

Statement of Senator Bill Nelson  
Committee on Rules and Administration  
February 7, 2006

Madame Chair, Ranking Member, distinguished colleagues on the Rules Committee, and fellow witnesses, I wish to express my gratitude for this hearing on electronic voting; and, for the opportunity to address an issue critical to sustaining our democracy.

It was President Johnson who, 40 years ago, said, "The vote is the most powerful instrument ever devised by man. . ."

Indeed, it is the ability of a nation, like ours, to hold free and fair elections, which guarantees our government is based on consent of the governed; and, majority rule with minority rights.

It is the guarantee of a ballot that cools the impassioned hearts of many in the electorate, even when a majority of citizens disagree with their government over a war, court decision or action by lawmakers or the executive branch.

For any democracy to long withstand these external and internal conflicts, it is vital that the governed have unwavering faith that their votes will be counted.

Ever since the 2000 presidential recount in Florida and, more recently, the disputed congressional election in Sarasota, an increasingly high number of Americans have come to lack confidence in the way our states record, tally and verify votes.

If this Congress doesn't act to restore voter confidence, I fear our democracy – in the words of philosopher and educator Robert Maynard Hutchins – could suffer "a slow extinction from apathy, indifference and undernourishment."

Therefore, I intend to offer legislation to require a paper trail for all voting machines nationwide, and independent certification of the accuracy of all electronic machines. Manufacturers so far have been reluctant to let anyone see inside the black-box to check their software.

Rep. Rush Holt has filed a bill requiring electronic voting machines to produce a paper record in the House, where a majority of members have endorsed the proposal.

In recent months, the states of Florida, Virginia and Maryland have begun a shift to voting systems with a paper trail. The newly elected Florida Gov. Charlie Crist just included all the necessary funding in his state budget plan released last week.

Many of our states or jurisdictions have optical-scan systems that let voters fill in circles on paper ballots that are scanned into a machine. The paper ballot provides a backup. But more than 20 states still don't require touch-screen machines to produce a paper record.

In the Sarasota controversy, touch-screen machines left no paper verification for 18,000 people who voted in other races on the ballot but registered no choice in their congressional race. The

Republican House candidate won by 369 votes. But a newspaper analysis of the so-called “undervotes” found they leaned heavily Democratic.

Either many of these 18,000 voters skipped the race intentionally – or, thousands of citizens were disfranchised due to the failure of electronic voting machines or flaws in the ballot’s design.

In either of the latter cases, it makes a mockery of democracy.

Let us never have another election after which citizens are left to doubt its legitimacy. With another presidential election on the horizon, we need to fix this – and fix it now.