

Item	Section	Comment	Recommendation	Citizen Oversight?
1.	Throughout	<p>The use of the terms “verified”, “verifiable” and all like derivatives inappropriately places a priority on SECOND vs. FIRST counts in elections, and also inappropriately endorses technology-based elections. 1) Secondary counts, such as audits, to verify election results have proven by the highest court in the land to be useless in determining the fair winner of an election, as shown in the Supreme Court’s Bush v Gore decision. 2) Emphasizing the need for voters to “verify” their own ballots implies that there is some form or another of technology coming between the voter and his ballot. Voters who hand mark their own ballots have no need to verify their own markings.</p>	<p>Change legislative approach to set a baseline for defining criteria for democratic elections. Essential and highest priorities for democratic elections are 1) Citizen oversight 2) Security</p> <p>If a voting system is designed to require voter verification of their own ballot selections, the implied technology interface is coming between the voter and citizen oversight.</p>	No
2.	Section 1	<p>This section refers to “paper ballots” when it is really talking about paper records. Paper ballots are pre-printed ballots that are marked by the voter’s hand; they are not print-out records generated by a computerized voting system.</p>	<p>Revise all language in the bill so that it honestly reflects the difference between paper ballots and printed records</p>	<p>NO</p> <p>VVPATs do not support citizen oversight because they are printed records generated by computers. Citizens can not observe the voting process occurring</p>

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				within a computer.
3.	P. 2 (II) The voting system shall provide the voter with an opportunity to correct any error made by the system...	This is impossible since voters can not see what is happening in the software and how their vote is being recorded or counted		No
4.	p. 3 (iii) Manual Audit Capacity	This section indicates that the authors of the bill recognize the difference between a REAL paper ballot and a printed record in the clause “shall be suitable for a manual audit equivalent to that of a paper ballot system”	Revise all language in the bill so that it honestly reflects the difference between paper ballots and printed records	?
5.	P. 4 (II) “...the individual paper ballot”	Does this eliminate thermal rolls?		
6.	p. 4 (B) Special Rule for Treatment of Disputes When Paper Ballots Have Been Shown to Be Compromised	This section is focused on the problem of compromised ballots, but only paper ballots. This is curious given recent elections since the passage of HAVA and the proliferation of electronic voting machines, which have resulted in widespread reports of compromised electronic ballots. Have studies shown paper ballots to be more prone to compromise than electronic, or is this section intentionally slanted against the integrity of paper ballots in order to promulgate the perspective that paper	The entire intent of this section is questionable, given the significant integrity problems with electronic ballots versus durable and observable paper ballots. If the law intends to perpetuate the use of electronic ballots, which is not recommended because it violates the criterion of citizen oversight, then this section would have to be revised to reflect the dangers therein of electronic – and not paper – ballots. The criminality of	Paper ballots allow for citizen oversight, electronic ballots do not. It’s been proposed that hand count paper ballot elections be supported by open source optical scan equipment as a quick verification against the hand

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		ballots are more vulnerable to tampering than electronic ballots?	electronic ballot tampering should be addressed as well. If a paper ballot system is supported by using open source optical scan counting machines as verification against the hand count, then the language of this section might be useful in addressing the matter of compromised electronic tallies and/or compromised paper ballots and hand count tallies. Indeed, a proper reconciliation of the counts is warranted and direction might be given that such procedures are established at the state and local levels.	count. This would pass the test for citizen oversight.
7.	p. 7 (b) ACCESSIBILITY AND BALLOT VERIFICATION FOR INDIVIDUALS WITH DISABILITIES (1, b, ii, I) Allows the voter to privately and independently verify the permanent paper ballot through the conversion of the	The matter of converting print into “accessible form” (previously known as “accessible media”) is complex and warrants much more study than this bill acknowledges. Ballots can be complex documents and the voter’s intent as marked on a paper ballot may not easily be discerned through computerized, high tech devices. It is an acknowledged fact that optical scan counting machines sometimes have difficulty discerning voter intent, and only hand count and the human eye and mind succeed where the	Strike this requirement from the bill. The right of accessibility is trumped by the right for citizen oversight in protecting our democratic elections	No

