

**ALASKA LEGISLATURE**

**2598**

**HOUSE and SENATE FINANCE COMMITTEE FILES, 2003-2004**

Action, continued from page 26:

Chambliss' victories sealed Republican control of the Senate." Hartmann also says, "Bev Harris of [www.talion.com](http://www.talion.com) and [www.blackboxvoting.com](http://www.blackboxvoting.com) has looked into the situation in depth," and that "the company tied to Hagel even threatened her with legal action when she went public about his company having built the machines that counted his landslide votes. Her response was to put the law firm's threat letter on her website and send a press release to 4000 editors, inviting them to check it out. See [www.blackboxvoting.com/election-systems-software.html](http://www.blackboxvoting.com/election-systems-software.html)." Harris has a book entitled, *Black Box Voting: Ballot-Tampering in the 21st Century*, and on her website ([www.blackboxvoting.com](http://www.blackboxvoting.com)) she asserts that Hagel's office also tried to kill the story in *The Hill* about Hagel and the voting machine company. Thom Hartmann concludes his article by reporting, "When Bev Harris and the *Hill's* Alexander Bolton pressed the Chief Counsel and Director of the Senate Ethics Committee, the man responsible for ensuring that FEC disclosures are complete, asking him why he'd not questioned Hagel's 1995, 1996 and 2001 failures to disclose the details of his ownership in the company that owned the voting machine company when he ran for the Senate, the Director reportedly met with Hagel's office on Friday, January 25, 2003 and Monday, January 27, 2003. After the second meeting, on the afternoon of January 27th, the Director of the Senate Ethics Committee resigned his job." ("If you want to win an election, just control the voting machines" by Thom Hartmann, pub. 1/31/2003 by [commondreams.org](http://commondreams.org).)

The State of Alaska is buying computerized electronic voting machines for upcoming elections. You can look up the sources cited in this article, decide for yourself, and call the Alaska Voter Registration Bureau in Juneau at 465-4611 or in Fairbanks at 451-2835 and comment on this new system.

Massive and terrible changes are taking place in America as a result of the Bush administration. The economy, our system of democratic voting, our freedom and the entire way of life we have known here in America are all crumbling. In a recent article describing the administration of George W. Bush, the columnist

Molly Ivins quoted Mussolini's definition of fascism: "Fascism should more properly be called 'corporatism'," said Mussolini, "since it is the marriage of government and corporate power." (*Arch. Daily News*, 8/9/03 p. B-5) Never in its history has the United States been so close to a fascist takeover. All of the components are here: the rigged elections, and the rage and hate-filled populist ideology used to intimidate political opponents, as the wealthiest people and corporations in the country take control of the government, behind a leader who whips up 'patriotic' sentiment against real or imagined foreign enemies. This is fascism.

We can no longer afford to be disengaged from politics. We can no longer afford the postmodern chic of 'radicals' who say sarcastically, 'Oh POLITICS...We don't do POLITICS!' If we don't do politics soon, politics are going to do us. We must engage ourselves in an educational project the like of which this country has not seen since Franklin D. Roosevelt. As people on the left, progressives, and opponents of George W. Bush, we can no longer afford to be divided. We must find a way to work together. Both George W. Bush and Adolf Hitler came to power only because their opponents were divided. We can no longer afford to stand by and do nothing while the Republicans destroy the economy, take away our overtime, bankrupt Social Security, and establish 'training wages' below minimum wage for people under twenty-one. We can no longer afford to stand by and do nothing while George W. Bush destroys America.

Make no mistake, the United States is in the middle of one of the greatest crises in its history, but we have a long democratic tradition which can save us, if we will only use it. It is a remarkable tradition of electoral democracy, of freedom of speech, and of people who speak their minds, discuss, and vote and finally get it right. You can only rig elections if they are close, and you can only take over a government if people are complacent and do nothing. We must speak up, vote, and organize within the long and legal democratic traditions of America, and as we struggle to stop George W. Bush in the coming presidential and congressional elections we will truly be struggling, as Abraham Lincoln said, to

ensure "that government of the people, by the people, for the people, shall not perish from the earth."

What can you do? Stay informed! Look at alternative internet sites like [commondreams.org](http://commondreams.org). Call the Voter Registration Offices in Juneau (465-4611) and Fairbanks (451-2835) and your elected representatives and tell them what you think of the new voting machines. Get active in politics.

One last thing: two significant, recent articles appealed for unity among the opposition to Bush, one by Jesse Jackson ("What the Left Can Learn From Bush," *Chicago Sun Times*, 6/10/2003, available on line at [commondreams.org](http://commondreams.org)), and the other by Thom Hartmann ("How to Take Back America," 3/24/2003, available on line at [commondreams.org](http://commondreams.org)). Both praise the role of third parties, for their "passion and purpose" and their "idealism" (Jackson) and their role as "incubators of ideas and nexus points for activism" (Hartmann). However, both emphasize the inexorable fact that "in the American electoral system a third-party candidate will always harm the major-party candidate with whom s/he is most closely aligned" (Hartmann). "The reason," says Hartmann, is that "in America—unlike most other modern democracies—we have regional 'winner take all' types of elections, rather than proportional representation.... It's a critical flaw built into our system, so well identified in Robert A. Dahl's brilliant book, *How Democratic is the American Constitution?*" Hartmann argues that "when the delegates assembled in Philadelphia in 1787, republican democracy had never before been tried anywhere in what was known as 'the civilized world.'" The delegates were flying blind, making it up as they went along, and they did not realize

Continued on the next page





<http://www.sunspot.net/news/local/bal-te.md.machine30jan30.0.4050694.story?coll=bal-local-headlines>

## Md. computer testers cast a vote: Election boxes easy to mess with

### In Annapolis, tales of trickery, vote rigging

By Stephanie Desmon  
Sun Staff

January 30, 2004

For a week, the computer whizzes laid abuse - both high- and low-tech - on the six new briefcase-sized electronic voting machines sent over by the state.

One guy picked the locks protecting the internal printers and memory cards. Another figured out how to vote more than once - and get away with it. Still another launched a dial-up attack, using his modem to slither through an electronic hole in the State Board of Elections software. Once inside, he could easily change vote totals that come in on Election Day.

"My guess is we've only scratched the surface," said Michael A. Wertheimer, who spent 21 years as a cryptologic mathematician at the National Security Agency.

He is now a director at RABA Technologies in Columbia, the firm that the state hired for about \$75,000 to look at Maryland's new touch-screen voting machines scheduled to be unveiled in nearly every precinct in Maryland for the March 2 primary.

The state has no choice but to use its \$55 million worth of AccuVote-TS machines made by Diebold Election Systems for the primary. The old optical scanners are gone.

Yesterday, Wertheimer calmly presented his eight-member team's findings to committees in the House and Senate, explaining the weaknesses they discovered and a plan for how to plug many of the cracks, at least in the short run.

