

TESTIMONY ON THE STATEWIDE UNIFORM REGISTRY OF ELECTORS
BEFORE THE
HOUSE STATE GOVERNMENT COMMITTEE

PRESENTED BY
DOUGLAS E. HILL, EXECUTIVE DIRECTOR

March 21, 2005
Harrisburg, PA

I am Douglas E. Hill, Executive Director of the County Commissioners Association of Pennsylvania. The CCAP is a non-profit, non-partisan association providing legislative, education, insurance, research, and similar services to all of the Commonwealth's 67 counties.

I am pleased to appear before you today to present our views on the Statewide Uniform Registry of Electors, SURE.

Several years ago, in the wake of the 2000 Florida election, we testified that the problem in Pennsylvania during that election was not balloting systems, but that the real horror story was our problem with registration systems. Hundreds of registration problems had to be resolved at the polling places, and far too many electors in each county were turned away because of flaws in our voter rolls. We noted that disenfranchisement is much more serious, and infinitely more important to fix, than whether a voter fills in a circle, turns a lever, or touches a screen.

Our testimony at that time centered on problems with the federal National Voter Registration Act and our corresponding Pennsylvania Voter Registration Act, specifically our inability to receive and integrate state motor voter registration and death record information on a timely basis, limitations in the purge process, and the expense of having to do mass confirmation mailings because of inability to adequately cross-reference National Change of Address information. We testified that then-Governor Ridge's proposal for an integrated voter registration system would do much to solve our motor voter registration problems, and we supported the concept and its underlying appropriation. I have attached a copy of that testimony for your reference.

Now, four years after that testimony, we are here to report that the SURE system, developed based on this effort, is seriously if not fatally flawed.

This afternoon you will hear from the practitioners in the field, each with specific examples of system problems. The unifying theme of their comments is that this system was inappropriate for our needs, was under-designed from the beginning, and has been under-supported since.

The problems with the SURE system are multiple ones:

- Its design was based on what is commonly called a “thin client” system, one in which all data resides on a central server, accessed by the clients – the county election offices – by “dumb” terminals.
- The bid specifications, bid review, contract development and system design were done in a vacuum – no county election directors or other practitioners were involved in any meaningful or direct way, beyond a survey of what hardware, software, and personnel then existed in the county election offices. The professionals had no hand in determining basic system criteria or whether any of the bidders met that criteria.
- The system was designed for the lowest common denominator – basic compliance with state and federal law calling for a uniform registry – and not for broad utility of the data.
- The system capacity is under-designed. Although the full results have not been shared with us, we believe it has failed most of its “stress tests”, a scenario-based exercise to determine system capacity. It has failed these tests on a real world basis as well, with counties regularly being called by the central office to be asked to end a task because it has bottled up system resources.
- The system software is under-designed. We can furnish technical experts who can be more precise, but in essence the system uses a software front-end that was never intended to handle these volumes of data, and as a result makes the system hugely inefficient.
- Local system hardware was under-designed. For example, in many counties their existing state of the art scanning and printing systems were replaced by basic state-supplied units. Many of these have since been replaced with units approaching what was there to begin with.

- The system is under-supported. The help desk has had great proficiency in assigning a problem number, but due to volume of questions and ongoing training is of little help in answering anything more than a nominal question without sending it further up the response chain.
- The system is unresponsive to end users. Although there is an Advisory Committee to help identify problems and develop solutions, it was initially beset by an administrative mindset that the Committee was a nuisance and misdirected. Since then it has become marginalized by having to deal with a list of defects so long that their main task is prioritizing the ten-or-twenty things they would like to accomplish in the next year.
- The system is immature. The underlying software is “off-the-shelf”; rather than find software that meets Pennsylvania needs, the solution was to buy this software and make it fit. Consequently, a significant amount of contract time and money has been spent in modifying the software to try to make it work, to increase its efficiency, to make it accurate, and to try to bring it into compliance with state and federal law.

What is the result of these design problems?

Simply put, while SURE is an improvement for some of our smallest counties, for most counties it places them technologically behind where they were when the system was put in place. Records take longer to enter, the system is unreliable during peak periods, and we cannot easily use the information stored in the database. Many of these problems were identified in a third-party review of the system commissioned by the Department of State and completed by InfoSentry. Interestingly, these are all problems we forecast in our attached testimony.

What is missing in this system is a core understanding of purpose. Any voter registration system must meet several needs simultaneously:

- First and foremost it must serve the electors, before, on, and after election day. Electors should have confidence that the information they submit, whether in-person, by mail, or as the result of some related transaction like driver registration, will be in the system, will be accurate, will be timely, and will be accessible. Their full voting record should be accurately reflected, and should be easily transferable when they move.
- It must serve the electoral process. The registration records are vital to the conduct of elections in the Commonwealth, and their accuracy and completeness makes a difference in the experience a voter has at the polling place.
- It must serve the political process. Candidates, parties, and related interests must have access to reports in formats that are readily usable.
- It must serve the county election offices. Election administration is increasingly complex, and encompasses much more than simply taking registrations and operating the polling places. All of our systems must operate at peak efficiency, and must be integrated into the larger mission.
- It must serve the taxpayers. The notion that any governmental objective is met by a low bid is inaccurate; our goal on the taxpayers' behalf is best value, so price is balanced with ease of use, efficiency, accuracy, and reliability.

