

EAC Chairman Paul DeGregorio
“Are U.S. Elections Getting Better or Worse?
Is HAVA Working?”
Center for Democracy and Election Management
American University
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Thank you to American University’s Center for Democracy and Election Management for inviting me to participate in this important discussion today. It is an honor to be among so many experts and people who truly care about election administration -- a topic many people took for granted until the 2000 elections. The elections community is very diverse. We come from all walks of life, yet we have a common goal – to make sure each American citizen has the opportunity to vote and that their vote is counted fairly and accurately.

It is also an honor to be speaking alongside Roy Saltman, a person whom I have known for many years and one who has studied election administration issues more than perhaps anyone else in the past 30 years. His leadership has brought about positive change and I know I speak for everyone, Roy, when I say thank you for your contributions—and for what you have chronicled in your recent book.

I have a simple answer to the question of the day: Is the Help America Vote Act Working? Yes, it is. And let me tell you why, from my perspective. One of the purposes of HAVA was to enable states to modernize voting equipment. According to a recent study by Election Data Services, since 2000, more than a third of the counties across the nation have changed voting equipment. That means that over the past six years, nearly 82 million registered voters have seen voting system changes. More than half of the changes occurred during just the past two years. And more changes are coming as lever machines and punchcards are finally being phased out for good this year—at least I hope so.

I know there’s plenty of debate about some of these new voting systems, include a healthy discussion today. But there’s one positive result that no one can dispute – thanks to these new voting systems, many disabled Americans will be able to cast their votes independently and privately for the first time. In addition, it must be said that thousands of overvotes that may have been lost in past elections will not be lost in future elections thank to new HAVA requirements.

Another first ushered in by HAVA was providing funds to states to make election administration improvements. Nearly \$3.1 billion has been distributed to all states, D.C. and the territories. State and local governments have also invested a significant amount of their own funds and people resources to implement HAVA. This funding is being used to purchase new voting equipment, improve older voting devices, serve the needs of the disabled community, conduct training for election officials and poll workers, provide voter education and implement statewide voter registration databases.

The statewide voter registration databases, which were required by HAVA to be in place by January 1, 2006, will ensure that voters are not disenfranchised. These databases will also help prevent fraud. The statewide databases proved to be a huge challenge for some states, but many of them have made significant progress in a very short amount of time. EAC has already provided guidance to states about how to implement the databases. The next step is to study how states can share data, as well as how to effectively manage, maintain and protect the data housed on these databases. The EAC will work with election officials to study these issues, and we will share our findings with everyone.

Our top priority at the EAC is to help states comply with HAVA. That means not only issuing the funding, but also providing guidance on everything from complying with 301(a) to the proper use of HAVA funds. We are also responsible for issuing voluntary voting system guidelines and establishing a program to certify, recertify and decertify voting systems.

Since our start as a federal agency in 2004, EAC has held public meetings and hearings throughout the nation on a wide variety of topics, such as the timely return of voter registration applications, the 2004 Election Day Survey and its findings, the voting system certification program and statewide voter registration lists. This year, we’ve already held a public meeting about the National Voter Registration Form and next month we will be in Seattle to discuss vote count and recount procedures, a topic we’re currently researching. In addition to the three public hearings dedicated solely

to the voluntary voting system guidelines, the commissioners voted to adopt the guidelines at a public meeting. The EAC will continue to conduct its activities in an open, transparent atmosphere, and we will continue to seek input from a wide variety of stakeholders.

Like many of the states, the EAC got started late and had to make some tough choices to meet the HAVA deadlines. But I am not going to dwell on the past, and I know my fellow election officials agree with me. The bottom line is that all of us have come a long way in a short amount of time, and we should be proud of the progress we have made together--despite the obstacles.

In December the EAC adopted the 2005 Voluntary Voting System Guidelines, also known as the VVSG, which will take effect in December 2007. However, states can adopt these guidelines sooner, and we will begin testing to them before 2007. Working with the National Institute of Standards and Technology (NIST) as well as a committee of experts, the EAC has raised the bar for voting equipment use in the United States. And our Guidelines were completed within the HAVA-prescribed timeline of nine months. The entire process was transparent and open to the public. We held public hearings in New York, Pasadena and Denver dedicated solely to the guidelines. We posted the draft guidelines on our website and received more than 6,500 comments, many of which we incorporated into the final version. All of those comments are still available for viewing on our website, www.eac.gov.

The guidelines address increasingly complex voting system technology and how it impacts usability, accessibility, and security. Usability addresses how a voter interacts with the machine and several of the human factor elements that Roy Saltman and others have been raising for years. Our Guidelines expanded the number of accessibility requirements from 29 to 120 requirements. Those requirements address vision, dexterity, mobility, hearing, speech, English proficiency and cognition.

We also greatly expanded the security section. In addition, we are requiring vendors to submit their software to the National Software Reference Library (NIST) so local election officials can make sure the software they are using is the same software that has been certified. Also, we added requirements for a voter verifiable paper audit trail in recognition of the 25 states that require it.

Volume Two of the VVSG contains the national certification testing guidelines. Our top

priority this year has been to get the certification program in place. Currently, we are working with NIST to federally-certify independent testing authorities for the very first time. There will be an interim program in place to ensure that there are no disruptions.

We will continue working with NIST to make sure these guidelines keep pace with technology. We will also make sure the entire process continues to be conducted in the public light and with input from everyone, including experts, election officials and advocacy groups. Even as I speak our group of 15 experts on our Technical Guidelines Development Committee, along with NIST experts and my EAC colleagues are over at NIST today to work on enhancements to our voting system guidelines.

However, having the best and most accurate voting equipment is only half of the equation. Voting is a human exercise, and we recognize the importance of providing assistance to help train the people who will operate and use the new voting equipment.