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	human-readable printed or marked vote selections into accessible form.	dumb machine, programmed to read only very specific marks, fails. To attempt to take the complex human judgment concerning voter intent a step further by converting that voter intent into new media seems to be a far off concept. Elections are about voter expression, not technology, and not the voter's ability to follow directions to suit the needs of a machine. Inserting text conversion devices into the picture further obfuscates voter intent well beyond the damage done by electronic voting thus far to this time honored concept in election administration. Additionally, this requirement inserts complex, non observable technology into the nation's voting systems at the core level, invading every polling jurisdiction without regard to fiscal or administrative impact, and certainly without regard to the benchmark for democratic elections: Citizen oversight.		
8.	p. 7 (b) ACCESSIBILITY AND BALLOT VERIFICATION FOR INDIVIDUALS WITH	This is a broad statement with no definition, no criteria, no reference to other citizen rights with respect to democratic voting systems, such as security and citizen oversight, which may likely rank higher in priority than	Identify appropriate prioritization of voting rights which must be met by democratic voting systems: 1) Citizen oversight 2) security 3) Accessibility. Only then can we articulate appropriate expectations.	Not necessarily

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	DISABILITIES (1, b, ii, II) "ensures that the entire process of ballot verification and vote casting is equipped for individuals with disabilities,"	disability accessibility. Reference the Bill of Rights, Amendment IX: "The enumeration in the Constitution, of certain rights, shall not be construed to deny or disparage others retained by the people."		
9.	Page 8, Section 247 p. 8 Study and Report on Accessible Ballot Verification Mechanisms	Study is a good idea, but the bill restricts the study to the Director of NIST. NIST is not a representative body. It is an agency reporting to the Commerce Department, which reports to the Executive Branch. Inserting NIST as the owner of such a study prejudices the intent and bent of the study to a technology, centrally-controlled vantage point. Any study must have well-rounded stakeholder representation and input. There is an assumption of technology is not supported by the notion of democratic elections. Although this version of the bill is commended for at least including the words "including non-electronic devices" in the study description.	Direct the study to the state level in the format of state planning with requirements for stakeholder representation including citizen oversight groups and public hearings. . Identify as the goal for any and all studies finding solutions that support citizen oversight and offer simple solutions enactable by any and all citizens. Elections must be formulated so that anyone can run them.	No
10.	P. 9	(d) Authorization of appropriations	\$300,000,000....	
11.	p. 9 Study and Report on Accessible Ballot	This refers to Section 271 in HAVA: "SEC. 271. GRANTS FOR RESEARCH ON VOTING	Eliminate all references to EAC and eliminate grant funding for	No

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	VerificationMechanisms – coordination with Grants for Technology...”with the research carried out by the Commission under section 271”	<p><b>TECHNOLOGY IMPROVEMENTS.</b>                      (a) IN GENERAL.—The Commission shall make grants to assist entities in carrying out research and development to improve the quality, reliability, accuracy, accessibility, affordability, and security of voting equipment, election systems, and voting technology.”                      1) The EAC must be abolished and all references to the EAC as an authority within this bill must be stricken                      2) We do not want any more taxpayer dollars being used to subsidize a fraudulent voting technology industry. This section appropriates \$3,000,000 and already taxpayers have forked over \$7.5 million to ACCURATE for the same damn thing.</p>	voting technology	
12.	P. 10 Clarification of Accessibility Standards Under Voluntary Voting System Guidance	<p>“In adopting any voluntary guidance under subtitle B of title III (<i>THIS REFERENCES THE AUTHORIZATION IN HAVA FOR THE TGDC AND DEVELOPMENT OF VVSG</i>) of the Help America Vote Act with respect to the accessibility of the ballot verification requirements for individuals with disabilities, the EAC shall include and apply the same accessibility standards applicable under the voluntary guidance adopted for accessible voting systems under such subtitle.”</p>	Clarify this obscure language.	No – empowering the EAC and their Ponzi Scheme

