

Congress of the United States
Washington, DC 20515

March 4, 2015

The Honorable Gene L. Dodaro
Comptroller General
U.S. Government Accountability Office
441 G Street, NW
Washington, DC 20548

Dear Mr. Comptroller General:

We are writing to request that the Government Accountability Office (GAO) examine the current status of modernizing voting equipment technology in state and local jurisdictions and the potential challenges that can result from the use of outdated voting machines.

More than 12 years ago, Congress passed the Help America Vote Act of 2002 (HAVA).¹ HAVA provided for funding to encourage states to replace older voting equipment with voting methods that incorporated modern technology—such as optical scanning and direct recording electronic (touch screen) voting devices—and to meet the Act’s requirements related to voting system standards.

According to a recent report by the Presidential Commission on Election Administration, the state of U.S. voting machines is an “impending crisis” because “a large share of the nation’s voting machines are now almost a decade old and starting to break down.” The report concludes that existing voting machines are reaching the end of their operational life spans, and that “with no federal appropriations on the horizon, election authorities are on their own to do more with less.”²

Reports from individual states confirm that outdated voting equipment is a growing and widespread problem across the country. For example, during the 2014 election cycle, voters in Illinois reported inoperable voting machines, forcing them to use “old school paper forms.”³ In Maryland, although state regulations mandate that each precinct provide at least one touchscreen machine for every 200 registered voters, “twenty of the state’s 24 jurisdictions failed to meet this

¹ Pub. L. No. 107-252, 116 Stat. 1666 (2002).

² Presidential Commission on Election Administration, *The American Voting Experience: Report and Recommendations of the Presidential Commission on Election Administration* (Jan. 2014).

³ *Voters Report Problems at Chicago Polling Locations*, NBC Chicago (Nov. 4, 2014) (online at www.nbcchicago.com/news/politics/decision-2014-general-election-voter-problems-281440971.html).

standard during the last presidential election.”⁴ In 2012, there were numerous reports of “machines switching votes in Ohio.”⁵ Similarly, a report by Verified Voting found:

Texas and Georgia struggled the most with glitchy electronic voting machines on Election Day. ... Some machines simply wouldn’t boot up, and others unexpectedly shut down. Faulty touch screens were another issue—some registered a vote for the wrong candidate, while others just went blank.⁶

Voting is fundamental to our democracy, yet many U.S. citizens who are eligible do not vote in federal elections. For example, although 58.2% of eligible citizens voted in the November 2012 general election, that figure dropped to 36.3% in the November 2014 midterm elections, the worst turnout rate in 72 years.⁷

Some federal, state, and local governments have attempted to make voting easier by expanding early and absentee voting. Despite these efforts, GAO reported in 2012 that there is limited evidence to show that these interventions increased turnout overall or among groups that historically had lower levels of turnout.⁸

In order to assess the challenges to modernizing voting technology and the potential impacts of efforts to increase voter turnout, we request that GAO address the questions below:

- (1) What challenges do states and local jurisdictions face due to aging voting systems, how does the impact of aging voting technology vary across state and local jurisdictions, and what opportunities exist for states and localities to upgrade their voting systems?

⁴ *Outdated Md. Voting Machines Will Not be Replaced Before 2014 Election*, Maryland Reporter (Mar. 5, 2013) (online at <http://marylandreporter.com/2013/03/05/outdated-md-voting-machines-will-not-be-replaced-before-2014-election/>).

⁵ *Claims Increase of Machines Switching Votes in Ohio, Other Battlegrounds*, Fox News (Nov. 2, 2012) (online at <http://www.foxnews.com/politics/2012/11/02/claims-increasing-switched-votes-in-ohio/>).

⁶ *Voting Glitches Hurt Texas, Georgia*, The Hill (Nov. 11, 2014) (online at <http://thehill.com/policy/cybersecurity/223730-glitchy-electronic-voting-machines-abound-on-election-day>).

⁷ *Turnout in the 2012 Presidential Election*, Huffpost Pollster (Feb. 11, 2013) (online at http://www.huffingtonpost.com/michael-p-mcdonald/turnout-in-the-2012-presi_b_2663122.html); *Voter Turnout for 2014 Midterms Worst in 72 Years*, Yahoo! News (Nov. 12, 2014) (online at http://news.yahoo.com/voter-turnout-2014-midterms-worst-in-72-years-143406756.html;_ylt=A0LEVvkuhd5U7xYAhFAnnIlQ;_ylu=X3oDMTEzbnM3aWYwBHNIYwNzcgRwb3MDMQRjb2xvA2JmMQR2dGlkA1lIUzAwM18x).

⁸ Government Accountability Office, *Views on Implementing Federal Elections on a Weekend* (Jan. 12, 2012) (GAO-12-69).

- (2) How do existing federal standards impact the development of new voting systems?
- (3) What are the benefits of using updated electronic voting machines, and what challenges exist in their widespread use?
- (4) What are the benefits and challenges of implementing Election Day voter registration for state and local governments, and what do research and available data suggest about the potential impacts of these policies on voter turnout?
- (5) What policies other than Election Day voter registration have research and available data shown to increase turnout among eligible voters, including policies implemented by state and local governments?

Thank you for your consideration of this request. If you have questions regarding this matter, please contact Donald K. Sherman of the Committee on Oversight and Government Reform staff at (202) 225-5051.

Sincerely,

Elijah E. Cummings

Marcia L. Fudge

Al Lewis

Danny X. Davis

Eddie Bernice Johnson

Jaime G. Gatto

Robin L. Kelley

Tammy Duckworth

Hank Johnson