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Honorable Debra Bowen
California Secretary of State
1500 11th Street
Sacramento, California 95814

Dear Secretary Bowen,

Thank you for your leadership aimed at increasing voter confidence in California's election process. I believe that the "Top-to-Bottom Review" of Electronic Voting Systems that you have proposed is an endeavor that has merit and will help build the strength of our Democracy at this critical time when the 2008 Presidential Election Cycle demands it.

On behalf of the registered voters of San Mateo County and the leadership of our County, I want to thank you for allowing public comment on your "Draft Criteria for a "Top-to-Bottom Review" of Electronic Voting Systems released by your office on March 22, 2007.

I share the same practical concerns for the "Top-to-Bottom Review" that you so eloquently expressed to Congresswoman Zoe Lofgren, Chair of the House of Subcommittee on Elections, in your testimony about HR 118 – timing and funding.

Timing (and scope)
The timing and condensed schedule of the review introduces a level of risk that will be extremely difficult to manage—the public will definitely want to observe, participate and help shape the activities of the "Top-to-Bottom Review". We have all learned that in every policy decision "the process" is paramount. It must be given sufficient time for all points of view to be aired and considered in the discussions, definitions, tests and written reports that will result.

The review must have clearly identified and shared objectives, be properly defined, well planned, and measured by published and recognized

standards. I wholeheartedly encourage your office to develop the first transparent set of objective standards for this "Top-to-Bottom Review" that has ever been developed in California and perhaps the nation.

The plan to execute the Top-to-Bottom Review will be as important, if not more important, than the review itself. The best of intentions can be lost to a weak plan or truncated process. As one of the stakeholders in this endeavor, I would very much appreciate the opportunity to comment on the proposed implementation plan.

Allowing sufficient time for the process to move forward is one of the safeguards to achieving the laudatory goal of strengthening voter confidence in the elections process. This step, all by itself, will help to instill confidence and build trust.

I also want to say that a review of this magnitude should include all voting devices and not just focus on the electronic environment. Perhaps, you, too, share this perspective but time would not permit such a broadening of the scope of the "Top-to-Bottom Review"?

There is adequate information available to indicate the areas of the elections process most prone to failure, error and/or fraud – it seems to me that these issues are magnified in a paper based system.
A comprehensive review of the entire elections process, including the paper based environment, would help in evolving a world class set of elections standards and processes for the State of California which could be used as a model across the U.S.

Funding
In my reading of the draft requirements for the "Top-to-Bottom Review" of Electronic Voting Systems, it appears that not a single electronic voting device in use in California would pass the accessibility requirements as written. That could mean the conditional, if not outright, decertification of the Sequoia, Diebold and Hart voting systems at the moment in time when California registrars will be preparing, if not conducting, both the November 2007 and February 2008 Elections.

If these electronic voting devices were deactivated for one reason or another, where would the money come from to install replacement systems in time for the Election Cycle? In your letter to Congresswoman

Zoe Loefgren, you stated that the cost for making significant changes in our voting systems in California could be over $1 billion.

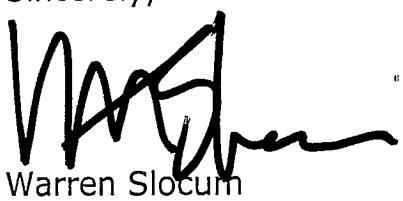
Democracy, and access for all, is priceless. But perhaps, like the introduction of curb cuts in our public roadways, more accessibility could be introduced incrementally and absorbed over time when the price and quality of OCR technology becomes more cost effective.

Conclusion

Rather than reiterate the eloquently stated response submitted by the California Association of Clerks and Election Officials to the Draft Review Criteria, let me say that I agree with their legitimate concerns and insightful recommendations. I have full confidence that you and your staff will consider these issues and concerns seriously and you will address them as you move this important review forward.

These are challenging times for your office as well as the state's 58 County Registrars but I am confident that in the end the voters of our state will be well served and I appreciate your leadership. If my staff and I can provide any assistance, please don't hesitate to contact us.

Sincerely,



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