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		This is not clarification at all. I have read the sentences in this provision over and over and still they don't make sense to me. It seems to be saying that all succeeding guidelines should adhere to preceding guidelines? Is this making the voluntary guideline statutory?		
13.	P. 11 “Do not leave the voting booth until you have confirmed that it accurately records your vote”	This is impossible. Voters can not possibly make this confirmation when computerized voting is in place, because they can not confirm the computer's recording of the vote at all.	Strike from the bill.	No
14.	P. 11 “Prohibiting the use of uncertified election-dedicate voting system technologies; disclosure requirements”	<p>Because of the Ponzi Scheme for certification and the fallibility and useless nature of the escrowing of voting software, this provision is useless.</p> <p>Additionally, the whole notion of escrowed software is a fantasy. Changes are always made to software, sometimes right before an election, and also the machines in use today do not allow for independent verification of escrowed software (no access to hash).</p> <p>HAVA CITE: Section 231:  <b>Subtitle B—Testing, Certification, Decertification,</b></p>	this entire section should be stricken from the bill.	No

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		<p><b>and Recertification of Voting System Hardware and Software</b>  <b>SEC. 231. CERTIFICATION AND TESTING OF VOTING SYSTEMS.</b>                      (a) CERTIFICATION AND TESTING.—                      (1) IN GENERAL.—The Commission shall provide for the testing, certification, decertification, and recertification of voting system hardware and software by accredited laboratories.</p>		
15.	P. 12-13 (B) Requirement for and restrictions on disclosure	This provision unacceptably and inappropriately identifies who is "qualified" to have access to information relating to publicly owned elections and unacceptably affirms the use of NDAs in this process.	All US Citizens are defined as qualified to have access to information relating to our publicly owned elections. Revise language accordingly.	No
16.	p. 13-14 (D) Requirements for nondisclosure agreements	There is no place for NDAs in our publicly owned elections. Nor is there any place in democratic elections for trade secrets.	Amend the language to prohibit all NDAs from our election systems.	No
17.	p. 15 (vi) "is silent as to damages awarded"	Supporting corrupt NDA practice and prosecution of whistleblowers		No
18.	p. 15 (E) ELECTION DEDICATED VOTING SYSTEM TECHNOLOGY DEFINED – entire provision	"...means 'voting system software' as defined under the 2005 voluntary voting system guidelines adopted by the Commission under Section 222, but excludes 'commercial-off-the-shelf' software and hardware defined under those guidelines."		No

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		<p>VVSG 2005 definition of VSS: “Except as noted below, Volume I of the <i>Guidelines</i> applies to all system hardware, software, telecommunications, and documentation intended for use to:</p> <ul style="list-style-type: none"> <li>• Prepare the voting system for use in an election</li> <li>• Produce the appropriate ballot formats</li> <li>• Test that the voting system and ballot materials have been properly prepared and are ready for use</li> <li>• Record and count votes</li> <li>• Consolidate and report election results</li> <li>• Display results on-site or remotely</li> <li>• Produce and maintain comprehensive audit trail data</li> </ul> <p>Some voting systems use one or more commercial off-the-shelf (COTS) devices (such as card readers, printers, and personal computers) or software products (such as operating systems, programming language compilers, and database management systems). These devices and products are exempt from certain portions of system certification testing, as long as they are not modified for use in the voting system.</p> <p><b>DO WE KNOW IF COTS IS EVER</b></p>		

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		<b>NOT MODIFIED FOR USE IN THE VOTING SYSTEM? IS THE COTS SOFTWARE AND HARDWARE ALWAYS LEFT INTACT, AS PURCHASED OFF THE SHELF, OR IS IT ROUTINELY TWEAKED TO MEET THE REQUIREMENTS OF THE VOTING SYSTEMS?</b>		
19.	P. 16 Prohibition of use of wireless communication devices in voting systems	Fine. Nobody wants this crap in our elections anyway.	Leave in the bill	Yes
20.	p. 16 Prohibiting connection of system or transmission of system information over the internet	Nobody wants this crap either. But why is the EAC spending our money on an Internet voting study? <b>NOTE: What does this mean in terms of precinct count v. centralized count?</b>	Leave in the bill	Yes
21.	P. 17 REQUIREMENTS DESCRIBED	(i) "information available upon request to the Commission" (ii) "to the appropriate election official"	Must fall under Sunshine rules instead for the general public	No
22.	p. 18 Security Standards For Voting Systems used in Federal elections	Let's start with the base assumption that sunshine provides the best security for elections and go from there.	Include Sunshine Act for Elections language. Keep this simple in terms of hand count paper ballot systems and a mandate for states to enact appropriate security protocols that address for the entire voting system, including	With recommendations

