Testimony of
Melanie L. Campbell
Before the
U.S. Election Assistance Commission

May 5, 2004

Thank you, Mr. Chairman and members of the Commission for inviting me to testify on behalf of the National

Coalition on Black Civic Participation (NCBCP), today. My name is Melanie L. Campbell. I am the executive

director and CEO of the National Coalition. For more than 28 years, the NCBCP has brought together national,

state and local organizations to address the disenfranchisement of Black voters.   Through our signature

programs—Voices of the Electorate, Operation Big Vote, Black Youth Vote, Black Women's Roundtable and

Unity '04 —the National Coalition trains and engages African American leaders and activists on the best

practices to reverse the decline in civic engagement and voter participation in our nation's democracy. The

Voices of the Electorate (VOTE) Democracy project provides a platform for democracy and voter

empowerment groups to coordinate their efforts to protect and expand voting rights for all Americans.

The 2000 presidential election exposed the cracks in the nation's electoral infrastructure. While Florida

was just the tip of the iceberg, the paper ballot fiasco raised public awareness of the importance of reliable

voting technology, poll worker training and voter education.   In an article written by Warren Slocum, Chief

Elections Officer & Assessor-County Clerk-Recorder of San Mateo County, California the following quote he

referenced from the Caltech/MIT Voting Technology Project sums up the National Coalition's concerns about

the need for voters to have a verification process that not only provide voters with the confidence that their vote

was recorded, but equally as important and that is that their vote was indeed counted:

"Americans are proud of their democracy. But the controversy over the Florida election recount revealed
profound flaws in the way we vote. Immediately after the 2000 election, the smooth transition government, a
hallmark of American democracy, seemed to hang on the works of antiquated computer technology—the punch
card. Even more profoundly the 2000 and 2002 elections both revealed that the electoral process itself is
evolving due to the impact of new information technologies, especially computer literacy and accessibility. It is
essential that this evolution be guided by science and not left to chance."

In the aftermath of the election debacle, the NCBCP launched the Know Your Rights/Election Protection (KYREP) Project. This cutting-edge voter protection initiative represents a collaboration of over 60 national organizations, including the Lawyers' Committee For Civil Rights Under Law, the NAACP Legal Defense and Educational Fund, the People for the American Way Foundation, National Urban League, Center for Policy Alternatives, Asian Pacific American Labor Alliance, Puerto Rican Legal Defense Fund, Democracy South, Black Leadership Forum, Common Cause, Georgia Coalition for the Peoples' Agenda, the National Newspaper Publishers' Association, Demos, NAACP, Coalition of Black Trade Unionists, A. Philip Randolph Institute and Black Youth Vote.

Since 2001, the National Coalition has served as the convener of the VOTE Election Reform Task Force. VOTE activities include KYREP, holding national briefings and town hall meetings; conducting surveys of local election boards; mounting public awareness campaigns and providing voter education training and coordinating a national help line for voters (1-866-OUR-VOTE).

The overarching goals of the KYREP Project are to provide voters with information on how they can protect their voting rights at the polls, as well as to help restore voters' confidence in the fairness of the voting process. To achieve this goal, we must address both real and perceived barriers. A key emphasis of KYREP is on Black voters and other historically disenfranchised communities. Indeed, the mere perception of unfairness is itself a barrier to participation since Blacks are less likely to go to the polls if they believe their votes will not be accurately counted.

For our democracy to work, our voting systems must be transparent, secure and reliable. Any voting technology that raises questions about the integrity of the process should raise alarm bells. No voting system is 100 percent accurate and humans are fallible. That is why we have a system of checks and balances. The goal is not perfection. Instead, it is accountability and safeguards.

The NCBCP has been in the business of increasing Black voter participation since 1976. In this challenging mission education has been the most effective and dependable tool in the arsenal of civic engagement strategies. Voter confidence is based upon a mix of education and experience. Since Blacks have historically been disenfranchised, there is a deeply entrenched skepticism regarding the voting process. The Florida recount debacle validated deeply rooted concerns about fairness in the voting process.

Electronic voting poses a number of concerns when assessed against the backdrop of the ongoing Voting Rights Movement. Concerns fall into three broad categories: casting, counting and confidence.

CASTING: Most voters are accustomed to receiving a physical ballot when they enter a polling location. A ballot is a tangible item that represents their voice and voters journey to the polls on Election Day in an effort to exercise their civic duty with an expectation that their vote will make a difference.

When using a touch screen for voting there is no physical evidence of the vote and the absence of a physical ballot leaves many voters unsure about the process. Some wonder if perhaps they made a mistake, others wonder where their vote went, how it was captured and what will happen if the system fails. And for some in the voting age population who have more limited dealings with computer technology, the touch screen process seems almost surreal.

COUNTING: In order to vote, individuals must be 18 years old, register and either request an absentee ballot or travel to the polls on Election Day. Until 2000, in spite of past under and over counts, there was a general expectation that every eligible vote was counted. The process was rather simple punch out the card and deposit it in a receptacle to be counted before the night was out. Machine readings provided the early count and the physical ballots were available for re-count. Once an electronic vote is cast the process ends and the voter can only assume that his or her vote will be counted.

