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**TOWNSEND & ASSOCIATES**

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5 Paseo Ladera Lane • Plsno Beach, CA 93448  
Telephone: (805) 773-1813 • Fax: (805) 773-5236

March 30, 2007

Honorable Debra Bowen  
Secretary of State  
State of California  
1500 11<sup>th</sup> Street, 6<sup>th</sup> Floor  
Sacramento, California 95814

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**Subject: REVIEW OF CALIFORNIA- CERTIFIED ELECTRONIC VOTING SYSTEMS**

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Dear Secretary Bowen:

Having had the privilege of serving in the public sector for 34 years, one of the key critical success factors I learned in assuming any new leadership role was to focus on the mission of my department. Clearly, for local election officials, the public and the Secretary of State, the mission of elections administration has increasingly become complicated with a sea change of new federal and state laws, not the least of which is an additional Primary election in February 2008 which catapults the State into an unprecedented four elections for those counties having UDEL elections this November and three major Statewide elections in 2008.

**Continuity vs. Chaos:**

Pollworker training manuals are already having to be modified to reflect new California laws enacted in 2007 and subsequently those which will be effective for 2008. Our citizen volunteers have been mentally overwhelmed with HAVA, new voting systems and recently-enacted state laws which affect their knowledge retention and the way voters are processed. However, because of the diligence and dedication of local election officials, California has enjoyed successful elections in both 2004 and 2006 in light of this extremely heavy burden that is continually being placed upon these volunteers. Being confronted with three major elections, the challenge of recruiting and training sufficient pollworkers will be problematic to say the least. For California to have any semblance of continued success, it is critical that the counties, pollworkers and

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voters have some foundation of familiarity in the continued use of their respective voting systems which have garnered the confidence of the vast majority of our voters based upon the evidence of written surveys of those voting on the equipment.

**Elections Code 19205:**

Historically, voting systems in California were in place for 20-30 years, and successful elections were conducted for decades. This was during an era when there was very little testing at the state level and in the absence of any uniform federal standards. However, since 2000, California has undergone multiple iterations of new voting system implementations with federal qualification through the EAC's Independent testing laboratories and far rigorous certification standards by California to meet and exceed HAVA requirements. As a result, every county in California is HAVA compliant, and the requirements of EC 19205 have been thoroughly addressed by the Secretary of State prior to approval of these voting systems for use.

While it is true that there will always be a small faction of discontent voiced, whether through a desire to garner public funds for organizational web-sites, for name recognition or other motives that have geometrically increased due to use of the Internet as a bully pulpit to persuade those in power, it is critical at this late juncture that the path to 2008 be free and clear of hurdles that will cause the process to falter and fail. Local election officials share the Secretary of State's mission and desire to ensure the integrity of the vote; and they are well-equipped now with rigorously-tested and certified voting systems that have consistently performed through multiple parallel testing procedures conducted by the Secretary of State which documented that all DRE's performed accurately in official elections since 2004. To be detoured onto an uncharted path that contains unforeseen and untested landmines would be extremely dangerous given the credibility California has earned through its compliance with HAVA.

Rather than wholesale upheaval, it would be more prudent to complete the difficult 2008 election cycle, as well as, concentrate on the Statewide voter database which is an essential component of those elections; and defer Incremental improvements to existing systems in 2009. There will continually be opportunities as voting equipment and software are modified to build upon the foundation of success that currently exists, revise and update them accordingly.

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**Proprietary Software:**

Proprietary software under current laws is again rigorously examined and tested federally through the EAC and escrowed with the Secretary of State for safekeeping and to ensure the security of vote tabulation and minimize any threat of manipulation.

There are many examples in corporate America where proprietary software is guarded to protect the public's rights and identity whether through law enforcement's systems (e.g. 911), the elevators we ride to our offices, the airplanes in which we are transported, or the banks we rely upon to safeguard our funds and identity from external attacks.

One of the most cherished and fiercely-protected tenets in the Election Code is the principle of defending the "secrecy of the ballot." That priority is equally compelling to protect the security blueprint of our voting systems and not have it revealed on the Internet, as you now can do to instruct malcontents how to construct a bomb. We live in a global society in which our ballots and voting systems must be safeguarded by those who have sworn an oath "***to protect against all enemies foreign and domestic.***"

**Qualified Reviewers:**

Hopefully, at a more appropriate time in 2009, and with the cooperation of NASS, the assistance of trained Independent Voting Examiners could be sought who have no affiliation with voter organizations advocating whether or not to use currently-certified California voting systems. It is imperative to eliminate the perception or reality of conflicts of interest or bias in the process of any objective review of our voting systems.

**Quest for Perfection:**

One of the most rewarding experiences in implementing a DRE voting system were the heartwarming testimonials of the blind and visually-impaired voters who shared that for the first time in their adult lives, they were able to vote independently through use of the audio component. To require additional equipment and changes that currently do not exist and return to paper which would rob them of this precious right so many take for granted would be a palpable injustice.

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**Quest for Perfection (con'd.):**

California can be extremely proud in terms of what it has accomplished, thus far, in this 21<sup>st</sup> Century. As other industries have used technology to improve the lives of our citizens, electronic voting has also substantially improved the process in terms of **accuracy** (eliminates overvoting), **tax dollars saved** (ballot on demand rather than having to dispose of tons of unused paper ballots due to low voter turnout; **multiple languages** (available on screen without pollworkers having to wrestle tons of separate ballots at the polls); **increased accessibility** (for our voters with special needs) among other measurable benefits.


It is important to learn from past lessons as we contemplate navigating into deep water, such as, when:

**STANFORD ECONOMIST KENNETH J. ARROW  
RECEIVED THE NOBEL PRICE IN 1972 FOR  
PROVING (in 1951) THAT THERE IS NO SUCH  
THING AS A PERFECT VOTING SYSTEM.**

**SUMMARY:**

California has an opportunity to excel in the 2008 election cycle if the Secretary of State will continue to work collaboratively with the counties and support continued use of their existing certified voting systems to underscore voter confidence and maximize participation in these unprecedented multiple elections next year. So much needs to be done, there is so little time remaining, and we must focus foremost on the mission by keeping it simple.

Respectfully submitted,

  
**MISCHELLE TOWNSEND**  
Registrar of Voters (Retired)  
County of Riverside