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			procurement, chain of custody, conflict of interest, and other ethical considerations. State Plan process can be used for this with all stakeholders involved.	
23.	p. 17 - 18 (B) (iii)	“may not (I)Alter such software, or (II) insert or use in the voting system any software not certified by the State for use in the election	<ol style="list-style-type: none"> <li>1) Not all states have certification programs in place – this is not necessarily a bad recommendation but if states without proper certification programs in place need time to implement this function and to appropriate sufficient funding and to staff appropriately with required skillsets and expertise – and citizen representation!</li> <li>2) Software seems to be routinely altered and sometimes just prior to the election itself. We have seen a history of last minute “patches” implemented nationwide with these e-voting systems. Is this just the</li> </ol>	No – even the recommended escrow process by both Holt and the EAC protect proprietary nature of VSS Additionally, the consistent references to the EAC promote sustaining this inherently undemocratic entity

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			<p>nature of the beast? Are there practical and inherent reasons for having to apply last minute changes to election software and hardware? This question MUST be addressed. Because if it is the nature of the beast there are two obvious conclusions: 1) this federal mandate is unsupportable and 2) the voting system can NEVER be secured through the recommended process both in this bill and by the EAC (their recommended process being escrowing certified software in the NSRL)</p>	
24.	P. 18 Development and Publication of Best Practices on Documentation of Secure Chain of Custody	The EAC must be abolished.	This provision should be handed to the Standards Board with citizens oversight representative members.	No (EAC control)
25.	p. 18 Durability and Readability Requirements for	This is fine, except that records produced by machines are NOT BALLOTS	Amend language to reflect honest difference between paper ballots and records.	Partially

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	Ballots			
26.	p. 20 (13) USE OF PAPER BALLOTS IN CASE OF SYSTEM OR EQUIPMENT FAILURE	1) This provision again reinforces the difference between paper ballots and paper records, providing yet additional justification for using clear terminology that differentiates between the two consistently throughout the bill. 2) This addresses the need to have paper ballots on hand. We submit that hand counted paper ballots should be the norm anyway. This provision does not address how the ballots should be counted (we recommend by hand) nor does it address the need for training in hand count management.	Include appropriations to cover documentation and training for hand count election administration and not just the need to post information (.21)	As recommended.
27.	p. 21 MANDATORY AVAILABILITY OF PAPER BALLOTS AT POLLING PLACE	(Capuano amendment) This provision provides for hand marked paper ballot availability but does not provide for training if necessary to hand count these ballots.	Include appropriations to cover full and complete documentation and training for hand count election administration. In fact, we should look at this provision, with above issues addressed, as a foundation for alternate legislation.	As recommended
28.	p. 24	Effective date for Capuano amendment is 2010.	Bring in this date to 2008	
29.	P. 24 Requiring Laboratories to Meet Standards...	Conflict of interest clauses are healthy. However, this entire provision is linked to the use of proprietary technology, which has no place in our election systems. The EAC manual supports	Amend language to strike all references to the EAC and to reflect full disclosure to public for all information relating to publicly owned elections. All language	No

