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March 30, 2007

Debra Bowen, California Secretary of State
Attn: Voting Systems Review, 6th Floor
1500 – 11th Street, Suite 600
Sacramento, CA 95814

RE: Top to Bottom Review of Electronic Voting Systems

Honorable Secretary Bowen:

There is an interesting parallel between a democratic republic and our voting systems. They are not the best; but they are the best we have. If one is to be truly concerned about the integrity of voting systems, three issues are critical:

1. A legitimate "top to bottom review" of voting systems must include all systems, both paper and electronic, given that an election can be more easily defrauded with paper than with a DRE. We must recognize that neither a paper nor a DRE voting system is "tamper proof". The question is: "What is the best that we can do?"
2. Recognize that currently no certified system meets all the criteria of your draft.
3. If both paper and DRE systems are evaluated, as they should be, what are the ramifications of potential decertification of whole systems?

Assuming that the review has no specific intent to decertify DRE systems, and all voting systems will be evaluated equally, we are concerned that if reviews are not published until August of 2007, there will be insufficient time to manufacture, test recommended modifications, go through federal and state testing and then deploy to counties. For many counties, the next election cycle will begin in November for the February primary. In Kern County, our election cycle will in all probability start in July for the first of four countywide elections, beginning in November 2007. Once that cycle has begun, and July is only three months away, there is not sufficient time for RFPs, procurement, testing, training, acceptance testing and implementation of a new system. In the same way that you voiced your concerns regarding the timeframe of HR 811, we hope that you will consider the ramifications of possible decertification of voting systems that have already passed federal testing standards and California's very strict and rigorous standards for security.

Accuracy and reliability is critical at this time in the electoral process with the new Presidential Primary election. If the intent of the review is to decertify DRE systems only, consideration should be given to the amount of lost votes that will occur using only paper ballots. The possibility of having optical scan readers at all polling sites is almost nil. Without scanners in all polling places, scanners cannot be set to identify over and under votes, and they certainly cannot determine voter intent. Therefore, lost votes will be a reality in 2008 elections. Which has the greater potential to really occur, lost votes or voter fraud with a voting system? Also, which system has proved to be 100% accurate in parallel testing?

I hope that you will give serious consideration to the issues noted above.

Sincerely,

Ann K. Barnett
Auditor-Controller-County Clerk