#### Giddy geek speak

Yet on a recent morning at his offices, Wertheimer's computer programmers were practically giddy as they invented new ways to muck up an election. Some were simple - like the lock-picking or just yanking the cords out of a machine's monitor, disabling it for the rest of the day.

Other fiddling inspired round after round of excited geek speak, true gibberish to the untrained ear, to explain a host of attacks that could be launched up close or by modem.

One thing was clear: There are many ways to fool with Diebold's machines, some of which could lead to an Election Day disaster. At the same time, some scenarios were far-fetched and too difficult to pull off

undetected, team members acknowledged.

But the fact that they could happen makes it impossible to have full confidence in the system, they said.

In the short term, they said, enough fixes can be done to ensure a secure election in March. But much more will need to be done to see that future elections on the machines can also be relied upon.

Diebold officials say many of the problems that were found have been fixed.

"They threw out theoretical things that could happen," spokesman David Bear said of the testing team. "But the polling places are much different."

The team was asked to answer two major questions, Wertheimer said: Do the machines count votes accurately? And do they need paper receipts?

If left alone, Wertheimer said, the machines will count quite accurately - more so than any past voting method.

But he has made a good living off the fact that there are plenty of people out there looking to wreak havoc when they can.

Web sites abound with all kinds of speculation about how easily the voting machines can be hacked into and outcomes manipulated.

Prominent computer scientists have studied the Diebold code - some of which was found unprotected on the Internet - and found hole after hole in its security.

Theories have run rampant as to how to best clean up what critics call a mess.

### **Paper receipts**

Wertheimer said he thinks there will be a need for some type of paper receipt, what some call a voter-verified paper trail - basically a printout of each vote as it is cast for the voter to check before leaving the polling place. Without a paper ballot, many say, a proper recount is impossible.

Wertheimer said it would take nearly a complete rewrite of the computer code to fix the machines' flaws.

"For a guy who just wants the vote to be accurate, I'd rather dumb down the software and add receipts," he said.

Diebold "basically had no interest in putting actual security in this system," said Paul Franceus, one of the consultants. "It's not like they did it wrong. It's like they didn't bother."

Mark McLarnon had something up his sleeve as he approached one of the voting machines. A close look revealed the cord of a portable keyboard. He had learned that he could quickly pick a lock on the side of the machine, plug in his keyboard and wreak havoc on the results stored inside - all while likely going undetected by poll judges.

Using a low-tech solution, such as tape that reveals tampering, could keep people like McLarnon at bay, at least as a temporary fix, the consultants said.

Low-tech hacking is also a possibility, though.

Someone bent on causing trouble could call a polling place and tell workers that the state's modem is down and results should be called in on a new phone number. Then the troublemaker could simply change the results before sending them onto the state.

While results can now be encrypted - after criticism that they weren't being - something called authentication is missing. Authentication tells the main computer that the person sending in results is the one who is actually permitted to do so.

### Sneaking in, via modem

Meanwhile, William A. Arbaugh, an assistant computer science professor at the University of Maryland, College Park and part of the team, easily sneaked his way into the state's computers by way of his modem. Once in, he had access to change votes from actual precincts - because he knew how to exploit holes in the Microsoft software.

Those holes should have been patched through regular updates sent to customers, patches that haven't been installed on the elections equipment since November.

"There's no security that's going to be 100 percent effective. But the level of effort [needed to get into the system] was pretty low," Arbaugh said. "A high school kid could do this. Right now, the bar is maybe 8th grade. You want to raise the bar to a well-funded adversary."

"Every system is vulnerable somehow," said Karl Aro, director of the state's Department of Legislative Services, who commissioned the study for the legislature. "The system's not bad but it needs some work."

No system is completely secure. In fact, the more elections the state holds, the more opportunities there will be for hackers to see how it works and launch new attacks, experts said.

"If you had the time and the money, the sky's the limit on what you could do to make a secure system," McLarnon said.

"You just need to raise the level of effort needed to exploit it so it's not feasible to do," said fellow consultant John Ormonde.

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**VerifiedVoting.org**

Friday, January 30, 2004



## Understanding The Problem

"Imagine, it's Election Day 2004. You enter your polling place and go to cast your vote on a brand new 'touch screen' voting machine. The screen says your vote has been counted. As you exit the voting booth, however, you begin to wonder. How do I know if the machine actually recorded my vote? The fact is, you don't."

- [Representative Rush Holt \(NJ\)](#).

The problem is simple: A touch screen voting machine records your vote in the memory of the machine, where you can't see it. How do you know your vote for candidate A wasn't recorded as a vote for candidate B? You don't!

Many states and communities are planning to buy massive numbers of so-called "Direct Recording Electronic" (DRE) machines (paperless touch screen are DREs, but there are other kinds of DREs that use dials or switches instead of touch screens). Some are already using them.

Unfortunately, these machines are dangerous for democracy. With the computer technology they are using, there is always a risk that a program flaw or, worse, tampering with the software could change votes and even change the outcome of elections. And these changes might not be detected! Since ballots are secret, once the voter leaves the booth there is no one who can detect or correct any errors that the machine made in recording the votes. If the election results are obviously absurd, as happens occasionally with other kinds of vote-counting equipment, the only options will be to accept an obviously wrong election result or hold a new election.

The solution is simple: require there to be a "voter verifiable audit trail" with all voting equipment. A voter verifiable audit trail is a permanent record of each vote that the voter can check to ensure that it represents their intent. These votes are deposited in a secure ballot box. If there is a manual recount, we can be sure that the votes being counted are what the voters wanted to cast.

Without this requirement, we can never again have confidence that our elections reflect the will of the voters, as opposed to a random error or the will of someone who tampered with the voting machines.

### HAVA: The Reason Behind The Rush To Install New Voting Equipment

HAVA, the Help America Vote Act, was passed by congress in October of 2002. The purpose of the Act is:

*To establish a program to provide funds to States to replace punch card voting systems, to establish the Election Assistance Commission to assist in the administration of Federal elections and to otherwise provide assistance with the administration of certain Federal election laws and programs, to establish minimum election administration standards for States and units of local government with responsibility for the administration of Federal elections, and for other purposes. <<NOTE: Oct. 29, 2002 - [H.R. 3295]>>*

It is this Act, with specific dates, that require the States to update old voting equipment so that a similar situation (as what occurred in Florida) will not occur again.

In the rush to pass this new Act some key elements were left out, such as a "voter verifiable paper receipt". The newest Act, introduced by Representative Rush Holt, hopes to update the original

### ADDITIONAL RESOURCE

Here are links to statements and such on the problem.

#### ▶ [Johns Hopkins Study](#)

[A major electronic machine maker has its "leaked" source code evaluated by computer scientists: BAD NEWS for DREs](#)

#### ▶ [FAQ](#)

[If you only read one thing on this topic, you should probably read this page to address the most common questions that are asked regularly.](#)

#### ▶ [PPT Presentation](#)

[Here is an abbreviated presentation I gave at the Powerpol 2003 conference. It gives a good overview of the problem as of 6/2003.](#)

#### ▶ [Recorded Interview](#)

[A story produced by Speech Radio News which includes an interview with Rebecca Mercuri and David Dill.](#)

#### ▶ [A statement by Rebecca Mercuri](#)

#### ▶ [An essay by K Alexander of the California Voter Foundation.](#)

#### ▶ [Letter from the USACM to the Science Committee](#)

HAVA Act with specific solutions to the question of voter verified paper receipts and other obvious discrepancies.