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		<p>nondisclosure and protection of so called trade secrets in their certification manual, and so the entire process described herein is mooted by not meeting the standard of citizen oversight of our publicly owned elections. This section also continues to vest authority in the EAC</p>	<p>needs to be reviewed with respect to requirements for citizen oversight and security rather than protecting the proprietary desires of corporate interests. Page 27 AUTHORIZATION OF APPROPRIATIONS additionally provides authorization to the EAC to make appropriations to laboratories, which is an expansion of their power, authority and responsibilities, because currently they do not have this authority.</p>	
30.	<p>p. 25 (iii) "the laboratory...will permit an expert designated by the Commission to observe any testing...."</p>	<p>1) relegating testing observation to "experts" appointed by an executive commission appointed by the president 2) Commission must be abolished</p>	<p>Public must be allowed to observe any testing</p>	No
31.	<p>P. 25 (B) Availability of Results</p>	<p>Results available to public. This is good. That it has to come from the EAC is bad.</p>	<p>EAC responsibilities should be reallocated to other representational bodies</p>	
32.	<p>P. 26 (A) Establishment of Escrow Account"</p>	<p>This allocates an entirely new authority and responsibility to the EAC, which we have already indicated must be abolished. This now hands them money handling authority. Bad, very bad.</p>	<p>Testing lab payment should in some way be removed from the direct line to vendors, however a body other than the EAC must be identified.</p>	No
33.	<p>P. 26 – 30 Test lab</p>	<p>In general, the payment scheme seems</p>		

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	payments	reasonable in terms of separating vendors from fiscal relationship with test labs – which causes an inherent conflict of interest. Other elements in the scheme seem similarly reasonable, such as random selection of test lab, etc. However, a body other than the EAC must be identified for this.		
34.	P. 30 (3) SPECIAL CERTIFICATION OF BALLOT DURABILITY AND READABILITY REQUIREMENTS FOR STATES NOT CURRENTLY USING DURABLE PAPER BALLOTS	This requires states that ran 2006 elections without durable paper, within 90 days, to provide to the EAC a statement indicating how they will comply with 811 requirements. Nice idea I suppose, but: <ol style="list-style-type: none"> <li>1) The EAC must be abolished and its responsibilities reallocated to representational bodies</li> <li>2) 90 days may not be enough time for states to develop a plan, budget, and enact appropriate legislation required to completely overhaul their election systems, which were probably just overhauled three years ago using HAVA monies, incentives and guidance to begin with.</li> </ol>	Timelines need to be revisited. Incorporate a buyout program to assist states in their planning, budgeting, and implementation of new 811 paper durability rules.	
35.	P. 28 (B) CERTIFICATION BY STATES THAT	“In the case of a State that requires State legislation to carry out an activity covered by any certification submitted	Strike this language from the bill. <b>By inserting this language, the authors of the bill acknowledge</b>	No

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	<p>REQUIRE CHANGES TO STATE LAW</p>	<p>under this paragraph, the State shall be permitted to make the certification notwithstanding that the legislation has not been enacted at the time the certification is submitted and such State shall submit an additional certification once such legislation is enacted.”</p> <p>This is offensive in so many ways.</p> <ol style="list-style-type: none"> <li>1) it is asking States to work around their own legislative (legal) processes in order to comply with federal mandates</li> <li>2) It is making an assumption that any State legislation will be enacted as prescribed by federal mandate</li> <li>3) Per #2 it violates the very intent and purpose of the deliberative legislative process enacted by states</li> </ol>	<p><b>that the bill’s requirements may be unworkable within the legal structures of any given state. The authors acknowledge:</b></p> <ol style="list-style-type: none"> <li><b>1) State laws may not support 811 mandates</b></li> <li><b>2) State legislative session timetables may not conform to the bill’s timetable requirements</b></li> </ol> <p><b>To address this failure of the bill’s alignment with state legal structures, timelines, and realities, the authors of the bill could have revisited the bill’s requirements to be more practical and respectful of state legal requirements. Instead, however, the authors of HR811 took another tack altogether. They decided to tell the states to do an end run around their own legal structures in order to comply with the bill. “Do what we – the Feds – say, and don’t worry about your own state laws that may not actually support our mandates. Just do what we say,</b></p>	

