To: Technical Guidelines Development Committee
From: Sandy Steinbach, NASED Voting System Chairperson
Re: Current Draft VVSG
Date: May 18, 2007

It is extremely difficult for me, as an election administrator, to have any confidence in this document when its authors clearly have so much confusion and obvious misunderstanding of the process they are trying to facilitate. For example, many of the definitions in Chapter 2 are simply wrong.

"Absentee ballot" is not "a ballot resulting from absentee voting." It is the ballot provided to an absent voter. Even if the voter does not mark the ballot, it is still an absentee ballot.

"Absentee voting" is not "voting than can occur unsupervised at a location chosen by the voter." Absentee voting is the process by which a voter may request and receive a ballot before election day. In some states (Iowa is one) absentee voting can occur at the office of the local election administrator, at a location chosen by the local election administrator, or the administrator can mail the ballot to the voter. The difference between absentee voting and "early voting" is that absentee ballots are enclosed in envelopes and are subject to challenge until they are opened and counted (usually on or immediately before election day.) The ballots cast in early voting are deposited directly into ballot boxes and are, therefore, cast before election day. Because they have been cast, challengers cannot effectively raise questions about the eligibility of these voters; there is no way to remove the secret ballot from the tally.

"Crossover vote" is defined as "scratch vote." Scratch vote is not a term I have heard used in 25 years as an election administrator. Beware of local terminology that may not be in general use.

"General election" is not an "election in which there are no partisan contests" --far from it. The general election is the most partisan of elections. It is the election at which federal offices, such as President & Vice President, US Senators, and US Representatives are chosen. Many other offices are voted upon at that election: state, county, and local. It is held on the first Tuesday after the first Monday in November of even-numbered years.

"Nonpartisan contest" is not one in which "eligibility to vote in that contest is independent of political party affiliation, or lack thereof." A nonpartisan contest is a race in which the party affiliation of the candidates is not noted on the ballot.

"Partisan contest" is not one in which the eligibility to vote in that contest is restricted on party affiliation." A "partisan contest" is one in which the party affiliation of the candidates, if any, is noted on the ballot.

"Primary election" is not an "election in which there are partisan contests." Primary elections may be either partisan, or nonpartisan, or both. A primary election is held to select candidates for the next, usually final, election.

"Straight party voting" is selection of all candidates that have been nominated by (or endorsed in some states) a political party by selecting the name of the political party in the designated area of the ballot. Voters may override their straight party votes (in Iowa anyway) by selecting candidates of other parties, or candidates who are not affiliated with a political party. Laws regarding overriding a straight party vote in a vote for n-of-m race vary from state to state. See "crossover vote."

VVPAT: (Voter-Verified Paper Audit Trail). This is more accurately a "voter **verifiable** paper audit trail." See below.

VVPR: (Voter-Verified Paper Record) If the voter does not actually review the VVPAT, it is not "voter verified." This is more accurately a "voter **verifiable** paper record." Use of the term "voter-verified" is an assumption, not a description based on facts. "Voter verification" is not a testable feature. Presenting something for a voter to verify is very different from the voter actually performing the task.

The use of the term "voter verified" implies that some features of voting systems may make voting equipment more reliable by providing additional opportunities for voters to review their ballots. Presenting one more opportunity for a voter to review a ballot does not mean that the voter will actually do it. Describing the process as "voter-verified" is dishonest, and it is certainly not a testable feature.

The following terms are not defined, and should be:
   Audit
   Ballot
   Trusted build
   Volume test
   Witnessed build

Much of the actual text of the guidelines is written in technical language. Despite a promise to "disambiguate" the language of the guidelines, it is not accessible to the non-technical reader. Taken with the apparent ignorance displayed in the definitions section, this leads me to be suspicious of whether this set of guidelines is actually useful to the states.

Within the text there are numerous assumptions that may well be based upon election laws somewhere, but they are not applicable everywhere. For example, the concern expressed in 1.5.1 about the lack of secrecy afforded to some voters in the selection of a political party ballot in a primary election. In Iowa, for example, this is not a private matter. The voter's choice of a political party is a matter of public record.

Reconciliation of write-in votes (2.6.3.1) also includes the outrageous assumption (at least in Iowa) that write-in votes are counted "only if the election is close enough to warrant the effort." Under Iowa law all votes are counted in order to determine the outcome. At the time the votes are counted (largely on election night) there is no way to know whether any individual vote will make a difference. Further, any voter may write in the name of any person for any office. Under this process it would be impossible for the voting equipment to reconcile write-in votes.

There are numerous places that read, "Source: Click here to add the source." Or "Impact: Click here to add the impact." I presume that these gaps will be available for comment at some time.

The table of contents appears to be in need of editorial attention. The table of contents in Volume One includes three chapters called "Chapter 1" and two chapters called "Chapter 2." The organization is confusing at best. Following Chapter 14 in the table of contents, there is another set labeled "Chapters 1 through 6," which is followed by a third series beginning with Chapter 1 again. This document is hardly ready for final adoption.