

Voting in 2004:
A Report to the Nation on America's Election Process
Tuesday, December 7, 2004
Room SD-G50, Dirksen Senate Office Building

Panel 6: Polling Place Operations and Poll Workers

MOD: Okay. We're going to start. Thank you all for coming back into the room and getting ready to hear one more of our wonderful panels. We have two excellent panels left to go and I know this one will address a lot of the concerns that people have. I'm going to be vigilant on timekeeping so we can try to keep still a few minutes for your questions. And I want to remind everyone that we're asking you to fill out cards. If you don't get your questions answered, we are going to ask individual panelists to respond to get back to you. We do want to make sure there's a dialog. It's just hard to fit all the wonderful information and all the great suggestions and questions that people have into this very, very packed day. But I know I for one am grateful for all the people that have been here and all the things that we've been learning today and the opportunity to document so much of what we've been hearing. I want to say two quick things as we're getting started. As you know the next panel covers the subject of polling places and polling place operations and there in lies many of the concerns that people have whether it's these questions

about resource allocation or the training of poll workers a lot of things focused on that. And I want to point out a little bit of the work that we did at common cause. We were very concerned as you've heard other organizations have said the same thing in documenting what would happen on election day and prior to election day so that as we go forward we can have a gathering like this and talk about both the scientific data and information that we had to make policy recommendations. We got together with a group of organizations including the reform institute, the felon (unint.) at the University of Pennsylvania and had a voter alert line 1-86-MYVOTE1. The public could call that line to find out their polling place, to record a statement of up to sixty seconds about what their concerns were. And just to give you an order of magnitude here, we received over two hundred thousand calls to that line, capture more than fifty thousand voice recordings of what people said, and we are now working with the consortium to do the analysis of those voter problems most of which are the things that you're hearing about today. That technology was also the backbone for all of the protection phone lines all of whom we worked very closely with. I just want to say one other thing besides the work that we've been doing. A lot of people have been expressing their interest in how

we move forward around this day. And I'm just so grateful that we have so many activists and interested people in the room and the many people who didn't fit into the room are going to get on a conference call tonight to hear a report back from what happened today. We've had tremendous interest in doing this from a whole wide variety of people from around the country. And I just want to reinforce what Wade said earlier. We wanted to treat this day as something we could put together quickly to get as many people as possible who had something to report to make members of congress ware of our concerns about public policy that we thought had to be address when congress is back is session again. And form the common cause perspective since we operate in states all over the country we have equal concerns about how these election laws affect the states and the kinds of activism we'll have to have in play to really reform and change our electoral system so we're not back here in 2006 and not back here in 2008. So, I know that our organization is committed just as all the other organizations you're hearing from today and many of the individuals to finding a way to do much of this hard work together. We have all of your names and email addresses because you signed up. If you haven't make sure you do. We'll be in very constant touch as a coalition of

organizations, and I think there will be a tremendous amount of activism, loud voices, active people, engaged citizens that need to get together and work on this to change this system. So, I just want you to know this day is only one of many conversations that we'll be having over the next couple of years. So, let me introduce our panelists, give them a chance to speak five minutes each and then try to get a little bit of time for you to all ask questions. Bob Pastor is here today. He is a member we are fortunate to say of the common cause board but is also the vice president of international affairs and the director of the new center for democracy and election management at American University. He has significant election monitoring experience from around the world and in his former position at the Carter Center. Terry (unint.) is a staff attorney with the National Asian and Pacific Legal Consortium and an expert on the census and voting rights. She served as a commander for the 2004 election protection coalition. Doug Chapin is with us. He's the director of electionline.org, a nonpartisan, non advocacy clearinghouse of election information, and he is also an attorney and former council to the Senate Rules Committee. And Elena Beverly is assistant council at the NAACP legal defense fund where she works on election protection, felon

disenfranchisement and political participation. I'm really grateful that they're here. And we're going to give Bob the chance to start out and if you see him sneaking out early it's because he needs to get back and teach a class.