The electronic process is not understood by voters or even poll workers who tend to be retired senior citizens who have worked the polls for years. Computer malfunctions in the digital age are common and consumers have learned to keep receipts and documentation of transactions in the event that they have to prove a computer error. Given this experience with everything from airline reservations, banking or the posting of bill payments consumers have learned that while computers tend to be accurate, mistakes and malfunctions occur. Based upon this general experience, it is not unreasonable to expect that the average voter will simply trust the computer, nor should they. Electronic systems can fail due to problems with hardware, software, lack of training on the part of poll workers or our gravest concern, intentional tampering with the process.

It should be noted that in the absence of such failures, electronic systems are faster and more accurate than mechanical systems and will tend to minimize under and over counts. The demand for a transactional record in the voting process is essential to providing voters with a check and balance process that will help to assure their vote is recorded and counted.

CONFIDENCE: Voter confidence is the anchor for American Democracy. In my experience over the past twenty years in motivating and mobilizing voters, I have found that voters must feel confident of their ability to properly cast their ballot or they will not venture out to the polls to participate. It is equally important that voters believe that their vote will be counted otherwise they will stay at home and not bother. The decline in civic participation is well documented and attributed to a range of factors which in numerous cases can be overcome with education.

Educating voters and potential voters is difficult when so many critical questions are left unanswered. Uncertainty about the process of voting is a great deterrent to voting because many times adults are embarrassed to ask for assistance. For those who have limited reading or language skills there is a higher level of discomfort with new technology. It is critical that popular education is employed to ensure that voters not only know their rights but that they also gain a basic understanding of how new voting machines operate. If a paper receipt

makes voters feel more confident that their vote has been properly cast and that it will be properly counted, it is worth the expense.

CHECKS & BALANCES: Those who have worked in the field of civic participation over the years have a practical understanding of the many checks and balances inherent in the existing system and the call for voter verifiable paper ballots is actually a demand for a further check as we transition to a new system.

The disabled community has made a strong argument for electronic (paperless) voting because the systems enable them to cast an unassisted ballot. Audio has been established for the blind that works with brail punch keys. Unfortunately this same audio does not work for those less literate because of the interface with brail; however, there is no reason why simple audio could not be an option. Along these same lines photos could be added to the electronic ballot once again increasing voter confidence by making the voter feel more certain that he or she selected the intended candidate. These additions would not necessarily make the system more secure but they would offset new risks with new benefits.

Further, there is too much at stake to pit one historically disenfranchised group against another. The Election Assistance Commission is faced with the challenge of developing technical standards and guidelines that will ensure that every American has equal access to the ballot without regard to race, disability, English proficiency or literacy level.

I commend the Election Assistance Commission for convening this public hearing on the use, reliability and security of electronic voting systems. While the development of technical standards should be left to the technologists, the standards must not be developed in a vacuum. Simply stated, the standards must take into account human factors such as voters' confidence in the technology and the impact on civic participation.

Voter "verification" is an issue that the National Coalition has monitored since the first legally sanctioned, online primary held in Arizona in 2000. Much of the debate at that time centered on the security of the Internet for voting purposes and an early conversation about verification emerged. The National Coalition, in partnership with the NAACP LDF and others, conducted independent monitoring of the process and found that the digital divide did not intimidate new voters any more than traditional voting equipment, as long as adequate training was provided.

Unfortunately, community concerns about the "integrity" of electronic voting were addressed with intricate explanations about the security safeguards, multiple servers and other measures to ensure the integrity of the ballot. There was little attention devoted to the many ways in which an electronic system might be compromised through software or hardware failure. There was no public discussion that we were aware of on "what if" scenarios. Instead references were made to the security of electronic banking and other generally trusted computer operations. The concerns of community groups and even voting rights activists were met with highly technical answers and patronizing responses implying that those raising legitimate concerns lacked sufficient technical understanding to fully comprehend the answers.

In the absence of a citizen review process, machine vendors have **no** incentive to make even the slightest effort to address community concerns. Politically, the decision to adopt a particular voting product is largely determined by secretaries of state and other politicians.

Online voting pushed all of the concerns inherent in the transition to electronic voting machines to the absolute limit. No matter what the system, adequate checks and security must be in place to guarantee that each vote cast is properly counted. A participatory democracy is grounded upon public confidence in the process. In the absence of paper verification, voters are asked to trust a process that they have been told that they do not**,** or cannot understand.

Moving forward it is important to acknowledge why we are here and why we believe that it is incumbent upon this Commission to explore the need for voter verification in greater depth. Let us recall that the historic Florida "count" was the major impetus for reform. In the wake of the Florida re-count and litigation, there was tremendous pressure directed at secretaries of state to ensure that every vote is counted and that voting systems statewide are uniform. In the past, where there were discrepancies it was possible to challenge the count and conduct a re-count by reviewing individual ballots. In tight races it has become almost customary for elections to be questioned and a re-count requested.

