

**BETSEY BAYLESS**  
**SECRETARY OF STATE**  
**STATE OF ARIZONA**

**Testimony of Arizona Secretary of State Betsey Bayless**  
**U.S. Senate Committee on Commerce, Science, and Transportation**  
**Tuesday, May 8, 2001**

Mr. Chairman, distinguished members of the committee, – good morning. I appreciate this opportunity to present my views regarding election reform.

While elections should be conducted by state and local officials, there are several ways that the federal government could assist the states in improving the accuracy, integrity and uniformity of voting throughout the United States. First, federal funding is necessary to enable states to upgrade voting equipment and eliminate punch cards. Second, federal standards for voting equipment should be updated, including standards for internet voting systems.

It has been six months since Election Day 2000. Hardly a day goes by without someone asking me, “Could the problems of Florida happen in Arizona?” My standard answer is the following: Arizona has excellent laws and uniform voting procedures in place; however, the voting equipment used in parts of Arizona needs to be improved to equalize voting and to reduce the rate of voter error in attempting to cast a vote.

Arizona has a solid foundation of long-established statewide uniform procedures that govern the conduct of elections. Since 1979, the Arizona Secretary of State has been required by statute to adopt a Procedures Manual to provide correctness, impartiality and uniformity in the conduct of elections and the tabulation of results. This manual has the force and effect of law. In fact, it is a criminal offense to violate the Arizona Secretary of State’s Election Procedures Manual.

**BETSEY BAYLESS**  
**SECRETARY OF STATE**  
**STATE OF ARIZONA**

In Arizona, the Secretary of State's Office is also required to conduct a mandatory training course in election laws, procedures and ethics every two years for the certification of county election officials and employees.

While our laws and procedures in Arizona work well to provide some uniformity in our state, ease of voting would be improved with a modest amount of funding to upgrade voting equipment. We have estimated that an investment of \$3.4 million dollars would provide optical scan voting systems for our counties that are currently using punch card systems.

In 1994, the Maricopa County Board of Supervisors, of which I was a member, voted to purchase optical scanning election equipment for \$6.5 million. Prior to that time, Maricopa County used punch card equipment. The large volume of ballots would heat up and burn out the tabulating machines. Election results were delayed until the next morning. We had had enough of punch cards.

In addition to speed of obtaining results, one of the benefits of optical scan tabulation is that when a voter casts a ballot at the polling place, the scanning machine will inform the voter of any accidental overvotes, which would invalidate the votes for a particular office. The voter then has the option of voting a new ballot or directing the election official to accept the ballot.

Four other counties followed Maricopa County's lead. Now, 80% of the voters in Arizona utilize marked paper ballots with optical scanning equipment. Ten of the counties, representing 20% of the voters, still rely on the punch cards. Cost is obviously the controlling factor for continuation of punch card voting in ten counties in Arizona.

**BETSEY BAYLESS**  
**SECRETARY OF STATE**  
**STATE OF ARIZONA**

I believe that equalizing voting systems across our state is the right thing to do because our punch card counties are primarily the rural areas of the state. Many of our minority voters live in these counties. The 2000 Census shows that large percentages of the residents of our punch card counties are Native Americans and Hispanics. For example:

Cochise County, 30.7% of the population is Hispanic/ Latino

Greenlee County, 43.1% of the population is Hispanic/Latino

Pinal County, 29.9% of the population is Hispanic/Latino

Santa Cruz County, 80.8% of the population is Hispanic/Latino

Yuma County, 50.5% is of the population is Hispanic/Latino

Coconino County, 28.5 % of the population is Native American.

Navajo County, 47.7% of the population is Native American.

In Navajo County only 45.9% of the population is White/Caucasian.

And finally, just a few weeks ago one of Arizona's cities experienced a serious problem with punch cards. My state election director was appointed by the superior court as a special master to oversee a re-tabulation of the results of a mayoral and city council race. She discovered that the coded punch cards for two precincts were inadvertently switched with each other, causing the votes to be counted for the wrong candidates. Neither the pollworkers, nor the voters, could determine by looking at the ballots that they were key-punch coded for a different precinct. An experienced county election official, who was conducting the election for the city, did not pick up this error during the first count of the

**BETSEY BAYLESS**  
**SECRETARY OF STATE**  
**STATE OF ARIZONA**

ballots. After the ballots were re-tabulated according to the precincts in which they had actually been voted, the outcomes of the mayoral and city council races were reversed.

This never would have happened with optical scan equipment. They are not only more user-friendly for the voters — they are more user-friendly for election officials. This incident has only added to voter distrust of punch card voting in Arizona. Federal funding will enable Arizona to eliminate punch cards.

It is also time to update the federal standards for voting equipment. I have always supported the adoption of federal standards for voting equipment. Before equipment may be purchased for use in state and federal elections in Arizona, the Secretary of State must certify the equipment. During my administration, I have required companies to first obtain certification from the Independent Testing Authority that their equipment's software and hardware meet the Federal Election Commission's Voting Standards. These standards were adopted in 1993. It is crucial that they be updated and also that they address standards for internet voting systems to ensure accuracy, integrity, auditability, security and ballot secrecy before any new system is used in binding elections for federal and state offices.

I believe all Arizonans should be voting on equipment that minimizes the possibility of accidental overvotes. I believe all Arizonans deserve to have confidence that their votes count. I believe we must eliminate punch card voting in Arizona by the 2002 General Election. With matching funds from the federal government and up-to-date federal voting equipment standards, we will accomplish these goals.

**BETSEY BAYLESS**  
**SECRETARY OF STATE**  
**STATE OF ARIZONA**

Free and fair elections are the foundation of American Democracy. Public confidence and trust in the process is the cornerstone of that foundation. Thank you for your commitment to protect that freedom and trust.