NASS
National Association of Secretaries of State

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ISSUE BRIEFING: Aging Voting Equipment

Background: The enactment of the Help America Vote Act of 2002 (HAVA) ushered in an era of modern voting systems with enhanced security, accessibility, accuracy and reliability. Perhaps the most significant and costly changes were new accessibility and auditability requirements for voting equipment. Between 2002 and 2006, states used much-needed federal funds to purchase new equipment that would bring them into compliance with the law. Now those systems are nearly 10 to 15 years-old, and states must deal with the challenges of maintaining and replacing their aging voting equipment.

America's voting equipment is aging and needs to be replaced.

As election officials across the U.S. gear up for the 2016 presidential election cycle, there is a great deal of discussion about replacing or updating voting systems. The problem is, the federal funding that was critical to states in modernizing their voting systems has run out and the increasing complexity of elections—with early voting, accessible voting and online voter registration—is driving the demand for new systems with greater technical and functional adaptability. According to the National Conference of State Legislatures, which has tracked election equipment usage across the U.S., the majority of voters are voting on equipment that was purchased before smartphones were invented!

The feds have said they won't pay for the next generation of voting equipment, leaving the struggle up to states and localities.

In a 2010 report, the National Association of Secretaries of State (NASS) found that a majority of states will have exhausted their federal (HAVA) funds by the end of Fiscal Year 2016.[1] More and more money is being spent on maintenance, but at some point, the systems will need to be replaced before there are any wide-scale issues with aging equipment. With federal funds essentially depleted, states and localities are finding they must come up with their own strategies to support the sustainability of their existing voting systems and prepare for their replacement.

A few states (i.e. Georgia) take a top-down approach to purchases and implementation. Other states are coming up with state-level funding mechanisms to ease the burden on local jurisdictions. Recent examples include:

- On September 10, Missouri Secretary of State Jason Kander announced his office will make available $3 million in grant funding for new voting machines and other election assistance throughout Missouri. Kander has directed his office to offer $1 million in general-purpose grants. Additionally, Kander's office will offer $2 million for the specific purpose of replacing voting equipment.

- In July, Michigan Secretary of State Ruth Johnson announced that her office has taken the first steps toward replacing the more than 10-year-old election equipment used in each of the state's 4,800 voting

[1] National Association of Secretaries of State (NASS), *How States are Using Federal Funds to Carry Out the Help America Vote Act (HAVA): NASS Report on State HAVA Spending for the Improvement of Election Administration*, (April 2010).

precincts. The state asked for proposals from election equipment vendors who offer upgraded voting systems that use a paper ballot. Proposals were due by early September.

- Also in July, Rhode Island Secretary of State Nellie Gorbea convened a Voting Equipment Task Force to help inform the Department of State's process for researching and acquiring new voting equipment. The existing voting equipment has been in use since 1997.

- In June 2015, Arkansas Secretary of State Mark Martin announced a vendor and pilot program for adopting new equipment in his state.

Changing out voting systems for 2016 and beyond will be more complex and challenging than ever before.

New laws like the Military and Overseas Voter Empowerment (MOVE) Act of 2009 created additional security and accessibility requirements for voting. Systems need to support vote-by-mail balloting and online ballot returns, in addition to in-person voting. Ballots are also increasingly complex, with more races, more candidates and more languages than in the past. Polling place consolidations, voting centers and early voting have also created additional demands, while recounts and audits are more common than ever. Plus, newer systems have components (firmware, hardware and software) that may need more maintenance. Paying for innovative features, such as ballot marking devices, will be a considerable challenge without federal funds.

Technology to improve elections is about more than just voting machines.

There are other costs associated with equipment replacement, including: software/firmware upgrades, poll worker and elections staff training, onsite support, voter outreach and education, replacement of consumable supplies, storage and costs to reduce risk and increase accuracy/integrity. The real cost will include total funding to purchase, operate and maintain a voting system over its lifetime, which experts say is somewhere from 10 to 20 years, on average.

States are also dealing with the fact that federal standards and testing processes haven't yet caught up to technological advances.

Testing remains an issue. After four years without sitting commissioners, the U.S. Election Assistance Commission was finally able to accredit a new voting system test laboratory and began considering possible updates to Voluntary Voting System Guidelines in February 2015. The guidelines are written so that manufacturers can design and develop systems based on those guidelines, but technology has moved much faster than federal government processes. Some states have moved forward with new technology without waiting on updated federal guidelines and testing mechanisms, while others have not.

Has your state also taken steps to help replace outdated voting equipment? We want to know what NASS members are doing. Email details to: jmilhofer@sso.org.

Additional Resources: Brennan Center for Justice, America's Voting Machines at Risk, September 2015