Current electronic voting processes are paperless, thus there is no physical transactional record indicating the specific and actual intentions of the voter. This transition gives rise to a number of questions that must be addressed if we are to ensure the high level of public confidence in the integrity of the new systems.

I would like to turn for a moment to a specific example in an effort to outline concerns from the field. As you know, Georgia is the first state to deploy a uniform electronic voting system statewide. In 2002, the Georgia Coalition for the Peoples' Agenda, an affiliate of the National Coalition and lead for the KYREP in Georgia, provided training and monitoring of the statewide implementation of the new e-voting machines manufactured by Diebold Election Systems. Early in the deployment process the question of voter verification arose. The state relied heavily upon the vendor (Diebold) to respond to questions about the new equipment. Each machine is a stand alone with votes captured on a hard drive in the machine. This data is retrieved and reported electronically at the end of the day.

When the issue of a voter verified paper receipt was raised, there were typically two responses: 1) the machines, which had already been contracted by the state, were not equipped to generate a receipt; and 2) that in order to keep voting private, voters could never be provided a copy of their ballot because this would certainly lead to

new forms of intimidation. Both responses missed the point. Voters wanted assurances that the vote cast will be accurately recorded and counted. In light of perceived imperfections, voter confidence in the electronic voting systems would be measurably increased if there were a physical record that could be deposited in a receptacle and made available in the event of a recount or challenge.

In response to community concerns, the Georgia Coalition of Black Women (GCBW) contacted Diebold in the hope of establishing a community-based initiative to educate civic leaders and community organizers. Diebold representatives never met with the organization in spite of the fact that the Coalition was on the front line, contracted by the State of Georgia to assist with the deployment. Unless community participation is in some way mandated for machine vendors there is no incentive for them to engage with the community.

In Georgia, there was also considerable concern expressed over the participation of minority vendors in the procurement process. Once again, absent some external mandate the circle of vendors remains small and closed to the disadvantage of the community and many businesses that could reasonably participate in the process as the nation moves to upgrade elections technology.

To the State of Georgia's credit, government officials realized that the Georgia undercount was indeed greater than Florida and Georgia moved swiftly to overhaul and update voting equipment statewide. The process moved swiftly and in the end concerns about the new system were set aside in hope that the new system would be better. The deployment was largely without incident and exit polls initially indicated a high level of satisfaction with the new machines. However there was a significant difference in the impression of Black and White voters. A Peach State Poll taken after the election found a racial gap in voters' confidence in the fairness of the process. The poll found that 79 percent of Whites felt "very confident" their votes were accurately counted compared with only 40 percent of Blacks. Seventeen percent of Black respondents were "not very

confident" or "not at all confident" that their vote was counted compared with four percent of White respondents.

Similarly, researchers at the University of Maryland conducted exit polls in Prince George's and Montgomery counties to evaluate the performance of the electronic voting systems also manufactured by Diebold. As in Georgia, there was a racial gap in voters' attitudes. Ninety-three percent of White voters had confidence in the high-tech voting machines compared to 88 percent of Black voters.

More recently, California Secretary of State Kevin Shelley reported that in the 2004 primary election, thousands of voters in San Diego and Alameda counties were turned away from the polls (disenfranchised) because of malfunctioning machines manufactured by Diebold.

While Diebold has become a lightening rod for critics, it is not alone in fueling concerns about the reliability of electronic voting systems. Indeed, the 2002 Florida primary election exposed the limitations of technology in restoring voters' trust in the voting process. Florida Gov. Jeb Bush declared a "state of emergency" and ordered polls to stay open an additional two hours because of problems with the iVotronic touch screen machines manufactured by Election Systems & Software.

Report after report has detailed the unreliability of electronic voting systems. The burden of proof lies with vendors and election officials to assure the public—we, the people—that e-voting systems will result in accurate counts and secure elections. The performance of touch screen systems thus far suggests that paperless voting is an incomplete solution as long as we cannot assure voters that they cannot and will not be disenfranchised by electronic malfunctions or software manipulations.

The electronic voting systems currently deployed must meet the threshold test of the Help America Vote Act as enunciated by President Bush on signing the act into law: "When problems arise in the administration of elections we have a responsibility to fix them. Every registered voter deserves to have confidence that the system is fair and elections are honest, that every vote is recorded, and that the rules are consistently applied."

Electronic voting appears to be here to stay. The question remains how do we provide voters with a voting system that encourages more participation rather than create a system that creates less confidence in the electoral process. By taking a fair and balanced approach to developing technical standards for electronic voting systems and mandating resources for public education so important to building confidence, the Commission will help to restore voters' trust in the integrity of the process.

The late Athan Gibbs, founder of TruVote Systems, who quit his job as a well paid accountant to establish the only minority owned voting systems firm in the country, said it best, "there has to be a much better way."

Thank you for this opportunity to testify before you today. I will be glad to answer any questions that you may have.

<p style="text-align:center">###</p>