[More on HAVA](#)

[More on HAVA Deadlines](#)

[How I Can Help?](#)

▶ [Peter Neumar catalog of receipt voting machine problems.](#)

▶ [An interview with Peter Neumar and Rebecca M...](#)

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## Executive Summary

At the request of the State of Maryland, RABA Technology's Innovative Solution Cell (RiSC) performed a review of the DIEBOLD touch-screen electronic voting system. A team of security experts reviewed the SAIC report commissioned by Maryland and went on to hold a "Red Team" exercise to discover vulnerabilities in the actual voting system as it will be deployed for the March 2004 primary.

The key findings of this effort are two-fold. The State of Maryland election system (comprising technical, operational, and procedural components), as configured at the time of this report, contains considerable security risks that can cause moderate to severe disruption in an election. However, each of these vulnerabilities has a mitigating recommendation that can be implemented in time for the March 2004 primary. *With all these near-term recommendations in place, we feel, for this primary, that the system will accurately render the election and is worthy of voter trust. However, between the March and November elections we strongly feel that additional actions must be taken to mitigate increasing risks incumbent on a system that will receive broad scrutiny. Ultimately we feel there will be a need for paper receipts, at least in a limited fashion.*

## Introduction

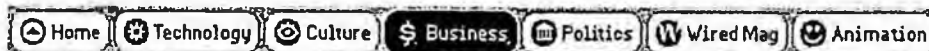
On November 10, 2003 the Department of Legislative Services, Maryland General Assembly of the State of Maryland (DLS) entered into an agreement with RABA Technologies, LLC to perform a "trusted agent" evaluation of certain aspects of the State Board of Elections plan to use touch-pad "Direct Recording Electronic" (DRE) devices for upcoming elections. The trusted agent role implies that RABA will provide *independent* assessments and will *not seek to profit* from its recommendations. RABA Technologies wishes to thank the State of Maryland for the opportunity to participate in this important project.

The specific requirements of the agreement were:

1. Examine and critique the study conducted by Aviel D. Rubin, known as the Hopkins study.
2. Examine and critique the methodology and practices used by SAIC in its review of the Diebold equipment and the Rubin report.
3. Examine and critique the conclusions reached by SAIC regarding the integrity of the Diebold voting machines and the overall security of Maryland's election procedures.
4. Examine and critique the IT Security Certification and Accreditation Guidelines as issued by the Maryland Department of Budget and Management.
5. Assist DLS in comparing existing SBE practices and procedures to those of the counterparts in other states.

To carry out the work, DLS provided RABA with copies of:

1. *Risk Assessment Report, Diebold AccuVote-TS System and Processes* (unredacted) dated September 2, 2003. This is SAIC-6099-2003-261.



Text Size: A A A A

## Voting Machine Leaves Paper Trail By Joanna Glasner

Story location: <http://www.wired.com/news/business/0,1367,58738,00.html>

02:00 AM May. 09, 2003 PT

Voting machines that print individual ballots -- an election accessory many computer scientists have clamored for -- are moving a step closer to widespread availability.

In response to concerns raised by election officials and security-minded techies, one of the largest makers of touch-screen voting machines has introduced a prototype capable of producing paper ballots.

Developed by Election Systems & Software of Omaha, Nebraska, the machine is currently in beta testing, with plans to make it commercially available by July.

"The idea is to provide a voter-verifiable ballot," said Lou Dedier, the ES&S vice president and general manager who built the original test model in his garage. Dedier said his mock-up was based on suggestions from elections administrators.

The planned rollout comes as a coalition of computer scientists, led by David Dill, a Stanford computer science professor, is lobbying election officials and voting machine manufacturers to fix security flaws in the current crop of touch-screen voting machines. The coalition believes the flaws are serious.

In particular, computing experts worry that hundreds of thousands of direct-recording electronic, or DRE, voting machines used in elections nationwide do not provide an auditable paper trail that records individual votes. In order to ensure that votes are not lost because of a computer malfunction or tampering, critics say DRE machines should be able to print and store individual ballots immediately after a vote is cast.

"I'm happy that some are trying to produce interesting solutions to the voter-verifiable audit-trail problem," said Dill. Although he does not endorse any particular voting machine vendor, he considers the ES&S prototype a

breakthrough for a major manufacturer.

As pressure mounts for paper receipts, ES&S is not the only one who may add on a ballot-printing feature.

Joe Richardson, a spokesman for Diebold Election Systems, one of ES&S's chief competitors, said the company would be willing to provide such a feature to U.S. customers if the demand is there. Richardson said the company included ballot-printing capability in more than 300,000 voting machines it sold to Brazil.

Avante International Technology, a developer of smart-card technology, recently introduced a machine called Vote-Trakker, which creates a paper ballot that voters can view and verify before exiting the polls.

Sequoia Voting Systems, another large maker of DRE machines, recently agreed to provide machines for Santa Clara County, California. Officials there plan to petition the secretary of state to approve a pilot project with paper records that voters can inspect starting in this November's election.

For ES&S, providing a ballot-printer capability isn't solely an altruistic move. Dedier said municipalities can expect to pay between \$400 and \$500 to add the ballot-printing feature to an existing machine.

The ballot-printing prototype by ES&S is quite similar to its standard DRE machine. In both cases, voters make their choices by touching the name of their preferred candidate or ballot proposition position on a computer screen.

The primary difference with the prototype model is that after votes are entered, a copy of a printed ballot appears behind a clear plastic screen. A voter can look at the printed ballot and press a button to submit it or to make changes. Submitted ballots get dropped in a box at the bottom of the machine for later counting.

Dedier said much of his original design was based on suggestions from Warren Slocum, chief elections officer for San Mateo County, California. Slocum, in turn, said his recommendations were influenced by security concerns raised by computer scientists.

"Part of my goal is to try to influence this public policy," said Slocum, who favors using printed ballots, rather than electronic records of votes, as the official ballot in case of a recount. Slocum said San Mateo, which primarily used optical-scan ballot machines, also made by ES&S, doesn't plan to use the printer-enabled machines this year, but may next year.

He believes touch-screen machines offer some advantages, such as the ability to provide voting in multiple languages without having to pre-print ballots for non-English speakers.

But the main purpose of adding ballot-printing capability, he said, is to ensure voters that in the event of a computer malfunction, their votes will still be accurately recorded on paper.

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108TH CONGRESS  
1ST SESSION

# H. R. 2239

To amend the Help America Vote Act of 2002 to require a voter-verified permanent record or hardcopy under title III of such Act, and for other purposes.

