



Remarks to NACRC Legislative Conference from the Election Technology Council's Executive Director, David Beirne

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Washington, DC

I would like to thank NACRC and specifically Ms. DeBeauvoir for inviting me back to share some thoughts on behalf of the voting industry. For those of you not familiar with the Election Technology Council, we are the national trade association of voting technology providers. Our membership includes manufacturers for over 90% of the voting systems used in the United States as well as other technology providers who offer electronic poll books and election management software solutions. As a trade association, our primary purpose is to serve as a resource for state and local election officials and provide a united voice for policymakers at both the EAC and within Congress.

Last year, I was invited to speak to NACRC about ongoing industry concerns as it pertains to the voting system certification process. We also delved into industry recommendations for shoring up your own security procedures as we looked forward to the 2008 General Election. I must applaud each and every one of our local election officials in the room as you did a tremendous job in seeing to it that the 2008 General Election was successfully executed.

The subject I was invited to speak on today is the answer to the question "Is It Time To Go Shopping?" I wish I could stand here and tell you that the industry leaders are pleased that they have all made it through the EAC certification process, but that is not the case as of yet. While the EAC has been making some important steps in the right direction, as they have certified a smaller manufacturer to the 2005 VVSG, the leading providers representing the vast majority of the marketplace find themselves waiting on final certification. The EAC has committed to a period of 120 days (as of February 1) for the next system to come out of certification. Based on current progress, we are hopeful that two of the leading providers will come out of the certification process this summer, with the third coming out of certification by the end of the year.

As our customers, the Council recognizes the stress placed upon you since it has been three years since any widespread software/hardware upgrades could be offered. With seven years passed since many of you began moving to new voting systems, the importance of regular software upgrades is taking on even more importance as you look to have enhancements implemented or seek to have problems addressed within your software. Given the importance of continuous product improvement, we understand and appreciate the dysfunctional nature of the current industry conditions.

In response to the question, “Is It Time to Go Shopping?”, I think it is important to recognize that the leading providers are all submitting products to the 2002 Voting System Standards. These are the same standards that have been used to certify current product offerings so once certification is granted this year, these will be the systems in place for a number of years. If your jurisdiction is examining the potential for moving to a different provider due to statutory or other reasons, then my recommendation is not to wait. There is too much fluidity at the moment with the standards setting process, the EAC is considering the latest draft of the Voluntary Voting System Guidelines, but these are not likely to be implemented in the immediate future, I estimate an implementation no earlier than 2012. In the meantime, the EAC is currently looking to revise the 2005 VVSG with certain sections of the latest draft. This revision is important because as December 2007, the 2002 Voting System Standards were sunsetted. All future systems, or components of those systems, will need to go in under the 2005 VVSG. Too many ambiguities within the 2005 VVSG has led the EAC to examine revising it to make it a testable standard.

Regardless of the multitude of the acronyms for standards, the point is that the market is extremely fluid at the moment. Therefore, it is dangerous to wait for products to come out of certification to anything other than the 2002 voting system standards. In the long-term, we are hopeful the standards process will slow enough to allow for the market to catch up. The EAC Standards Board recently met in Orlando and adopted a resolution that we were pleased to see which calls for the EAC to adopt new voting system standards every five years. At the very least this is a hopeful sign and speaks to the need for some stabilization. Compounding this issue is that the lack of purchasing occurring in an environment of dwindling public budgets and an overall “less-than-rosy” economic outlook. Without purchasing, additional resources cannot be placed into future research and development and future upgrades.

My suggestions to you as election officials boil down to this:

- Get involved with your vendor’s user groups; they rely on your feedback to know what enhancements need to be addressed with their products and how best to schedule them for future certification. The reality is that product upgrades will have to be regularly scheduled given the time and resources dedicated to federal certification.
- Review your state laws and administrative regulations with your state election directors. Make sure you have some flexibility built-in so, if an emergency arises, you may be able to receive a software upgrade through state certification while not remaining beholden to the EAC timeline. This does not mean you should opt-out of the EAC certification process, it means anticipating a potential problem and making sure you have the procedures in place to address it.
- Do not hold back on purchasing in the short run for fear of missing out on the “latest and greatest”. We can only deal in the here and now. If you are looking to replace a system, then I would recommend looking at the current market for the products

offered. Even a hardware change is required down the road, this potential additional fee for a hardware change will be much less than a complete voting system purchase.

- Prepare yourself for higher price points for equipment and support agreements. With the EAC process for certification, voting system manufacturers have incurred substantial increases in the amount of overhead they must recoup during purchasing cycles.
- Examine other products offered within the voting technology marketplace. Many of the leading providers and others have been taking advantage of the unregulated aspects for other technologies and so there are a lot of products out there that may assist with your efforts in election administration, but are not directly related to the voting system itself.

While the voting industry wants to make sure we call your attention to areas of concern, we also want to remind you that we see ourselves in a supporting role and simply want to offer products and services that help you in your efforts for a successful election. With certification, the old adage is true, “it is always darkest before the dawn” and I think that just perhaps, the light on the horizon is the sun...and hopefully not a train. However, don't let the VVSG process obscure or affect your decision to buy voting systems or products. The most important aspect of the process at the moment is certification.