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			<p>then pass the laws just as we are requiring them to be. Don't act as though state legislation is a deliberative process, just pass the laws as we tell you to." By stating "such State shall submit an additional certification once such legislation is enacted" HR 811 is presuming an outcome for state legislation thereby denying any deliberative process that might result in an outcome different from that the bill presumes. <b>This is outrageous.</b></p>	
36.	<p>p. 32 Part 7 Grants for research on development of election-dedicated software for voting systems</p>	<p>Again, the focus is erroneously on technology. A <b>million and a half dollars would go a long way to developing study and best management practices on real democratic elections that support citizen oversight and appropriate security, such as hand count elections.</b> ACCURATE – through the NSA – has in fact already received \$7.5 million of our taxpayer dollars to do this very same thing. That's already more than many of us would like to see spent on this techno-election takeover of democracy.</p>	Strike	No

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		<p>Additionally, in this provision, NIST is being given inordinate and inappropriate authority and power over publicly owned election systems.</p>		
37.	<p>p. 33 – 38 Availability of additional funding to enable states to meet costs of revised requirements</p>	<p>\$1 Billion is still not enough to meet the requirements of this bill when considering the text converter requirement for every polling place and new state functions for auditing elections and certifying election equipment – two new state functions for many states which will require staffing of expert personnel and ongoing operational budgets.</p> <p>Additionally, references the EAC as authority over allocations.</p> <p>Additionally on P. 37-38 once again the bill references 90 days for noncompliant states to deliver a plan for compliance. For wholesale changes as required in the bill, 90 days is likely not enough.</p>	<p>Strike all language relating to EAC. Revise bill to be fiscally responsible and to enable citizen oversight</p>	
38.	<p>P. 38 CERTIFICATIONS BY STATES THAT REQUIRE CHANGES TO STATE LAW</p>	<p>SEE ITEM 35 ABOVE</p>		

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39.	P. 39-40 EFFECTIVE DATE FOR NEW REQUIREMENTS	The effective date of on or after Jan 1 2006 is unrealistic. Imposing impossible dates and deadlines on our state election administrators has a destabilizing affect on the entire system.	Revise dates to be reflect and respect responsible management practices	
40.	P. 40 - 42 Delay for Jurisdictions using certain paper ballot printers in 2006	<p>The language was changed in the mark up to state “delay” instead of “waiver”, but this section nonetheless still appears to provide a waiver regarding durable paper ballots through 2010 – also for text converter – under certain circumstances – for jurisdictions using “reel to reel voter verified paper ballot printers attached to direct recording electronic voting machines for the administration of the regularly scheduled general election for Federal office held in November 2006 and which will continue to use such printers attached to such voting machines for the administration of elections for Federal office held in 2008”</p> <p>Also authorizes EAC to grant waivers.</p>	<p>The text converter itself is unreasonable and should be stricken regardless. The matter of the waiver for DREs raises plenty of questions. Just calling it “voter verified” doesn’t make it so. We all know that the reel to reel paper output is barely usable for recounts, and may not be verified anyway. This supports the continuation of what the bill purports to eliminate.</p> <p><b>Is this a paper trail/audit bill or not? With this clause, the answer decidedly is NO.</b></p> <p><b>Bait and switch.</b></p> <p>Strike all language authorizing the EAC, and abolish the EAC.</p>	No
41.	p. 42 – 44 Enhancement of Enforcement of Help	Need to go through this section. I have heard the implications of broadening private actions and complaints against		

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	America Vote Act of 2002	states, but don't fully understand them. PAUL????		
42.	<b>P. 41 Sec. 4 Authorization of appropriations for EAC</b>	<b>Making the EAC permanent. All the usual arguments</b>	<b>THIS HAS BEEN REMOVED FROM THE LOFGREN VERSION</b>	<b>No</b>
43.	p. 44 – 61 Subtitle C– Mandatory Manual Audits	This is a huge chunk of the bill relating to audits. I think in general we might be able to support some of the audit language, but I don't know enough about this to comment intelligently. I have questions about the establishment of a state audit board, the staffing, and whether NH thinks this is appropriate for our state and/or others, questions about the timing and the numbers they are proposing, as well as the tiered approach, which does not appear to make a lot of sense – is unnecessarily complex- and I would reference back to the Univeral Precinct Sample method developed by Simon and O'Dell, which seems fairly straightforward and applies to every precinct rather than select precincts. On the face of it, this seems a more intelligent approach. The UPS method is found here: <a href="http://electiondefensealliance.org/files/UPSEndFaithBasedVoting.pdf">http://electiondefensealliance.org/files/UPSEndFaithBasedVoting.pdf</a>	Audits seem to be a centerpiece – this may be worth considering in alternate legislative proposals.	