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IN THE HOUSE OF REPRESENTATIVES

MAY 22, 2003

Mr. HOLT introduced the following bill; which was referred to the Committee on House Administration

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## A BILL

To amend the Help America Vote Act of 2002 to require a voter-verified permanent record or hardcopy under title III of such Act, and for other purposes.

1 *Be it enacted by the Senate and House of Representa-*  
2 *tives of the United States of America in Congress assembled,*

3 SECTION 1. SHORT TITLE.

4 This Act may be cited as the "Voter Confidence and  
5 Increased Accessibility Act of 2003".

6 SEC. 2. EXTENSION OF TIME PROVIDED FOR STATES TO RE-  
7 QUEST PAYMENTS UNDER TITLE I.

8 (a) PAYMENTS FOR ACTIVITIES TO IMPROVE ADMIN-  
9 ISTRATION OF ELECTIONS.—Section 101(a) of the Help

1 America Vote Act of 2002 (42 U.S.C. 15301(a)) is amend-  
2 ed by striking "not later than 6 months after the date  
3 of the enactment of this Act" and inserting "not later than  
4 the Tuesday next after the first Monday in November  
5 2003".

6 (b) PAYMENTS FOR REPLACEMENT OF PUNCH CARD  
7 OR LEVER VOTING MACHINES.—Section 102(b)(1) of  
8 such Act (42 U.S.C. 15301(b)(1)) is amended by striking  
9 "not later than the date that is 6 months after the date  
10 of the enactment of this Act" and inserting "not later than  
11 the Tuesday next after the first Monday in November  
12 2003".

13 (c) EXTENSION OF PERIOD OF AUTHORIZATION OF  
14 APPROPRIATIONS.—

15 (1) IN GENERAL.—Section 104(a) of such Act  
16 (42 U.S.C. 15304(a)) is amended by striking  
17 "\$650,000,000" and inserting "an aggregate  
18 amount of \$650,000,000 for fiscal years 2003 and  
19 2004".

20 (2) DATE FOR TRANSFER TO ELECTION ASSIST-  
21 ANCE COMMISSION OF UNOBLIGATED FUNDS.—Sec-  
22 tion 104(c)(2)(B) of such Act (42 U.S.C.  
23 15304(c)(2)(B)) is amended by striking "September  
24 1, 2003" and inserting "January 1, 2004".

1 (d) REQUIREMENT TO DEPLOY INTERIM MEASURE  
2 IF WAIVER REQUESTED.—Section 102(a)(3)(B) of such  
3 Act (42 U.S.C. 15301(a)(3)(B)) is amended by striking  
4 the period at the end and inserting the following: “, except  
5 that any State requesting any such waiver shall accept and  
6 implement a paper system for use on an interim basis as  
7 provided in section 5(b) of the Voter Confidence and In-  
8 creased Accessibility Act of 2003 in time for use in the  
9 November 2004 general election.”.

10 SEC. 3. REPEAL OF EXEMPTION OF ELECTION ASSISTANCE  
11 COMMISSION FROM CERTAIN GOVERNMENT  
12 CONTRACTING REQUIREMENTS.

13 (a) IN GENERAL.—Section 205 of the Help America  
14 Vote Act of 2002 (42 U.S.C. 15325) is amended by strik-  
15 ing subsection (e).

16 (b) EFFECTIVE DATE.—The amendment made by  
17 subsection (a) shall apply with respect to contracts entered  
18 into by the Election Assistance Commission on or after  
19 the date of the enactment of this Act.

20 SEC. 4. PROMOTING ACCURACY, INTEGRITY, AND SECU-  
21 RITY THROUGH VOTER-VERIFIED PERMA-  
22 NENT RECORD OR HARD COPY.

23 (a) IN GENERAL.—Section 301(a)(2) of the Help  
24 America Vote Act of 2002 (42 U.S.C. 15481(a)(2)) is  
25 amended to read as follows:

1           “(2) VOTER-VERIFICATION AND AUDIT CAPAC-  
2           ITY.—

3           “(A) VOTER-VERIFICATION IN GENERAL.—

4           The voting system shall produce a voter-verified  
5           paper record suitable for a manual audit equiv-  
6           alent or superior to that of a paper ballot box  
7           system, as further specified in subparagraph  
8           (B).

9           “(B) MANUAL AUDIT CAPACITY.—

10           “(i) The voting system shall produce a  
11           permanent paper record, each individual  
12           paper record of which shall be made avail-  
13           able for inspection and verification by the  
14           voter at the time the vote is cast, and pre-  
15           served within the polling place in the man-  
16           ner in which all other paper ballots are  
17           preserved within the polling place on Elec-  
18           tion Day for later use in any manual audit.

19           “(ii) The voting system shall provide  
20           the voter with an opportunity to correct  
21           any error made by the system before the  
22           permanent record is preserved for use in  
23           any manual audit.

24           “(iii) The voter verified paper record  
25           produced under subparagraph (A) and this

1           subparagraph shall be available as an offi-  
2           cial record and shall be the official record  
3           used for any recount conducted with re-  
4           spect to any election in which the system  
5           is used.

6           “(C) SOFTWARE AND MODEMS.—

7           “(i) No voting system shall at any  
8           time contain or use undisclosed software.  
9           Any voting system containing or using  
10          software shall disclose the source code of  
11          that software to the Commission, and the  
12          Commission shall make that source code  
13          available for inspection upon request to  
14          any citizen.

15          “(ii) No voting system shall contain  
16          any wireless communication device at all.

17          “(iii) All software and hardware used  
18          in any electronic voting system shall be  
19          certified by laboratories accredited by the  
20          Commission as meeting the requirements  
21          of clauses (i) and (ii).”.

22          (b) VOTER VERIFICATION OF RESULTS FOR INDIVID-  
23          UALS WITH DISABILITIES.—Section 301(a)(3) of such  
24          Act (42 U.S.C. 15481(a)(3) is amended—

1 (1) in the heading, by inserting "AND VOTER-  
2 VERIFICATION OF RESULTS" after "ACCESSIBILITY";

3 (2) in subparagraph (B), by striking "; and"  
4 and inserting the following: ", and such voting sys-  
5 tem shall provide a mechanism for voter-verification  
6 of results which separates the function of vote gen-  
7 eration from the function of vote casting in a man-  
8 ner analogous to that described in section 4 with re-  
9 spect to the separation of paper ballot generation  
10 and paper ballot verification and preservation, but  
11 does not require the use of paper.";

12 (3) by amending subparagraph (C) to read as  
13 follows:

14 "(C) The equipment deployed in accord-  
15 ance with subparagraph (B) shall meet the vot-  
16 ing system standards for disability access and  
17 voter-verification of results as outlined in this  
18 paragraph in accordance with the deadline set  
19 forth in section 5(a), provided that if it does  
20 not and an interim paper system is deployed in  
21 accordance with section 5(b), disabled voters  
22 shall have the option of using the interim paper  
23 system with the assistance of an aide of the vot-  
24 er's personal selection or using the voting sys-  
25 tem otherwise put in place for use by disabled

1 voters at the time in question in accordance  
2 with the Help America Vote Act of 2002, as in  
3 effect prior to the enactment of this Act, except  
4 that the deadline set forth in section  
5 301(a)(3)(C) of such Act (42 U.S.C.  
6 15481(a)(3)(C)) is moved forward from Janu-  
7 ary 1, 2007, to January 1, 2006.”; and

8 (4) by adding at the end the following new sub-  
9 paragraph:

10 “(D) Election officials shall be instructed  
11 in the rights of the disabled to vote with the as-  
12 sistance of an aide of their selection under the  
13 Voting Rights Act of 1965.”.