BOB PASTOR

MS: Thank you very much, Shelly. Dan Quayle, you remember him. He once said that the trend towards democratization in the world is irreversible but that could change. Well, he was at least half right and the trend towards democracy in America could also change unless groups like this get themselves engaged. For too long we've treated elections as spectator sports. I think our presence here, the leadership offered by common cause and the other organizations that are represented here is good reason for us to think that we could stop the slide. I was asked to comment on the elections from the perspective of an international observer. I was asked by representatives of lawyers and judges and election officials from twelve countries to organization the international observation of this election. And as I have done in thirty other countries I formally requested form election authorities the credentials to observe the elections and the right to observe them in an unrestricted fashion. The states of Virginia and Maryland said you can only visit on to three

designated (unint.) polling sites and the District of Columbia still hasn't answered our request. We visited six sites, two in each of those three districts, and what did we find. We found for example in Virginia which relied on six electronic machines in a precinct of twenty eight hundred voters that two of them broke down for much of the day and that electronic machines and some of the others also broke down. We found that with regard to the need to show an identification if you registered by absentee in DC one of the young men was not asked to show their identification. And indeed in one site no one was asked for any identification. At another site everyone was asked. We saw in Virginia most people asked for identification, most people not asked in the case of Maryland. Most disturbing we saw in the count in Bethesda a discrepancy of about two to three percent between the number of people who signed in and the number of votes that were recorded electronically. We also saw election observers treated in a more restricted and a more defensive fashion by election workers in these three districts in the United States that I have seen anywhere that I've traveled in Liberia, in Palestine, in Nicaragua during the civil war. We were treated much more at arms length and with much more hostility in our own country. Now, what do we

draw from these? Well, six sites are not as statistically representative sample of course. We have two hundred thousand sites. We have thirteen thousand districts and indeed it is clear that the principle problem of our country right now is the decentralization that is now dysfunctional and that became very clear. And the only way we're going to know whether the two hundred thousand calls that have come into common cause are the iceberg or just the tip of an iceberg which we suspect it is, is we need to find a different way to know how large these problems are and we could learn from most countries. Most countries have a log book at each precinct whereby they register every problem during the course of the day and they have it witnessed. And if we did that I think we'd find that two hundred thousand calls is simply the small tip of an iceberg. Now, the question is why. How have we gotten to this point where we analyze the U.S. election administration with two other countries in North America and the U.S. came in third on all ten categories, and unfortunately there are only three countries in North America. We analyzed it according to a hundred and seventeen election democracies in the rest of the world and we come in near the bottom. I think the first reason is we've been sloppy. We insist on better standards and lower

error rates for our washing machines than we do for our voting machines. I think number two is we have not insisted on uniform standards. We have devolved authority to the lowest and the poorest levels of our government, which have not had the funds. We have paid more in the 1990s for civic education abroad than we paid for civic education at home and the results show it. The rest of the world is doing better than we are. And finally we've stopped asking ourselves what is it that we can learn from other democracies from our neighbors because I can tell you I've traveled the world looking at election administration, and the answer is we can learn a lot from them. I've only got about thirty seconds left. So, I don't have time to go into the specific proposals that we need to entertain accept to say together we need to insist on a revisiting of HAVA. I think HAVA was an important first step forward, but it's not sufficient, and the problems that we've seen in this last election are symptomatic of a series of much more important problems. We need to retrieve authority from our local levels to the state level, insist on national standards. We need to move from partisan election administration to national nonpartisan election administration. We let our money be managed by nonpartisan officials at the Federal Reserve. Why are votes not as

important as that? It should not come as a surprise that when the election commission in Iraq decided to try to learn something about how to corrupt elections they didn't come to the United States, they came to Mexico. And I think we could learn from them as well. Thank you.

