

Cover Memorandum to Directive 2005-07

TO: County Boards of Elections

CC: County Commissioners

From: Judy Grady, Director of Election Reform

DATE: April 14, 2005

On January 12, 2005, Secretary Blackwell issued Directive 2005-1, announcing that paper-based precinct count optical scan (PCOS) voting systems would be offered to county boards of elections as the state's primary voting system. Based on the information in our possession at the time, it was apparent that deployment of PCOS voting systems was the only means then available that would have provided Ohioans with a uniform statewide voting system for future elections that was also in compliance with federal and state law and could be purchased within our existing budget.

The requirements and deadlines set forth in Directive 2005-1 were based on several significant factors known to us in early January including:

- Substitute House Bill 262 (SBH262)'s requirement that all direct recording electronic (DRE) machines have a voter verified paper audit trail (VVPAT) by the first federal election in 2006;
- The lack of approved standards for the VVPAT;
- The exceedingly high cost of DRE machines with a VVPAT;
- The lack of an ITA and State certified DRE/VVPAT and
- The uncertainty as to whether certification of any DRE/VVPAT would soon be forthcoming.

As required pursuant to the Help America Vote Act (HAVA), the requirements and deadlines set forth in Directive 2005-1 were made part of our State Plan. The Revised State Plan was published in the *Federal Register* on April 7, 2005 (70 FR 17662-01), and those requirements and deadlines (including the February 9, 2005 vendor-selection deadline) now have the force and effect of Federal law.

Nevertheless, one of Secretary Blackwell's primary objectives as Ohio's chief elections officer is to ensure that our elections are fair and efficient. We will accomplish that goal only by working in cooperation with each county board to ensure that the fundamental right to vote of each citizen is protected. Selection of voting systems is critical to the fulfillment of our State Plan, and, as noted above, it is a complicated process that requires the Secretary to strike a delicate balance between the capabilities of the equipment available in the market and the total cost of ownership.

Because several recent occurrences have changed the voting system landscape in Ohio, we are therefore issuing, under cover of this memorandum, a new Directive, which supplements Directive 2005-1. The new Directive recognizes that:

- VVPAT standards have been approved by Joint Committee on Agency Rule Review (JCARR) and will take effective on April 28, 2005.
- At least one of our approved vendors has obtained certification from an independent testing authority (ITA) for a DRE/VVPAT voting system. That system is currently waiting to be assigned the National Association of State Election Directors (NASED) qualified voting systems number.
- Our two other approved vendors are actively seeking ITA certification of a DRE/VVPAT voting system.
- One of our approved vendors is pending approval before the Ohio Board of Voting Machine Examiners based upon the NASED number.
- One of our approved vendors is presently undergoing the Compuware Security Testing for a DRE/VVPAT.
- Negotiations have lowered the costs associated for certified (or soon to be certified) DRE/VVPATs.

The following chart identifies the progress made to date by each of our approved vendors.

	Diebold	ES&S	HART
Federal ITA certified DRE	Yes	Yes	Pending Approval
Federal ITA certified DRE w/ VVPAT	Yes	No	No
Ohio Board of Voting Machine Examiners certified DRE	Pending Approval	Pending Approval	No
Ohio Board of Voting Machine Examiners certified DRE w/ VVPAT	Pending Approval	No	No
Compuware Testing DRE	Yes	Pending Approval	No
Compuware Testing DRE w/ VVPAT	Yes	No	No
Capable of September Deployment Schedule	Yes	Information Not Available	Information Not Available

A Board of Elections conference call will be scheduled to answer any questions you may have about the new Directive, vendor selection, etc. We will send a follow-up memorandum with the details of the call and your county funding allocation in the near future. In the interim, if you have any questions please feel free to contact me at 614-728-8361.