



**Snohomish County  
Auditor's Office**

**Bob Terwilliger**  
County Auditor

(425) 388-3472  
FAX (425) 259-2777

**Carolyn Ableman**  
Chief Deputy Auditor

M/S #505  
3000 Rockefeller Avenue  
Everett, Washington 98201-4046

---

**COMMENTS BEFORE THE ELECTIONS ASSISTANCE COMMISSION PUBLIC HEARING ON  
THE VOLUNTARY VOTING SYSTEM GUIDELINES**

**AUGUST 23, 2005, ADAM'S MARK HOTEL, 1550 COURT PLACE, DENVER, CO**

Good Afternoon. My name is Bob Terwilliger. I am currently the elected Snohomish County Auditor from the state of Washington. I have been the elected County Auditor since 1993 and for 10 years before that I was the Chief Deputy Auditor. In addition, as I have a law degree and am licensed to practice law in the state of Washington, I served as a Deputy Prosecuting Attorney in the Civil Division of the Snohomish County Prosecuting Attorney's office for 3 years where among other assignments I was the legal advisor to the Snohomish County Auditor's Office. I am also a member of the EAC Standards Board. So I have been directly and indirectly in the election and voter registration business for 25 years.

It is clear that since the Presidential elections of 2000 and 2004, and in the state of Washington, since the Governor's race in 2004, the public in general, and various interest groups specifically, have become interested, energized and involved with all aspects of the election and voter registration process. This, I believe is long overdue and is a good and healthy turn of events. No where is this interest more prevalent than in and around the concern for how election tabulation software and hardware is developed, manufactured, tested, deployed and used in the process of counting ballots. This series of events involves vendors, election officials, testing authorities and the public.

The purpose of my comments today is to offer my impression of the Draft Voluntary Voting System Guidelines, Volume 1. My comments are limited to Section 2 – 6. The sections dealing with the issues outlined in Sections 7-9 are the purview of persons well founded in the concepts and precepts of computers, and the associated technology, performance standards and testing standards, which is well beyond my expertise.

In general, I believe the standards set forth in Sections 2-6 follow common sense precepts that, to a large degree, are already followed by election officials around the country. As you have experts here to talk about the accessibility requirements for the disabled, my only comment on those sections is that the level of specificity, and the breadth of populations intended to be served by these standards will all add costs. For many jurisdictions, even with the HAVA money, the cost implications are overwhelming, and certainly will be so once the HAVA money is gone. Therefore, it is critical that the mandatory requirements for voters with disabilities be limited to serve the largest numbers of the disabled community as possible, while at the same time recognizing that not every single disability can be accommodated in a polling place environment.

As a county that converted its polling place environment from one of optical scan, central count to DREs central count in 2002, I am especially interested in the sections dealing with electronic voting.



**Snohomish County  
Auditor's Office**

---

In our county (650,000 population, 359,000 registered voters, 220,000 who vote by mail) we have deployed electronic voting without any major mishaps. We do not use any wireless communication modes, we do not transmit any data via the internet, we have a stand alone central count ballot tabulation environment, we count all ballots centrally, we employ parallel monitoring for all elections, we conduct pre-logic and accuracy tests on all machines to be deployed in any given election and we also conduct a logic and accuracy test supervised by the Secretary of State's Office three days before the election and again on election day before we count ballots and finally we conduct a post election logic and accuracy test on all machines used in the election. We understand the need to demonstrate the trustworthiness of the votes cast on electronic voting machines.

One area over which counties and, to a large degree, the state election offices as well have had to rely on has been the area of testing the hardware and software by independent testing laboratories. The requirements for more rigorous testing of the software and hardware set forth in Sections 3 and 4 are long overdue. My only suggestion would be to move rapidly to certify more independent testing authorities and to require their process of testing to be open to the public so that trust can be built within the public regarding the testing process. For example, if there were sufficient testing authorities certified on a regional basis then those interested members of the public or interest groups in a region could attend the testing process to ensure that the standards, as adopted by the EAC, are being adhered to on a regular basis. More openness about the testing of the source code, while at the same time protecting the proprietary interests of the vendors, is a good thing. Also, the records of the software and hardware that have been tested and certified must always be current and what is being used in the local jurisdiction must always correspond to what has been tested and certified.

Section 5 talks about telecommunications issues and protocols which are beyond my expertise.

Finally, I would like to make some comments on Section 6 which deals with the standards for electronic voting. In order for Independent Dual Verification Systems to be useful the standards for this option must be developed quickly and, hopefully, economically as well. Being a county that has electronic voting at the polls, and also being from a state that has required VVPATs effective January 1, 2006, my county is faced with spending \$1 million to comply with this requirement. If other jurisdictions can benefit from the quick development of IDVS at a reasonable cost then the two major issues surrounding electronic voting as stated in the Draft VVSGs, "whether electronic voting systems are accurately recording ballot choices, and whether the ballot record contents can be audited precisely post election" may be resolved without resorting to the expensive alternative of VVPATs. The requirement for VVPATs that various states, including Washington, have passed may well complicate the polling place environment without any real proof that the two major audit issues for electronic voting have been met. I am convinced that the process we have in place in Snohomish County for programming, testing, deploying and auditing of DRE voting machines, coupled with the enhanced and more rigorous testing standards in the Draft VVSGs for software and hardware, is sufficient to demonstrate that electronic voting machines are accurate and trustworthy. The VVPAT solution or the IDVS solution need to be both available at a cost within reach of local election jurisdictions and in a manner transparent to the voter to be effective in showing that electronic voting is both accurate and trustworthy.