14 (c) SPECIFIC, DELINEATED REQUIREMENT OF  
15 STUDY, TESTING, AND DEVELOPMENT OF BEST PRAC-  
16 TICES.—In addition to any other requirements under the  
17 Help America Vote Act of 2002, the Election Assistance  
18 Commission shall study, test, and develop best practices  
19 to enhance accessibility and voter-verification mechanisms  
20 for disabled voters.

21 SEC. 5. CHANGE IN DEADLINE FOR COMPLIANCE WITH  
22 STANDARDS.

23 (a) IN GENERAL.—Section 301(d) of the Help Amer-  
24 ica Vote Act of 2002 (42 U.S.C. 15481(d)) is amended  
25 by striking “on and after January 1, 2006” and inserting

1 "in time for elections for Federal office beginning with the  
2 regularly scheduled general election to be held in Novem-  
3 ber 2004".

4 (b) INTERIM PAPER SYSTEM.—Each State and juris-  
5 diction that certifies in the manner described in section  
6 102(a)(3)(B) that it shall be unable to comply with the  
7 requirements of section 301 in time for the regularly  
8 scheduled general election for Federal office to be held in  
9 November 2004 shall receive a paper voting system, based  
10 on paper systems in use in the jurisdiction, if any, at the  
11 expense of the Commission that shall be deemed compliant  
12 with section 301 by the Commission for use in the Novem-  
13 ber 2004 general elections.

14 **SEC. 6. REQUIREMENT FOR FEDERAL CERTIFICATION OF**  
15 **TECHNOLOGICAL SECURITY OF VOTER REG-**  
16 **ISTRATION LISTS.**

17 Section 303(a)(3) of the Help America Vote Act of  
18 2002 (42 U.S.C. 15483(a)(3)) is amended by striking the  
19 period at the end and inserting the following: ", as cer-  
20 tified by the Commission."

21 **SEC. 7. REQUIREMENT FOR MANDATORY RECOUNTS.**

22 The Election Assistance Commission shall conduct  
23 manual mandatory surprise recounts of the voter-verified  
24 records of each election for Federal office (and, at the op-  
25 tion of the State or jurisdiction involved, of elections for

1 State and local office) in .5 percent of the jurisdictions  
2 in each State and .5 percent of the overseas jurisdictions  
3 in which voter-verified records are preserved in accordance  
4 with this section immediately following each general elec-  
5 tion for Federal office, and shall promptly publish the re-  
6 sults of those recounts. The treatment of the results of  
7 the recount shall be governed by applicable Federal, State,  
8 or local law, except that any individual who is a citizen  
9 of the jurisdiction involved may file an appeal with the  
10 Commission if the individual believes that such law does  
11 not provide a fair remedy.

12 **SEC. 8. EFFECTIVE DATE.**

13       Except as provided in section 3(b), the amendments  
14 made by this Act shall take effect as if included in the  
15 enactment of the Help America Vote Act of 2002.

○

S 1980 IS

108th CONGRESS

1st Session

S. 1980

To amend the Help America Vote Act of 2002 to require a voter-verified permanent record or hardcopy under title III of such Act, and for other purposes.

**IN THE SENATE OF THE UNITED STATES****December 9, 2003**

Mr. GRAHAM of Florida introduced the following bill; which was read twice and referred to the Committee on Rules and Administration

---

**A BILL**

To amend the Help America Vote Act of 2002 to require a voter-verified permanent record or hardcopy under title III of such Act, and for other purposes.

*Be it enacted by the Senate and House of Representatives of the United States of America in Congress assembled,*

This Act may be cited as the `Voter Confidence and Increased Accessibility Act of 2003'.

**SEC. 2. EXTENSION OF TIME PROVIDED FOR STATES TO REQUEST PAYMENTS UNDER TITLE I.**

(a) PAYMENTS FOR ACTIVITIES TO IMPROVE ADMINISTRATION OF ELECTIONS- Section 101(a) of the Help America Vote Act of 2002 (42 U.S.C. 15301(a)) is amended by striking `not later than 6 months after the date of the enactment of this Act' and inserting `not later than the Tuesday next after the first Monday in November 2003'.

(b) PAYMENTS FOR REPLACEMENT OF PUNCH CARD OR LEVER VOTING MACHINES- Section 102(b)(1) of such Act (42 U.S.C. 15301(b)(1)) is amended by striking `not later than the date that is 6 months after the date of the enactment of this Act' and inserting `not later than the Tuesday next after the first Monday in November 2003'.

(c) EXTENSION OF PERIOD OF AUTHORIZATION OF APPROPRIATIONS-

(1) IN GENERAL- Section 104(a) of such Act (42 U.S.C. 15304(a)) is amended by striking `\$650,000,000' and inserting `an aggregate amount of \$650,000,000 for fiscal years 2003 and 2004'.

(2) DATE FOR TRANSFER TO ELECTION ASSISTANCE COMMISSION OF UNOBLIGATED FUNDS- Section 104(c)(2)(B) of such Act (42 U.S.C. 15304(c)(2)(B)) is amended by striking 'September 1, 2003' and inserting 'January 1, 2004'.

(d) REQUIREMENT TO DEPLOY INTERIM MEASURE IF WAIVER REQUESTED- Section 102(a)(3)(B) of such Act (42 U.S.C. 15301(a)(3)(B)) is amended by striking the period at the end and inserting the following: ', except that any State requesting any such waiver shall accept and implement a paper system for use on an interim basis as provided in section 5(b) of the Voter Confidence and Increased Accessibility Act of 2003 in time for use in the November 2004 general election.'

### SEC. 3. REPEAL OF EXEMPTION OF ELECTION ASSISTANCE COMMISSION FROM CERTAIN GOVERNMENT CONTRACTING REQUIREMENTS.

(a) IN GENERAL- Section 205 of the Help America Vote Act of 2002 (42 U.S.C. 15325) is amended by striking subsection (e).

(b) EFFECTIVE DATE- The amendment made by subsection (a) shall apply with respect to contracts entered into by the Election Assistance Commission on or after the date of the enactment of this Act.