ELENA BEVERLY

FS: Good afternoon. I would like to thank common cause and the century foundation and the leadership conference for this opportunity to speak with you today. My name is Elena Beverly. I'm the assistant council with the NAACP legal defense and educational fund, and as a lead partner in the 2004 election protection program the NAACP legal defense fund focused on eight target states including two states which are covered by Section 5 of the voting rights act. We also organized and administered a branch of the national 866 our vote hotline from our New York offices. Today I'd like to speak with you about my personal election protection experience in New Orleans, Louisiana and use that as an opportunity to highlight some of the polling site and poll worker problems that we encountered on election day. But before I get to the problems I'd like to take a few moments to talk to you all about the volunteers. Now, I believe that I witnessed a revival in New Orleans, Louisiana, on election day. Aretha Franklin has a song

called Spirit in the Dark and I don't know how many people in this room are aware of it, but it's a gospel sounding song, and it conjures images of men and women who embrace the rare moment when they can step outside of themselves and give themselves to a higher power. I believe that the election protection volunteers that I worked with in New Orleans, Louisiana, experienced that type of spirit, but theirs was a spirit of democracy and they relinquished themselves to the power and the spirit of democracy. Thank you. I have an antidote. The evening before election day I went down to New Orleans and hosted an election protection training and trained a little over a hundred volunteers in Louisiana's very intricate election laws. It wasn't our first training. We had several others and we had a couple of hundred volunteers on election day, but this one was special because it was the last one right before election day, and we had it in St. Augustine Church in the heart of New Orleans, a residential area. And as I a hundred or so volunteers gathered around me and I started my schpeel (ph.) about Louisiana election law, the lights went out. Now for those of you who have been to New Orleans you know that when the lights go out it's really dark. The lights didn't just go out in the church. They went out within a four block radius of the church, and not

a single volunteer left. They were out... the lights were out for two and a half hours. The church that we were in grew warm because we had no fans. We tried to open the windows. We were in New Orleans. It was warm. We asked some of the elderly volunteers if they needed to step outside because we didn't want any form of health emergencies and no one left. I gave my presentation by flashlight and candlelight for two hours, and the volunteers stayed and they asked questions. And they were the defenders of the right to vote on election day, very often supplanting the efforts of poll workers. So, let's talk a little bit about the problems. The calls started to come in at around six o'clock in the morning, and the first problems that we heard and they continue throughout the day were problems of voting machine malfunctions and poll workers inability to operate the machines. We only monitored one hundred of the highest trafficked polling sites. And out of those one hundred sites by four in the afternoon twenty nine precincts had reported machine malfunctions. None of the voters were offered back up paper ballots. None of the voters were emergency ballots. And election officials in Louisiana are fond of saying the type of machine problems that they saw were really the result of a flip of a switch. Well, the result is still

the same. We had widespread disenfranchisement particularly early in the morning when people sought to cast a vote before they went to work. We also saw poll workers who were horribly unfamiliar with provisional balloting procedures and HAVA's requirements. In at least one precinct, all first time voters were told that they were required to cast their votes by provisional ballot. There were inadequate numbers of poll workers, and they were unable to respond to the overwhelming turnout. And at 8 p.m. at Zador (ph.) University, which is a historically black university in New Orleans there were four hundred people in line when the polling sites closed who still had not had an opportunity to cast their vote. Many of them got in line at 3 p.m. in the afternoon and many of them had not had the opportunity to vote until after midnight when all of the federal and statewide returns had already been called. Now, we did file litigation on election day. At 6 p.m. local attorneys, Bill Quigley, Ron Wilson, myself supported by local organizations like Acorn and (unint.) and the NAACP we filed a complaint in the civil district court and sought to get the polling site hours extended by two hours so people who were turned away in the morning because the lines were long because the voting machines weren't working so that they would have an opportunity to