EAC is currently in the middle of its Election Management Guidelines project, which is something that election officials have been wanting for years. The Election Management Guidelines will complement the voting system guidelines, and it will contain start-to-finish advice including everything from setting up a voting system to security and transport issues.

Providing resources to election officials is crucial. As a former elections official, I know from experience that it is difficult obtain funding to conduct research on new ideas and techniques at the state and local level. So Congress gave the EAC the responsibility and funds to provide solid, credible data about election administration issues to officials all over the country to help them make well informed decisions. This research builds upon the good Clearinghouse work that was done by the FEC and described by Roy Saltman in his remarks. Some of the research projects currently underway by the EAC include:

- Public access portals – ways to communicate and educate voters
- Effective ballot designs
- Vote count and recount procedures
- Poll worker and college poll worker recruitment, training and recruitment
- Provisional voting
- Voter identification and vote fraud

The EAC is also researching ways to improve data collection so the next Election Day Survey we issue will be even more informative and offer a full picture of the improvements that have been made since the passage of HAVA. Our recently-released report on military and overseas absentee voting in the 2004 election highlighted the fact that HAVA-mandated data is not being collected at the local level.

We have already issued guidance to states about provisional voting, another area in which HAVA has already made a difference. According to our 2004 Election Day Survey, more than 1.9 million provisional ballots were cast, and more than 1.2 million were counted. And, as we all know, provisional voting was not mandated by the federal government until HAVA came along. In addition, the implementation of statewide voter registration databases will help eliminate the need for provisional ballots, since it will result in more accurate, up-to-date voter rolls.

In 2006, the EAC will continue working with states to offer guidance on HAVA. We will also conduct more research based on the needs of election officials throughout the country. For instance, we are setting up a legal resources clearinghouse, a searchable database containing all federal and state laws pertaining to election administration. This database will be available free of charge to all election officials and the general public.

Another key role for us in 2006 is to audit the use of HAVA funds, and our inspector general has already begun that process.

The bottom line is that election officials throughout this nation have made progress since the passage of HAVA. These are some of the hardest working, least appreciated public servants whose only goal is to make sure Americans are able to exercise their right to vote.

I was reminded of their dedication after Hurricane Katrina, one of the deadliest hurricanes ever to come ashore in the United States. Public officials spent weeks saving lives, clearing debris, and trying to help the thousands of people who had lost their homes. Election officials realized that in addition to the loss of life and property, they were not sure if they would be able to conduct the next cycle of elections. In addition, they did not have a way to find the many residents who had relocated to make sure they could participate in the next election.

Just a few weeks after Katrina struck the EAC convened a meeting for these election officials here in D.C. We brought together federal agencies, congressional representatives and national organizations to share information. Perhaps most importantly, we brought in officials who had experience in conducting elections after disaster struck in their jurisdictions.

After the meeting, EAC designated a staffer to continue helping our fellow election officials in the Gulf Coast identify resources and navigate the federal bureaucracy. Commissioner Gracia Hillman just returned from a visit to Louisiana to discuss with election officials their effort to serve voters in upcoming elections. Vice Chairman Ray Martinez and I will be traveling to Louisiana in April to view early voting for New Orleans residents and meet with election officials in Mississippi.

These officials were deeply affected by the storm. They faced personal hardships and tragedies. But in spite of it all, they never forgot their responsibilities to the voters. And they continue to make them their first priority in the face of challenges we cannot even begin to comprehend.

The point I want to make is that elections are not just about meeting the mandates of laws like HAVA. It takes people – dedicated people who are willing to work hard for very little money and even less credit. I have faith in our elections officials, and I know they have made progress since the passage of HAVA. They have the highest standards, and I know they will rise to meet the occasion in November.

Will there be problems, glitches? Sure. It is important to understand that increasing the complexity of the election process with new equipment and new laws means new problems to address. I was in Chicago last week to witness the changeover to new equipment and new laws in the Illinois primary election. It wasn't what I would describe as a pretty site. While voters seemed to love the new optical scan and touch screen systems, election officials—particularly poll workers—faced many problems as they pushed new buttons for the first time and had to deal with 11 x 21 inch paper ballots. It took longer than usual to tabulate the results, but being thorough and careful with a new system may take a little longer the first time out. Now they understand what to expect, and they will be ready for the November elections. We hope to share their learning experience with others—so that mistakes can be avoided. We also need to encourage more professional training for election officials as well as adequate recruitment and training for poll workers.

One good pre-election idea is to thoroughly test new voting systems and equipment. In Indiana, Secretary of State Todd Rokita recently conducted a statewide mock election to test the new voter registration database. During this trial run they discovered some glitches – glitches they will be able to fix before the state’s elections in May. And Secretary Rokita is not the only one conducting due diligence. All over the country election officials are testing equipment, training employees and making sure they will be ready in November.

Finally, I want to say it’s been an honor for me to serve with fellow commissioners and dedicated Americans Ray Martinez, Donetta Davidson, and Gracia Hillman, and former Commissioner Buster Soaries. Since the beginning of EAC just two short years ago we have worked hard to implement HAVA in the true spirit of bi-partisanship and professionalism. In spite of obstacles and a highly-charged political atmosphere in Washington, all of our 100+ votes have been unanimous. We believe that reflects the true non-partisan nature of most election officials in the country.

As a nation, we still have considerable work to do when it comes to election reform, but we have come a long way since 2000, with most changes occurring because of HAVA. We appreciate forums like this that generate constructive ideas for election reform in the United States. Working together at the federal, state and local level, I am confident that will fulfill the promise of HAVA.

Thank you very much. God bless you and God bless America.