



February 27, 2019

Sen. Kay Kirkpatrick (Chair)
Sen. William Ligon Jr. (Vice-chair)
Sen. Harold Jones II (Secretary)
Sen. Dean Burke
Sen. Gloria Butler
Sen. Mike Dugan
Sen. Steve Gooch
Sen. Ed Harbison
Sen. Sally Harrell
Sen. Steve Hensen
Sen. Butch Miller
Sen. Jesse Stone
Sen. Brian Strickland

Senate Ethics Committee
Georgia Senate
301-A Coverdell Legislative Building
Atlanta, Georgia 30334

Re: HB 316 -OPPOSE

Dear Chair Kirkpatrick and Members of the Senate Ethics Committee:

The National Election Defense Coalition is a national, non-partisan, not for profit organization committed to promoting secure, accessible, transparent and trustworthy elections. Freedomworks is a national organization of over 6 million members passionate about promoting free markets and individual liberty. Freedomworks' members share three common traits, a desire for less government, lower taxes and more economic freedom.

We are writing to you to express opposition to HB 316, a bill to provide uniform voting equipment and ballot marking devices in Georgia. HB 316 aims to move Georgia to paper ballots, a universally recognized best election practice that Georgia has failed to follow since 2002. However, HB 316 would require all voters to mark paper ballots using electronic ballot

marking devices, as opposed to allowing voters to mark a printed ballot with a pen. The use of electronic ballot devices will cost Georgia taxpayer three times more than the most common and efficient paper ballot voting method used by most of the nation, hand-marked paper ballots.

The Secretary of State is circulating a cost analysis that is profoundly misleading and wildly inflates the costs of conducting elections with hand-marked paper ballots. The analysis the Secretary provided is deeply flawed on many levels, but in the interest of brevity we will focus on the two most egregiously misleading and disingenuous aspects of this estimate.

- The analysis provided by Secretary Raffensperger includes the costs to purchase equipment for hand-marked paper ballots (\$40-60 million) *and* the cost to run elections with hand marked paper ballots for ten years, claiming a cost of \$ 224 million. This is being compared to the cost associated with HB316 which includes *only the cost to purchase the equipment*. The Secretary has not provided the estimate to run elections for ten years on electronic ballot marking devices required in HB 316 which are considerable and described below. The Secretary's analysis is like comparing the cost of buying a Chevrolet - plus insurance, gas and repairs for ten years - to the cost of a buying a Bentley and then trying to insist the Bentley is cheaper.
- Moreover, the price Secretary Raffensperger used to estimate the cost for pre-printed paper ballots is nearly twice the actual cost counties in Georgia presently pay for pre-printed ballots. The Secretary claims pre-printed ballots will cost \$0.55 per ballot. In reality Georgia counties currently pay \$0.28 for pre-printed absentee and emergency ballots. Using the same formula on the Secretary's memo with the actual number of active, registered voters, 6.9 million, and the actual cost of paper ballots of \$0.28 per ballot, the cost to print paper ballots for ten years would be \$ 67.6 million, not the \$164 million claimed by Secretary Raffensperger.

That Secretary Raffensperger would so gravely mislead the legislature on the costs of HB316 is deeply troubling.

Georgia is rightly moving to replace its notoriously insecure paperless voting machines to provide a voter-verified paper ballot. However, the electronic Ballot Marking Devices (BMDs) that vendors have been aggressively promoting to provide a paper ballot are completely unnecessary and amount to nothing more than a boondoggle for the vendors and an enormous waste of taxpayer dollars.

Over 70% of the nation votes on paper ballots that are marked by the voter with a pen and counted by an electronic scanner. (In these jurisdictions polling locations also offer at minimum, one electronic BMD for voters that may have difficulty marking a paper ballot by hand, allowing them to mark the ballot privately and independently.)

If Georgia is to purchase BMDs for all voters this would mean that most voters would be using an expensive electronic device that costs several thousand dollars to perform the same task as a

pen. Proposals from the vendors to supply Georgia with BMDs have been estimated to cost well over \$100 million; comparatively it's estimated that providing optical scanners to count ballots marked by pen (and providing at least one BMD to offer accessible technology for voters that may need assistance) would cost roughly \$35 million.

The excessive cost for BMDs is not limited to the initial outlay to purchase the technology. BMDs will require expensive, ongoing technical maintenance and service contracts. Each BMD will need to be programmed with election contest files before each election, incurring programming costs. BMDs will require additional storage and trucking costs. BMDs require more time and effort for election workers to setup and take down; they require considerable space and power outlets in polling locations. Furthermore, contrary to assertions by voting system vendors, using BMDs will not save counties the cost of layout and printing of paper ballots. Each county will still need to print absentee/emergency/provisional/challenge ballots even if they use BMDs.