### SEC. 4. PROMOTING ACCURACY, INTEGRITY, AND SECURITY THROUGH VOTER-VERIFIED PERMANENT RECORD OR HARD COPY.

(a) IN GENERAL- Section 301(a)(2) of the Help America Vote Act of 2002 (42 U.S.C. 15481(a)(2)) is amended to read as follows:

#### “(2) VOTER-VERIFICATION AND AUDIT CAPACITY-

“(A) VOTER-VERIFICATION IN GENERAL- The voting system shall produce a voter-verified paper record suitable for a manual audit equivalent or superior to that of a paper ballot box system, as further specified in subparagraph (B).

#### “(B) MANUAL AUDIT CAPACITY-

“(i) The voting system shall produce a permanent paper record, each individual paper record of which shall be made available for inspection and verification by the voter at the time the vote is cast, and preserved within the polling place in the manner in which all other paper ballots are preserved within the polling place on Election Day for later use in any manual audit.

“(ii) The voting system shall provide the voter with an opportunity to correct any error made by the system before the permanent record is preserved for use in any manual audit.

“(iii) The voter verified paper record produced under subparagraph (A) and this subparagraph shall be available as an official record and shall be the official record used for any recount conducted with respect to any election in which the system is used.

^(C) SOFTWARE AND MODEMS-

- ^(i) No voting system shall at any time contain or use undisclosed software. Any voting system containing or using software shall disclose the source code of that software to the Commission, and the Commission shall make that source code available for inspection upon request to any citizen.
- ^(ii) No voting system shall contain any wireless communication device at all.
- ^(iii) All software and hardware used in any electronic voting system shall be certified by laboratories accredited by the

Commission as meeting the requirements of clauses (i) and (ii).'

(b) VOTER VERIFICATION OF RESULTS FOR INDIVIDUALS WITH DISABILITIES-  
Section 301(a)(3) of such Act (42 U.S.C. 15481(a)(3) is amended--

(1) in the heading, by inserting 'AND VOTER-VERIFICATION OF RESULTS' after 'ACCESSIBILITY';

(2) in subparagraph (B), by striking `; and' and inserting the following: `, and such voting system shall provide a mechanism for voter-verification of results which separates the function of vote generation from the function of vote casting in a manner analogous to that described in section 4 with respect to the separation of paper ballot generation and paper ballot verification and preservation, but does not require the use of paper.';

(3) by amending subparagraph (C) to read as follows:

^(C) The equipment deployed in accordance with subparagraph (B) shall meet the voting system standards for disability access and voter-verification of results as outlined in this paragraph in accordance with the deadline set forth in section 5(a), provided that if it does not and an interim paper system is deployed in accordance with section 5(b), disabled voters shall have the option of using the interim paper system with the assistance of an aide of the voter's personal selection or using the voting system otherwise put in place for use by disabled voters at the time in question in accordance with the Help America Vote Act of 2002, as in effect prior to the enactment of this Act, except that the deadline set forth in section 301(a)(3)(C) of such Act (42 U.S.C. 15481(a)(3)(C)) is moved forward from January 1, 2007, to January 1, 2006.'; and

(4) by adding at the end the following new subparagraph:

^(D) Election officials shall be instructed in the rights of the disabled to vote with the assistance of an aide of their selection under the Voting Rights Act of 1965.'

(c) SPECIFIC, DELINEATED REQUIREMENT OF STUDY, TESTING, AND DEVELOPMENT OF BEST PRACTICES- In addition to any other requirements under the Help America Vote Act of 2002, the Election Assistance Commission shall study, test, and develop best practices to enhance accessibility and voter-verification mechanisms for disabled voters.

**SEC. 5. CHANGE IN DEADLINE FOR COMPLIANCE WITH STANDARDS.**

(a) **IN GENERAL-** Section 301(d) of the Help America Vote Act of 2002 (42 U.S.C. 15481(d)) is amended by striking 'on and after January 1, 2006' and inserting 'in time for elections for Federal office beginning with the regularly scheduled general election to be held in November 2004'.

(b) **INTERIM PAPER SYSTEM-** Each State and jurisdiction that certifies in the manner described in section 102(a)(3)(B) that it shall be unable to comply with the requirements of section 301 in time for the regularly scheduled general election for Federal office to be held in November 2004 shall receive a paper voting system, based on paper systems in use in the jurisdiction, if any, at the expense of the Commission that shall be deemed compliant with section 301 by the Commission for use in the November 2004 general elections.

**SEC. 6. REQUIREMENT FOR FEDERAL CERTIFICATION OF TECHNOLOGICAL SECURITY OF VOTER REGISTRATION LISTS.**

Section 303(a)(3) of the Help America Vote Act of 2002 (42 U.S.C. 15483(a)(3)) is amended by striking the period at the end and inserting the following: ', as certified by the Commission.'

**SEC. 7. REQUIREMENT FOR MANDATORY RECOUNTS.**

The Election Assistance Commission shall conduct manual mandatory surprise recounts of the voter-verified records of each election for Federal office (and, at the option of the State or jurisdiction involved, of elections for State and local office) in .5 percent of the jurisdictions in each State and .5 percent of the overseas jurisdictions in which voter-verified records are preserved in accordance with this section immediately following each general election for Federal office, and shall promptly publish the results of those recounts. The treatment of the results of the recount shall be governed by applicable Federal, State, or local law, except that any individual who is a citizen of the jurisdiction involved may file an appeal with the Commission if the individual believes that such law does not provide a fair remedy.

**SEC. 8. EFFECTIVE DATE.**

Except as provided in section 3(b), the amendments made by this Act shall take effect as if included in the enactment of the Help America Vote Act of 2002.

*END*



# NEWS RELEASE

CALIFORNIA SECRETARY OF STATE KEVIN SHELLEY

KS03:106

FOR IMMEDIATE RELEASE  
Friday, November 21, 2003

Contact: Terri M. Carbaugh  
Doug Stone  
916-653-6575

## **Secretary of State Kevin Shelley Announces Directives To Ensure Voter Confidence in Electronic Systems**

*Beginning July 1, 2005, All Touch Screen Systems Purchased Must Have a Paper Audit Trail*

SAN FRANCISCO --- Secretary of State Kevin Shelley today announced that beginning July 1, 2005, no county or city may purchase a touch screen voting system that does not include an accessible voter verified paper audit trail (VVPAT). As of July 2006, all touch screen voting systems used in California, regardless of when they were purchased, must have a VVPAT that can be used by all voters, including the visually impaired, to verify that their preferences are accurately recorded.

In making the announcement, Secretary of State Shelley said that a transition period is necessary in order to assure the fair and efficient conduct of elections in California.

"The schedule I have set forth for implementing a VVPAT will ensure that there is adequate time for new voting systems to be properly certified. This also allows time to train elections officials and poll workers and to educate voters," he said.

To further enhance voter confidence in new technologies, Secretary Shelley is adopting voting system reforms and new electronic certification procedures. Shelley will also call upon the federal government to substantially improve its testing process.

"As the state progresses with new technology, all Californians must have confidence that every vote cast is a vote counted," said Secretary of State Kevin Shelley. "These new requirements will provide this confidence."

