specific requirements contained in the proposed legislation regarding voting systems that are a cause for concern among election administrators. They include the following:

- Requiring all VVPAT's to be accessible to disabled voters despite the fact that such equipment currently does not exist. It is not reasonable to require the states to add a component to all voting systems that has not yet been developed, tested, piloted, or manufactured--especially with a Presidential primary less than a year away.
- Mandating that the VVPAT paper be "durable paper of archival quality capable of withstanding multiple counts and recounts without compromising the integrity of the ballots." Our current printers use thermal paper that has proven to provide a high quality print that is inexpensive, easy to use, and lasts a minimum of five years. This language would require our counties to discontinue use of this paper at an enormous expense (not only is the paper itself more costly, but so would be the removal and replacement of over 6,000 print heads in Arkansas's voting systems) in an unreasonable amount of time.
- Proposing the formation of an "Election Audit Board" to go to selected counties to conduct thorough hand recounts of ballots in conformity with a detailed, mandated process. Moreover, state and local election officials would be prohibited from serving on the Audit Board or conducting the hand recounts. While I understand the good intentions behind this provision, I think that its benefit is outweighed by the expense of routinely conducting this inordinately labor-

intensive and cumbersome activity by political appointees who have no experience in the elections process.

Congress mandated that states overhaul their voting systems prior to the 2006 elections. We have moved deliberately to fulfill Congressional intent and maintain voter confidence in our state by allowing flexibility in implementation, securing the very limited state and local dollars that were available to finish the job, and ensuring that the equipment we purchased produced a VVPAT to instill confidence in the new machines. Please let HAVA work before instituting another Congressional overhaul of election administration.

I have other specific logistical concerns with this proposed legislation that I would like to discuss further with you at your convenience. In the meantime, I strongly urge you to reconsider this legislation, or to at least amend it to address the concerns stated above. We share the same goal of improving the election process for both administrators and voters, but this bill, in its current form, not only falls short of that goal, it would cause undue strain on election officials and needlessly undermine voter confidence simultaneously.

Sincerely,

Charlie Daniels
Secretary of State