SURE fails to meet any of these tests. I will not spend the Committee's time with my second-hand reporting, instead others testifying before this Committee today will give multiple examples of their first-hand experiences, both small – inability to print poll books, inability to print street lists, unresponsive help desk, and unwieldy data entry screens – and large -- snailspace data entry and resultant huge overtime costs, system crashes, security problems, lost data, an un-heeded Advisory Committee, and an unresponsive vendor.

Instead, let me place emphasis on our specific recommendations.

First, SURE cannot function in its current configuration and the core architecture must be replaced. Its core architecture and software design was never intended to manage a database of this size

and complexity, and especially not in the peak-time environment of election administration. While the SURE team is working on fixes to get around these problems, they are no more than patches to a design that must be replaced, not fixed.

Second, system design must be responsive to the voters, parties, and taxpayers by meeting the full range of election administration requirements, and the only way this can be accomplished is by the active participation of county election personnel. These end users know the needs of each of these constituencies, and their input must be central to the system, and not marginalized as it has been.

Third, the remaining eleven counties that are not yet on the SURE system should not be integrated into the system until it is fully functional and reliable. The remaining counties are Chester, Clinton, Delaware, Elk, Lackawanna, Lancaster, Montgomery, Northampton, Philadelphia, Schuylkill, and York. As unreliable as the system has been with the existing counties we have no confidence that these remaining counties can be absorbed into the system, and particularly not on the schedule that initially called for their addition between now and the General Election. While our call for a hold may technically make us non-compliant with HAVA's January 1, 2006 deadline, we believe the viability and reliability of the system is far and away more important than the deadline.

Third, if the vendor team, Accenture and its partners, cannot deliver on these needs, or the underlying contract does not require them to do so, either the vendor or the contract must be replaced. We believe that many of our problems stem from current contract standards and deliverables that are so minimal that most targets are easily met.

Finally, we remain committed to a statewide central registry. While there are serious flaws with the SURE system, we have advocated for a workable central registry for more than ten years, even undertaking a pilot project ourselves in the mid-1990s. Regardless of it being a federal mandate, we believe a central registry will help us serve all of our constituents better.

Before concluding, I need to make two specific points, one about the system vendor and one about the Department of State.

Regarding the vendor, we have been wholly dissatisfied at the corporate level by a consistently cavalier and dismissive response to our concerns. Most recently, the State of Wisconsin signed on with Accenture to do their system and, in response to reports that the system had been replaced in Minnesota and was under criticism in Florida and Pennsylvania, the Madison *Capital Times* reported “Accenture spokesman Jim McAvoy . . . maintained that media accounts indicating that Accenture's statewide voter database system in Pennsylvania was plagued with glitches were incorrect. On the contrary, that system has performed ‘exceptionally well,’ said McAvoy, who insinuated that Accenture's critics don't know what they're talking about.”

I will be charitable and indicate that Mr. McAvoy is glossing over the reality, but note as well that in other venues Accenture has placed a large share of the blame on our election directors, who it characterizes as resistant to change based on a perceived loss of control to the state. We resent this characterization. Had our election directors been involved in the process from the beginning, had we had meaningful input into the system requirements and design, had we been participants in the bidding and bid review, were the system responsive to the comments and concerns of its Advisory Committee, we believe most of the problems with SURE could have been avoided.

Contrary to Accenture's assertions, the continued support that CCAP and our election directors voice for the concept of a central registry comes with the clear understanding that this means a ceding of some control to the state, that it means retraining staff, and that it means all of the difficulties that come with system change. We can deal with that, we have dealt with it in the past, and we are willing to do so moving forward, if it is for a system that meets our constituents' needs.

Regarding the Department of State and Secretary Pedro Cortés, I want to express our Association's continued support for his efforts on the full range of election issues. In a difficult environment that includes simultaneous implementation of multiple facets of the Help America Vote Act, the Secretary has developed a solid state plan, including input and ongoing advice from several advisory committees populated with county election personnel and other interests. He has also been sensitive to counties' budget and administrative needs, and has tried to work with us on solutions to such vexing problems as the impending replacement of most of our election equipment with inadequate federal funding. He has also stepped up on our behalf in the disputes last year with the Department of Justice, defending county problems with administration of the absentee ballot system. And most recently, counties were brought in as active partners in the Governor's Election Reform Task Force, and the background research and position papers the Secretary's staff has developed in that effort are nothing short of incredible.

That said, we will continue to disagree with the Secretary on the viability of SURE in its current configuration. In a recent conversation he indicated to me that, were the current system to be scrapping, a new system would take perhaps another \$20 million and two years to put in place; our rejoinder is that it will easily take that much to turn the existing system into something usable and reliable. We are also concerned that the Secretary, in his hearings before the House Appropriations Committee and, we understand before the Senate Committee as well, used the same reference to counties' concerns about losing independence and wanting to retain control.

Let me conclude by emphasizing that our testimony today proceeds from one fundamental assumption – the most important consideration for you is what helps us best serve the electors, both before the election and on election day. SURE should be an important tool in fulfilling this mission, but it is a tool and not an end in itself. Our measure of success should be whether the solution best helps us fulfill our responsibilities to the voters, the candidates, and the

taxpayers. The system must enjoy the confidence of the county election directors and personnel, and to do so must be their servant, not their master.

Counties truly are the caretakers of our communities. We take our responsibility of administering the elections process very seriously and look forward to positive change. We know this Committee shares our commitment, and we look forward to working with you in the months ahead on the full scope of elections issues.