cast a vote on the machine. I'm over my time already but I'm going to keep going. The civil district court judge denied our request, but he seemed to do so with a heavy heart explaining that we had other remedies at long and we could challenge the outcome of the election if we needed to. So, let's talk about what lessons we learned. We learned that polling site deficiencies are best prevented before election day. Now, we weren't in Louisiana months before the election, but it wasn't one of our more successful states. We know that settlement agreements from litigation works. Our experience in NAACP versus Harris out of 2000 allowed us to keep a constant communication with county supervisors in Valucia (ph.) County Florida and Orange County Florida and assist them in their poll worker training. That helps. We also learned that election day problems are best remedied on election day. I have spoken to student at Xavier University and asked them about their experience in the 2004 elections, and one student said she was disgusted by the state's handling of the process. She said why is it that these types of problems only occur at Xavier University and they don't happen at the majority institutions in New Orleans such as Tulane. We know that post election litigation does very little to help protect the interest of the voter and having their vote cast and

counted on election day. It only leads to prospective relief. And while we will use those avenues when they are presented to us, it is best to protect the voters on the day. So, our struggle is just beginning in New Orleans, and the voters there I think have got the spirit. Those Xavier students, some of whom I'm spoke to, said that they wanted to become poll workers so their peers would be the ones that they helped on election day. And I think our nation and Louisiana in particular are about to witness a voter revival. I'm honored to have been part of the process. I'm honored to have been part of this effort and protect the vote.

FS: Good afternoon. I want to begin by thanking the leadership conference common cause and the century foundation for inviting me here today to speak to you about the Asian American voters experience with polling place operations and poll workers. Before I begin that I need to tell you a little bit about my job because that is part of my job. I work for the National Asian Pacific American Legal Consortium, the national nonprofit, nonpartisan organization that works to advance the human and civil rights of Asian Americans through advocacy, public policy, public education and litigation. The program areas we work in include immigration, immigrant rights, language rights

census, and obviously voting rights. For the 2004 elections the policy was involved with the national election protection coalition that has been discussed all day long. We also had two voting projects, one that was focused on increasing the civic engagement of the southeast Asian community and one that was focused on compliance with Section 203 of the voting rights act, the language assistance provision that was centered in most of the Asian language Section 203 jurisdictions. So, what did we see with this past election? Well, we did see heavy turnout in the Asian American communities much like other communities, and that is obviously a very positive thing. Unfortunately we also saw a number of common problems that occurred across the country from coast to coast that have actually been recurring problems that have been happening from election to election. The first major I guess category of problems that we saw were that polling places were ill equipped to handle the election day activities. Generally speaking many of the polling places just didn't have an adequate amount of supplies. For example, in LA in some precincts some sample ballots had to actually be used instead of real ballots because the polling site had run out of the real ballots, and the (unint.) vote pens apparently ran out of ink, which I would assume makes them

useless. And in Section 203 jurisdiction, well let me back up for a second and just explain. Section 203 obviously are determined, were determined in 2002 by the Department of Justice and the Census Bureau and these are jurisdictions that are required to provide non English voters with the same information and opportunities to participate in the electoral process as the general electorate. Simply speaking these jurisdictions are required to provide all information that they provide in English in the languages that are designated under Section 203. So, in a lot of these jurisdictions we found many polling sites that lacked proper language signage. For example, in Houston one polling site had posted throughout the polling site ten English signs directing voters where to vote, how to vote and so forth while they only posted on Vietnamese sign up front when in the beginning that was minimally helpful to the Vietnamese voters. And other problems once these voters actually entered further into the polling site was we saw that there was an inadequate amount of multilingual or bilingual materials at the polling sites. Some places simple don't have any. Some places had some but had them in boxes, had them in shrink-wrap and basically assumed that if people wanted it they would ask for it. This was common practice in New York, in

Los Angeles, Houston, Seattle, Chicago, Orange County, San Diego and so forth. Additionally these jurisdictions also had an inadequate amount of bilingual poll workers at these polling sites. Once again some of these sites have none. Some of these had some but not enough. And some had the foresights to schedule poll workers but unfortunately they didn't show up. Now, the poll workers interestingly enough (unint.) into my next kind of general problem area. First we had the group of poll workers who were just in essence ignorant about the law which has been discussed by some of the folks today. One problem that we saw a lot in the Asian American community was the improper asking for identification. For example in New York as well as LA, we found that Asian American voters were routinely asked for identification. One of our community based organizations in LA in fact characterized it as poll workers overzealously asking for identification from the Asian American voters. Another problems that a lot of Asian American voters faced were poll workers who were not aware that they were allowed to bring somebody in with them into the polls, assist them in voting for those who had language issues or who were limited English proficient. And as discussed earlier we had problems with poll workers not knowing what to do with provisional ballots...

