



Secretary of State
DEBRA BOWEN
State of California

January 21, 2009

Ms. Gineen Beach, Chair
Election Assistance Commission
1225 New York Avenue NW, Suite 1100
Washington, DC 20005

Dear Chair Beach:

It was a pleasure to meet with you last week and once again, please accept my congratulations on being elected as the new chair of the Election Assistance Commission (EAC). The challenges we all face as elections officials are numerous and difficult, and I look forward to working with you in the coming months and years.

While you will be prioritizing a number of issues as you begin your term, I respectfully request that you consider adopting three proposals designed to improve the integrity of our voting systems and to help elections officials prevent voting system incidents from occurring on Election Day.

The first proposal is to require, for every voting system certified by the EAC, that the voting system vendor report any and all flaws and problems with the system to the EAC and to the elections officials in the states where the system is used when such flaws are discovered.

We have a situation in California where in 2004, Premier Election Solutions discovered a software flaw in a voting system it had sold to numerous California counties. While the company states it provided a "work around" to the problem to the California counties that used the system, it did not explain that the work around was in response to a system design flaw that permitted tallied ballots to be deleted from the system, nor did it notify the California Secretary of State's office – which had approved the system for use in the state – of the problem. This issue only came to light following the November 4, 2008, General Election and the details will soon be provided to the EAC as part of a comprehensive report from my office.

I believe a manufacturer should – as a condition of receiving and maintaining EAC certification – be required to report any subsequently discovered flaws to the EAC and to every Secretary of State in the states where the system is used. I am working to implement this policy in California, but it would clearly have a much greater impact and provide much more assistance to voters and elections officials across the country if it were adopted by the EAC as a national policy.

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The second proposal is for the EAC to establish a program and create uniform procedures for collecting data both from state and local elections officials and from voting system vendors each time a problem with a voting system is experienced.

The EAC is in a unique position to gather voting system incident information and make it accessible to state and local elections officials across the country. Without one central clearinghouse for this information, problems that have been identified and potentially resolved in one state may be repeated unnecessarily in other states and local jurisdictions.

Finally, while the EAC did not include voting system performance in its most recent Election Day Survey, I certainly encourage you to resume gathering and reporting data on voting system performance in future surveys. This will help to ensure the Election Day Survey is truly a comprehensive source of information on election administration and voting.

Once again, congratulations on being elected as the new chair of the EAC and thank you in advance for your consideration of these important steps toward improving the security, accuracy, reliability and accessibility of our voting systems.

If you would like to discuss these issues further, please feel free to contact me at (916) 653-7244.

Sincerely,



Debra Bowen
Secretary of State

DB:elg:jb:lf

cc: Ms. Gracia Hillman, Vice Chair
Ms. Donetta Davidson, Commissioner
Ms. Rosemary Rodriguez, Commissioner