Additionally, though the State would pay over \$100 million for the devices, the vendor retains proprietary ownership of the software, meaning not only will the vendor control the software and be able to effectively prevent the State or the voters from examining the software, the State will have to pay software licensing fees in perpetuity to be able to use the software in the machines that the State has purchased.

Moreover, BMD are NOT more efficient for the marking of paper ballots. It typically takes considerably longer for a voter to scroll through a ballot, page by page, to make selections on a BMD than to mark a paper ballot. Additionally, the number of voters that can vote at one time is constrained by the number of BMDs at a polling location, which will increase wait times and lines at polling locations. This serious deficiency of BMDs was demonstrated in Johnson County, Kansas which experienced devastatingly long lines in its 2018 primary after implementing BMDs.¹ Furthermore, if BMDs fail on Election Day this will exacerbate wait times and could prevent voters from voting. Conversely, with hand-marked paper ballots voters need only a pen and a place to mark their ballot, making it easy to scale-up during busy voting periods, decreasing lines and wait times and they cannot fail on Election Day.

While we strongly oppose plans for ALL voters to use electronic ballot marking devices to mark paper ballots, we want to be clear that we recognize the necessity to provide an assistive electronic ballot marking device in each polling location for differently-abled voters that may wish to utilize these devices to mark a paper ballot, in accordance with the Help America Vote Act and Americans with Disabilities Act.

Opponents of hand-marked paper ballots may claim that the voters' marks vary introducing inconsistencies in vote counting by the scanners. While this may have been a problem fifteen years ago, today's sophisticated scanners are able to discern voter marks carefully and efficiently flag questionable ballots for adjudication.

¹ Lynn Horsley, Steve Vockrodt, Hunter Woodall, "JoCo blames new voting machines, big turnout for long delay while nation waited," *Kansas City Star*, Aug. 8, 2018
<https://www.kansascity.com/news/politics-government/election/article216316320.html>

Finally, HB 316 Section 33 authorizes the Secretary of State to pilot an online voting system for UOCAVA and disabled voters. Security experts have unanimously warned that online voting cannot be made secure and should not be used in public governmental elections because it is especially susceptible to undetectable hacking. After conducting years of research on behalf of the Department of Defense in pursuit of a secure method to cast votes over the Internet, the National Institute of Standards and Technology (NIST) stated that secure online voting is not yet feasible.² The Department of Defense has stated explicitly that it does not endorse the electronic return of voted ballots.³ The Heritage Foundation - which has prioritized facilitating voting for the military - has strenuously opposed the adoption of online voting in its position paper "The Dangers of Internet Voting."⁴ NEDC joined the Association for Computing Machinery, CommonCause and the R Street Institute to publish a paper last summer on the grave security risks of online voting including blockchain systems.⁵ Though voting system vendors have made impossible promises for secure online voting systems, computer and national security experts have insisted that online voting cannot yet be secured. We strongly support improving voting access for military voters and would be very happy to work with the committee on other policies to achieve this goal. However, online voting would provide our troops a dangerously insecure voting system, potentially disenfranchising our men and women in uniform.

Purchasing and requiring all voters to use electronic BMDs will be a needless waste of taxpayer dollars and will provide an inferior voting experience for Georgia citizens and introducing online voting will place our troops' votes at risk. We respectfully urge the Committee to vote NO on HB 316.

Thank you very much for your very important work on this critical issue and for your consideration. We would be happy to work with the Committee on a path for Georgia to move to paper ballots without wasting over \$100million of taxpayer money on unnecessary equipment that benefits voting system vendors, not the voters of Georgia.

Sincerely,

Susan Greenhalgh

Policy Director

National Election Defense Coalition

Jason Pye

Vice President of Legislative Affairs

Freedomworks

² NIST Activities on UOCAVA Voting; <https://www.nist.gov/itl/voting/nist-activities-uocava-voting>

³ Pentagon spokesman Lt. Commander Nathan Christensen, April 16, 2015 stated the Department of Defense "does not advocate for the electronic return of any voted ballot, whether it be by fax, email or via the Internet."

Gordon, Greg, "As states warm to online voting, experts warn of trouble ahead," The Olympian, April 16, 2015

⁴ <https://www.heritage.org/report/the-dangers-internet-voting>

⁵ <https://www.electiondefense.org/email-and-internet-voting-the-overlooked-threat-to-election-security>