END OF SIDE A

MS: ...some of the election administration issues that we're talking about today. So, I'm delighted to have you here. I will shock those of you who know me and delight those of you who do not by not even using the five minutes I've been allotted because I'd like to get to questions. I guess what I'd like to do... blessed are the brief for they shall be invited again, right. What I'd like to focus on very briefly is this notion that we've heard over and over again of system overloads. I think that when I look around the country how I would characterize election day 2004 was system overload. In many places, in city precincts in Cleveland, in precincts in New Orleans, even in my home precinct in Northern Virginia, long lines and shortages were sort of the watch word of the day. We had an observer in Pennsylvania who had a poll worker asking what this pile of provisional ballots was for. We saw machines break down. We saw long lines. We've seen ratios in one Alabama county of ten thousand voters for two machines. This is I will admit to you I am a son of an engineer, and I must admit that sometimes my capacity for outrage is not as great as my desire to attack the problem as a management problem or an engineering problem. And what I want to encourage all of you to do is to channel the frustration

and the anger you feel either at the outcome or the process you saw on election day into making this a policy issue that goes forward. There are many member of Congress some of them here some of them not who understand that this is not just about who won and who lost on election day. It's the need to make election administration as much a part of our system of government as any other public administrator's job is out there. It's time to view the election process as if the voter mattered to treat the voter as a person. I've always said that other than a trip to the Department of Motor Vehicles for many Americans going to the polling place on election day or before election day is the only face to face interaction that he or she has with government, and I thin it's important that we do the kind of data collection that (unint.) Pastor didn't get to, the kinds of antidotal information that the other panelists did to use that to treat this as a national problem whether or not we eventually agree to require some kind of a national solution. So, with that I am going to yield back the balance of my time, have a seat and open the floor up to questions at the moderator's discretion.

MOD: Thank you. We'll start over here on the right.

Q: My name is Julia and I am very new to this type of process and I'm not much of a speaker. But a lot of the issues

that have been brought up today unfortunately I've been placed into. And in a sense I've been baptized in a democracy that had gone wrong. There is no way that we should be accepting this election. I worked the polls in Orange County. I am from Orlando, Florida. I dealt with two precincts, and the things I saw are beyond me. Just a second. But one thing I have to say. I'm very proud of those people who stood in those lines and put up with what they did because they wanted to vote, the elderly, the disabled, how they were treated. And these were African American precincts, and I'm just amazed at how the strength of these people and how they stayed in line most of them. Some did leave because they just got too frustrated. I ran into people that were misled so many times. One guy, he went to three different precincts, didn't know if he'd ever be able to vote. I mean poll workers that had no education. I had to call the election vote protection system and I had to get this woman who supposedly understood election law to understand it, and I, the new person on the block, educated her. I'm just blown away by the whole thing because it took one night's training for me to understand that she was wrong, and she tried to threaten me. We're going to get the police and we're going to drag you out of here. I mean and I'm just a person trying to

help. I'm not even there to vote. And how can we sit here while we do this to these people. It's beyond me.

MOD: Well, thank you very much for your comments. I'll let the panelists talk, but I just want to reinforce one of the reasons why I think people have been so concerned is some of what Elena was saying earlier is that we saw this incredible resurgence in our democracy, people who came out and volunteered, people who had worked who had never done before, people who stood in lines for unreasonable amounts of time and stayed there and the people who brought them water and lawn chairs and everything else to support them in doing that. And as (unint.) saying the disastrous things that went wrong here, it is important to remember that so many people wanted to participate, so many people want to fix this, and that's part of why we're all here.