In addition to providing for a VVPAT, Shelley's reforms call for additional requirements for software testing and auditing, new security protocols for manufacturers, random field testing on Election Day to ensure proper performance of individual voting machines, and the creation of a state Technical Oversight Committee.

In February 2003, Shelley convened an Ad Hoc Touch Screen Task Force composed of computer experts, members of the public, and representatives of the disabled community and election officials to make recommendations to increase the security of voting equipment software. The task force issued a series of recommendations for Shelley's consideration.

A complete copy of Secretary Shelley's directives and the recommendations of the Ad Hoc Touch Screen Task Force are available on the Secretary of State's website, at <http://www.ss.ca.gov/elections/touchscreen.htm>.



cautioning our government not to abandon heavily tested common sense in favor of fancy sales talk. I am also warning against the consequences of only superficially checking the accuracy of the State of Maryland report investigating the reliability and safety of touch screen voting equipment. The state of Alaska bought touch screen equipment based on this report without independently checking experiences with this equipment in other states. And there is growing volume of reported experiences ignored by the Maryland report. Our Division of Elections even honestly admitted to this when I inquired. Only using "reliable sources" for vital information for decisions is simple human imperfection. But imperfection doesn't excuse ignoring its consequences.

What is incredible is that this whole mess can be solved by insisting on an auditable paper trail from touch screen voting equipment. At the very least you legislators can act to protect willing state workers from the intellectual and technological bullying. This is natural pressure from equipment manufacturers who contributed to writing and lobbied for the federal law that state workers are trying to comply to.

Finally, I would like to suggest the Legislature lean on the Democratic and Republican parties, and Lisa Murkowski and Tony Knowles for the money to pay Diebold to modify the touch screen machines Alaska bought. There is plenty of outside interest money for the election this fall with these people. It would be fairer for these folks to help out with this since THEY are partially subsidized by the state election procedures. This is a lot better for the integrity of politicians than hiding leftover campaign funds or blowing people's money on fancy hotel rooms and stupid political ads.

Thanks very much,

Stuart Thompson  
PO Box 211228  
Auke Bay, AK 99821

**HB**

**459**

SFIN

FILE

# SENATE FINANCE COMMITTEE REPORT

REPORTED OUT

MAY 05 2004

SENATE FINANCE  
COMMITTEE

DATE: 5/2/04

FURTHER:

DATE TURNED  
IN TO OFFICE:

5 May 2004

Finance Committee considered CS FOR HOUSE BILL NO. 459(STA)

## HB 459 PAPER TRAIL FOR ELECTRONIC VOTING MACHINE

"An Act relating to optically scanned and electronically generated ballots; and providing for an effective date."

and recommends:

- be replaced with \_\_\_\_\_ CS \_\_\_\_\_ (\_\_\_\_\_)
- adopt previous \_\_\_\_\_ CS \_\_\_\_\_ (\_\_\_\_\_)
- attached amendment(s)
- adopt Letter of Intent by \_\_\_\_\_ Committee
- further referral to \_\_\_\_\_ Committee

**Senate Bill:**

- Same Title
- New Title

**House Bill:**

- Same Title
- Technical Title Change
- New Title w/ SCR # \_\_\_\_\_

**NEW FISCAL NOTE(S):**

| Department | Date | Fiscal | Indet. | Zero. | FN# |
|------------|------|--------|--------|-------|-----|
|            |      |        |        |       |     |
|            |      |        |        |       |     |
|            |      |        |        |       |     |
|            |      |        |        |       |     |
|            |      |        |        |       |     |

**PREVIOUS FISCAL NOTE(S):**

| Department | Date   | Fiscal | Indet. | Zero | FN# |
|------------|--------|--------|--------|------|-----|
| Gov        | 3/5/04 | 4428   |        |      | #1  |
|            |        |        |        |      |     |
|            |        |        |        |      |     |
|            |        |        |        |      |     |
|            |        |        |        |      |     |

APPROPRIATION - no fiscal note

| SIGNATURES AND RECOMMENDATIONS: | Do PASS | Do NOT PASS | No REC | AMEND |
|---------------------------------|---------|-------------|--------|-------|
| <i>[Signature]</i>              |         |             | ✓      |       |
| <i>[Signature]</i>              |         |             | ✓      |       |
| <i>[Signature]</i>              |         |             | ✓      |       |
| <i>[Signature]</i>              |         | ✓           |        |       |
| COCHAIR: <i>[Signature]</i>     | X       |             |        |       |
| COCHAIR: <i>[Signature]</i>     | ✓       |             |        |       |

# FISCAL NOTE

REPORTED OUT  
MAY 05 2004  
SENATE FINANCE  
COMMITTEE

STATE OF ALASKA  
2004 LEGISLATIVE SESSION

Fiscal Note Number: 1  
 Bill Version: CSHB 459(STA)  
 (H) Publish Date: 4/5/04

Revision Date/Time (Note if correction): \_\_\_\_\_ Dept. Affected: GOV  
 Title An Act requiring an auditable paper trail for RDU Elections  
electronic voting machines Component Elections  
 Sponsor Representative Gara  
 Requester House State Affairs Component No. 21

**Expenditures/Revenues** (Thousands of Dollars)

Note: Amounts do not include inflation unless otherwise noted below.

| OPERATING EXPENDITURES | FY 2005      | FY 2006    | FY 2007    | FY 2008    | FY 2009    | FY 2010    |
|------------------------|--------------|------------|------------|------------|------------|------------|
| Personal Services      |              |            |            |            |            |            |
| Travel                 |              |            |            |            |            |            |
| Contractual            |              |            |            |            |            |            |
| Supplies               | 1.8          |            | 1.8        |            | 1.8        |            |
| Equipment              | 441.0        |            |            |            |            |            |
| Land & Structures      |              |            |            |            |            |            |
| Grants & Claims        |              |            |            |            |            |            |
| Miscellaneous          |              |            |            |            |            |            |
| <b>TOTAL OPERATING</b> | <b>442.8</b> | <b>0.0</b> | <b>1.8</b> | <b>0.0</b> | <b>1.8</b> | <b>0.0</b> |

|                             |  |  |  |  |  |  |
|-----------------------------|--|--|--|--|--|--|
| <b>CAPITAL EXPENDITURES</b> |  |  |  |  |  |  |
|-----------------------------|--|--|--|--|--|--|

|                               |  |  |  |  |  |  |
|-------------------------------|--|--|--|--|--|--|
| <b>CHANGE IN REVENUES ( )</b> |  |  |  |  |  |  |
|-------------------------------|--|--|--|--|--|--|

