

SECRETARY of STATE

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The Honorable Maria Cantwell
United States Senate
717 Hart Senate Office Building
Washington, D.C. 20510

Dear Senator Cantwell,

I am writing to express my serious reservations regarding S. 1487, the Ballot Integrity Act of 2007 as introduced by Senator Feinstein. Although this bill is a slight improvement over the House's version, H.R. 811, the Voter Confidence and Increased Accessibility Act of 2007, it also contains several provisions that are problematic for Washington State.

Equipment

- Washington law already requires voting equipment to have a paper record. The legislation far exceeds this in that it requires each voting system to use or produce an individual, durable, voter verified paper record (VVPR) that those with disabilities can privately and independently verify. This provision would require Washington to retrofit or replace all of its recently purchased disability access equipment by 2010 with equipment that does not currently exist.
- The 2010 deadline does not provide states with enough time to implement new equipment that preserves the integrity of the elections process. Although the EAC would be required to develop best practices by January 1, 2010, it generally takes four years to develop, test, and implement new technology, not ten months which is all that would be left between the issuance of the best practices and the deadline for implementation. Washington expects to be out of compliance and anticipates the majority of states will as well.
- Because no jurisdiction currently uses an accessible paper record, every precinct in the country is expected to compete for a portion of the \$600 million provided in this Act to comply with the new equipment requirements. This Act authorizes less money than H.R. 811 would authorize (\$1 billion) and is likely not enough to cover the costs that will be incurred by the counties and states to replace equipment.

Audits

- States would be required to perform manual audits on no less than two percent of its precincts for each federal election beginning in 2010. The certification of each federal election could be delayed because this legislation prohibits the certification of state's election results until the completion of the manual audit. In addition, this Act does not authorize funds to conduct the required audits.

Vote-by-Mail Status

- This legislation does not recognize the unique vote-by-mail status enjoyed by Washington and Oregon and would require the unfunded development and distribution of a poll worker training program and manual in an environment that votes predominately by mail.
- In addition, states would be required to allow early voting beginning 15 days prior to each federal election for no less than four hours each day, except Sundays. This requirement would eliminate Washington's capacity to bring electronic voting to several accessible locations for shorter periods of time and also ignores that Washington voters already have the opportunity to vote early using their mail ballot sent over two weeks prior to each election.

Public Notice

- Beginning January 1, 2008, states would be required to publish a notice prior to each federal election in a public location and on the internet listing the names of all voters that have been removed from the VR list since the last federal election and the processes and safeguards used to remove voters. This is not an effective method of ensuring voters know when they have been removed from the registration rolls and will likely upset voters at the prospect of having their voter registration information broadcast on the World Wide Web, a known source of identity theft.
- Beginning January 1, 2008, S. 1487 would require states to provide voters due notice of pending cancellation, in addition to the notices already required by the federal National Voter Registration Act (NVRA). Under the NVRA, voters already receive notice of pending cancellation, including the date by which he or she will be cancelled if the voter fails to respond. The requirement to send voters additional notice is unnecessary and unfunded.

The prescribed deadlines in S. 1487 are unrealistic and will inevitably force states to be out of compliance with Federal election law. It is imperative, should S. 1487 reach the Senate Floor, that you Vote NO.

Sincerely,



SAM REED
Secretary of State