A: And I wanted to applaud your efforts. One thing that you said really resonated with me in that you had one day of training and you knew the law. And what that shows is that election protection can work. Poll worker training can work. We need uniform poll worker training. People will argue that on a county by county basis it's impossible to translate one set of rules to another. But actually for equal protection to work there shouldn't be different sets of rules on a county by county basis. We can have

statewide skeletons of information that need to be presented to poll workers so that they are familiar with the laws so that they don't have bags of provisional ballots and don't know what to do with them. And so, I just wanted to reiterate the fact that training can work and we need to help be part of that process.

Q: This question is for Bob Pastor but I'd be interested in comments from the other panelists. We really owe a debt of gratitude to Bob Pastor and his organization for working for election integrity around the world and I just want to thank you for the work that you've done. The question I have is obviously any election system is a balance between insuring full participation and making sure that there no voter fraud. And we haven't talked a lot about voter fraud here today but some people may still believe it is a problem. My question is do you think that the system in this country would be improved if we used the Virginia system which requires voters to show a picture ID to vote, but if they don't have a picture ID allows them to sign at that station in lieu of showing an ID.

A: Yes, this is I'm very much aware this is a very controversial issue. Let me start by saying of the hundred and seventeen democracies in the world almost all of them have both national registration lists and fraud proof photo

identification because they both understand the way... the provisional ballot is necessary because our registration list is so bad. Most countries in the world understand that you need both. Just like you need a driver's license to show you can drive, you need a citizenship card that has proof of citizenship in order to vote. I know this is very difficult for most Americans to understand. But the Mexicans are very, very proud of their voter ID card, and indeed they took back the most fraudulent electoral system in the world largely through fraud proof voter ID card. What I would propose would be that at the age of eighteen every American citizen gets a citizenship card which they also get when they naturalize. This card stays with them forever. They are only asked this card when they vote. When they move, they put the card through a simple visa type machine which deletes them from the precinct on which they were and puts them in the new precinct to which they moved. They get a little receipt or record of their new precinct. And that will solve ninety eight percent of your registration identification system. I realize this is very difficult for some Americans particularly after the Ashcroft justice department, but there are ways. Just because the telephone for example can be tapped doesn't mean that you stop using the telephone and you ban it. An

identification card be abused. It doesn't mean you want to ban it. You need it for when you travel anyway. What you need to do however to regain the trust of those in America who are frightened about being asked about that is you need an (unint.) to make sure that these rights will not be abused. If such a registration and identification system works on a nationwide basis, I think you no longer have a problem of registration. You no longer need the problem of dealing with provisional ballots and other things. Like I said I'm quite aware this is very controversial. I don't expect it not be approved any time soon. But I think it should be part of the discussion as we move forward and I think we ought to ask the very simple question if identification cards are a threat to democracy why do almost all of the democracies in the world have identification for voting and why do they conduct their elections a lot better than we do.

A: I would also like to respond to that question. In terms of requiring the photo identification particularly driver's licenses, we know that that has a disproportionate affect on minority communities, communities that for example use public transportation more so than going to the DMV and actually getting a driver's license, not to mention there is a financial barrier to getting the driver's license.

So, I would raise the concern that with this citizenship card, and I don't mean to pick a fight with you Bob, that we need to think about it carefully and figure out how would the government issue it and who would pay for it because that's something that you really need to consider. You cannot disenfranchise an entire sector of the community for a new visa like system. And I think that one way that we can work out without driver's licenses as the barrier or this photo identification as the barrier is by having information on our registration forms that we can that (unint.) mentioned in the Virginia example sign it (unint.) sign an affidavit and confirm that information when you sign the affidavit. So, there are people who if they don't get to the state to get a driver's license or to get some other form of state issued identification card they have information that is with the registrar that can confirm who they in fact are. And it would just require election officials to do their job, to both intake the information and confirm the information on election day.

