

June 30, 2005

Carter-Baker Commission on Federal Election Reform
Center for Democracy & Election Management
3201 New Mexico Avenue, NW Suite 265
Washington, DC 20016-8026

In regards to: Hearing Submission

Ladies and Gentlemen:

The attached report from the Coalition for Election Integrity describes the many problems that call the results of San Antonio's May 7 election into question. In addition to the facts presented in the report, I would like to call your attention to the problems inherent in the use of electronic voting machines such as those used in the May 7 election.

To begin with, procedures and laws are set up in such a way as to protect the rights of voting equipment companies at the expense of the rights of the voting public. The companies which manufacture and sell the electronic voting machines are in control of the machines used to administer elections, the complex software that records and counts the votes, and the programmers that program the machines each election. They are in control and many times argue that their programs and machines are trade secret or protected by copyright. This means that the public's right to information is superseded by copyrights, patents, and competitive advantage.

Furthermore, the complexity of the technology requires knowledge of software and programming, yet more often than not, decision-makers are computer novices. This means that those who are deciding which equipment to buy and those who are operating that equipment have only a rudimentary understanding of how it works. Most election directors are uninformed to the extent that they cannot administer basic operational aspects of an election without advice from vendors. Thus, an increasing amount of election processes are being managed by the company representatives, rather than by the election officials entrusted with that duty.

Finally, the most serious issue regarding the use of electronic election machines is that they only offer secretive counting of the votes, which is fundamentally undemocratic. In a true democracy all election processes must be open to public observation. With paperless voting machines, the counting process cannot be observed, nor can an observable recount process be conducted. There is clear evidence that the programming for the May 7 election was flawed, yet there is no way to reconstruct the voters' intent. In fact, it is much like an archeological dig. An attempt to discern the voters' intent requires digging in the right place, and even then there are only fragments to piece together. Voters deserve more. Democracy deserves more.

Respectfully,

Cynthia A. Test
Coalition for Election Integrity