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44.	p. 45 EXCEPTION FOR CERTAIN ELECTIONS	Excludes audit requirement if candidate is unopposed on ballot or received more than 80%	Seems reasonable	
45.	P. 45 DETERMINATION OF ENTITY CONDUCTING AUDITS	Provides some latitude to the states as to who conducts the audits, but they must adhere to GAO criteria for independence	Seems reasonable	
46.	P. 46 SEC. 332 NUMBER OF BALLOTS COUNTED UNDER AUDIT	Uses a tiered approach, which is unadvisable as an invitation to fraud under threshold triggers  <b>Needs commenting by Jon Simon and other citizen experts</b>		
47.	P. 46+	Many states may not yet have in place the mechanism and state function as described in the bill: State Auditor. Timelines for planning and implementation need to be reviewed for practical implementation.		Yes – if properly implemented
48.	P. 50 (c) Location	In the case of NH, it is not necessarily practical to administer the audits in the location as described: “where the ballots cast in the election are stored and counted after the date of the election.” This would entail individual counts at towns or city wards, rather than the traditional central manual count at the	Revisit per state needs.	

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		SoS office – per our longstanding and successful recount process.		
49.	P. 50 – 51 ADDITIONAL AUDITS IF CAUSE SHOWN	This is actually referencing threshold triggers for expanding audits, which in fact may then become recounts. This is a tricky issue, which needs to be evaluated so that appropriate trigger mechanisms and processes are implemented. (2) identifies the requirement for each state to address this issue no later than August 2008. This is not a bad idea, but spelling out some criteria for the decision making process to include citizen representation would strengthen this provision.	As noted in comments.	
50.	p. 53 SEC. 325 PUBLICATION OF RESULTS	(a) Submission to Commission – again – we do not want to further empower this body Also, the required reporting seems burdensome – timelines and requirements must be reviewed for practicality so we do not administer death by bureaucracy to our democracy.	Reallocate EAC responsibilities to other representational bodies. Remove all references to the EAC.	No
51.	P. 53 – 54 (c) DELAY IN CERTIFICATION OF RESULTS BY STATE	This provision requires delay in certification pending not just audit results but the full bore report previously mentioned. Can all this reporting be done in time to declare election results or do election timelines need to be revisited completely?	Review reporting requirements w.r.t. timelines.	

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52.	p. 57 AUTHORIZATION OF APPROPRIATIONS	Is \$100,000,000 enough to cover the audit costs for all states?		
53.	p. 57 SEC. 327 EXCEPTION FOR ELECTIONS SUBJECT TO RECOUNT UNDER STATE LAW PRIOR TO CERTIFICATION	This seems to be reasonable.		
54.	p. 59 (c) GUIDANCE ON BEST PRACTICES FOR ALTERNATIVE AUDIT MECHANISMS	Not clear why NIST is designated as THE authority to determine whether or not an alternate method is appropriate. Is NIST the appropriate body for this? What is the process for approval? This seems like another decision best left to the states to decide and then publish their plan by way of accountability. NIST seems to be off base in this capacity and I don't see why so much power is being handed to NIST w.r.t. our national elections. Seems to be another layer of bureaucratic “expertise” coming between the people and our publicly owned elections.	Strike NIST as authority. Find more appropriate – possibly GAO?	
55.	P. 58 Guidance on Best Practices for	Again, complaint here is that NIST is being given authority over auditing		

HR811: Lofgren "Amendment in the nature of a substitute to HR 811 offered by Ms. Zoe Lofgren of California" Dated May 8, 2007

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	Alternate Audit Mechanism	practices, and I question the appropriateness of this and the accompanying \$100,000 appropriation to enable this.		
56.	P. 59 REPEAL OF EXEMPTION OF EAC FROM CERTAIN GOVERNMENT CONTRACTING REQUIREMENTS	The EAC needs to be abolished.	Abolish the EAC and strike references to Commission	