A: Actually Bob makes a good point that in many jurisdictions there are issues with registration lists either in voters (unint.) with those lists or when the officials (unint.) with them themselves. I'd like to point out that the help America vote act actually addresses that question, and the

centerpiece of that act is a requirement that all states develop a statewide voter registration database. To date only about fifteen have done so. They've still got another two years to finish that job, and that's a very important process. And while you do hear some advocates for the more ambitious plan like Dr. Pastor has suggested we are in the middle of a process now that should in theory and I'm optimistic in practice go a long way toward eliminating the kind of registration problems. I do think the management problem of getting information off of a paper form and into a computerized database is always something that's important. But there are some very important steps going on right now in the short term which may alleviate if not all of the problems many of the problems that the national ID card or other solutions might address.

Q: My name is Will Small from Annapolis, Maryland. What you said about needing a driver's license to drive, Bob, makes me think about needing to walk the walk in order to deserve the respect to lead. And that leads me to say that for a nation forcefully trying to create democracies in its interests around the world, it seems a travesty that such an important election at home is so offensively questionable. My question is if the system is proven

broken, shouldn't we fix it and have a revote as Ukraine is rather than accept its questionable outcome?

A: Yes. No. I think we are all here because we realize that the system is broken and needs to be improved. I don't think it needs to be thrown out the window. I think that there are ways that we can improve this. I think Doug just pointed to a very most significant advance in HAVA is the statewide computer based interactive registration lists. I think these will handle a good of the registration problems all around the country provided that we all agree never to move out of state. But since one sixth of the American people move out of state each year we need to find some national way to capture that. So, I think we are all here recognizing all the of the problems. The next step is to come up with proposals and solutions. Everybody's talked about the long voter lines. McDonald's has figured out a long time ago that during lunch time they need to hire more workers. Somehow our election officials have not figured out that perhaps they should have more workers a the beginning of each day when the lines are the longest. So, there are many that can be done and I think this kind of forum provides us an opportunity to start advancing some of them.

Q: I'd like to comment on Elena's experience in New Orleans and the light of the remark I made to a previous panel about the reliability requirements of the federal voting machine standard. You said you had observable failures at twenty nine out of a hundred polling places. Actually I did a quick calculation and I would have expected observable problems that may be upwards of fifty polling places. So, actually you did a little bit better than the standard unless you had unobservable problems like the machine losing votes but not showing anything. Another way of illustrating it, Maryland has sixteen thousand voting machines. If there were fewer than one thousand four hundred seventy two machines having observable more unobservable failures on election day that system met the standard. If there were fewer than four thousand four hundred sixteen machines failing in some way or another between the beginning of election set up through election day the system is within the standard. Comment?

A: My comment would be that that is... I agree that the standard is too high and that the help America vote act this is one area where HAVA didn't necessarily help us because it incorporate a standard that is too inefficient. And so, that's one issue that we need to address. It's one thing

to adopt new electronic voting equipment but not to confirm the reliability or veracity is deeply problematic.

MOD: So, I know there are still many good questions, but I need to leave room for the last panel of the day and some questions to follow them. So, once again I not only want to thank these panelists, but I just want to take a minute to thank all of the incredible people who have worked to put this conference together very quickly. Our staff at Common Cause and Leadership Conference, members of Congress' office, there were just a lot of people who worked very hard. You've seen them all over the room. Be sure to say thank you, and the Century Foundation, exactly. IF there's anyone else I forgot we're just really, really grateful that people worked to hard to make all this happen. And I want to turn things over to Wade and our last panel of the day so we can make sure we've gotten every thought out here..

Q: Question. Should we wait here for the next panel so we can get our questions, or what do you advise?

MOD: We may not get to every single question of the day, but we'll try to take a few extra questions at the end of the day to make sure we get through everything. But again if you don't get your question answered the panel is still here. Feel free to come up and talk to any of them..

Q: I would like to ask that the next panel please take up the question of the voting rights act and criminal charges. I'm from (unint.) and this is really an issue that could be addressed right now. Thank you.