**FUND SOURCE** (Thousands of Dollars)

| FUND SOURCE                             | FY 2005      | FY 2006    | FY 2007    | FY 2008    | FY 2009    | FY 2010    |
|---|--------------|------------|------------|------------|------------|------------|
| 1002 Federal Receipts                   |              |            |            |            |            |            |
| 1003 GF Match                           |              |            |            |            |            |            |
| 1004 GF                                 |              |            | 1.8        |            | 1.8        |            |
| 1005 GF/Program Receipts                |              |            |            |            |            |            |
| 1037 GF/Mental Health                   |              |            |            |            |            |            |
| Other (Specify Type--Do not abbreviate) | 442.8        |            |            |            |            |            |
| <b>TOTAL</b>                            | <b>442.8</b> | <b>0.0</b> | <b>1.8</b> | <b>0.0</b> | <b>1.8</b> | <b>0.0</b> |

Estimate of any current year (FY2004) cost: 0.0  
 Mark this box (X) if funding for this bill is included in the Governor's FY 2005 budget proposal:

**POSITIONS**

|           |  |  |  |  |  |  |
|-----------|--|--|--|--|--|--|
| Full-time |  |  |  |  |  |  |
| Part-time |  |  |  |  |  |  |
| Temporary |  |  |  |  |  |  |

**ANALYSIS:** *(Attach a separate page if necessary)*  
 At this time, the cost per unit to implement a modification to the touch screen voting equipment that would allow for voter verifiable paper records is unknown. This technology is currently in the research and development stage within the industry. However, it is estimated that each touch screen voting system would require additional hardware i.e., unit printer and 2 rolls of thermal paper. The division estimates the printer units may range in price from \$500.00 - \$1,000.00. If only one touch screen system were used in each precinct (441 precincts) the estimated cost would be \$441.0. The thermal paper required is estimated to cost \$2.00 per roll for an additional cost of \$1.8 in supplies. The total estimated cost of implementation by January 1, 2006, is \$442.8 (HAVA funds). The division will require GF appropriations of \$1.8 in future years for supplies (thermal paper) to support the equipment that provides a voter verifiable paper record.

Prepared by: Leonard G. Jones Phone 465-3051  
 Division: Division of Elections Date/Time 3/5/04 2:56 PM  
 Approved by: Laura A. Glaiser, Director Date 3/5/2004  
 Agency: Office of the Lt. Governor, Division of Elections

SENATE FINANCE COMMITTEE  
5/5 / 2004 COMMITTEE ACTION

|                                   |                     |             |          |
|-----------------------------------|---------------------|-------------|----------|
| <b>Bill Number</b>                | HB 459              |             |          |
| <b>Amendment</b>                  |                     |             |          |
| <b>Motion</b>                     | PASS from Committee |             |          |
| <b><u>Motion by</u></b>           |                     |             |          |
| <b><u>Objection by</u></b>        |                     |             |          |
| <b><u>Removed</u></b>             |                     |             |          |
| <b><u>Second Objection by</u></b> |                     |             |          |
| <b><u>Committee Member</u></b>    | <b>Y</b>            | <b>Vote</b> | <b>N</b> |
| Senator Stevens                   | ✓                   |             |          |
| Senator Bunde                     |                     |             | ✓        |
| Senator Dyson                     | ✓                   |             |          |
| Senator Hoffman                   | ✓                   |             |          |
| Senator Olson                     | ✓                   |             |          |
| Co-Chair Green                    | —                   |             |          |
| Co-Chair Wilken                   | ✓                   |             |          |
| <b><u>Tally</u></b>               |                     |             |          |
| Yea                               | 5                   |             |          |
| Nay                               | 1                   |             |          |
| Absent                            |                     |             |          |
| <b><u>MOTION</u></b>              | PASS                |             |          |

# Alaska State Legislature

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REPRESENTATIVE JOHN HARRIS

District 12 - Eielson AFB, Valdez, Delta Junction, Palmer, Glennallen, Salcha, Paxson, Sutton, Chickaloon

## MEMORANDUM

DATE: May 2, 2004

TO: Senator Gary Wilken, Co-Chairman  
Senate Finance Committee

FROM: Representative John Harris 

RE: Hearing Request for CSHB 459, Voter Verified Paper Trails

---

I respectfully request that CSHB 459 (STA), Voter Verified Paper Trails for Electronic Voting Machines, be scheduled for hearing in the Senate Finance Committee. Please feel free to contact me or Tom Wright of my staff, if you need further information or have any questions.

Thank you for your consideration.

Co-Chair, Joint Armed Services Committee  
Co-Chair, House Finance Committee  
Member, Energy Council

Session: State Capitol, Juneau, Alaska 99801-1182 • Phone: (907) 465-4859 Fax: (907) 465-3799  
Interim: P.O. Box 305, Valdez, Alaska 99686 • Phone (907) 835-2836 Fax: (907) 835-3732



# Alaska State Legislature

REPRESENTATIVE JOHN HARRIS

District 12 - Eielson AFB, Valdez, Delta Junction, Palmer, Glennallen, Salcha, Paxson, Sutton, Chickaloon

## **HB 459, Voter Verified Paper Trails for Electronic Voting Machines Sponsor Statement**

In the wake of the 2000 federal election, and with the impetus of the federal Help America Vote Act, states across the nation are replacing punch card and paper ballots with computerized vote casting, tabulation and reporting. Alaska has successfully used the AcuVote system of optically scanned ballots since 1998. New direct recording equipment (DRE) machines – also known as touch-screen – are scheduled to be used for the first time in 2004.

Unfortunately, computer experts have warned of numerous problems with both DRE and optical scan machines. Hardware problems, unreliable computer code and lack of security have raised serious questions about whether votes are being accurately recorded, tallied and reported. The experiences of many localities have demonstrated these failings. In Bernalillo County, N.M. a programming error caused a computer to delete 25 percent of the ballots cast by early voters. In Maryland voters for the Republican candidate for governor watched as their vote appeared beside the Democratic candidate's name. In Fairfax County, Va. a machine was found to have subtracted one vote for every 100 cast for a school board candidate. In one Texas matchup, optical scan machines declared two low vote getters to be landslide winners.

In the Texas case, elections officials were able to correct the mistake by hand counting the optically scanned paper ballots. Many DRE machines, however, produce no such paper trail to audit. Recognizing this crucial shortcoming of DRE technology, many observers are calling for voting machines to produce paper receipts that voters can verify before leaving the polling booth and that are subsequently held in lock boxes for audit purposes. The State of California recently moved to require such a voter verified paper audit trail in all elections. Senate Bill 296 would establish the same protections in Alaska.

Citizen trust in elections is the bedrock of democracy. Only an accurate count can assure voters that elections result in a true reflection of their will. Requiring a voter verified paper trail will assure Alaskans that no matter what technology is adopted in the future, their elections will be transparent and their votes counted accurately.

Co-Chair, Joint Armed Services Committee  
Co-Chair, House Finance Committee  
Member, Energy Council

Session: State Capitol, Juneau, Alaska 99801-1182 • Phone: (907) 465-4859 Fax: (907) 465-3799  
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Alaska State Legislature  
House Finance Committee

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Juneau, AK 99801-1182

Sectional Analysis: CSHB459 (STA) Voter Verified Paper Trail

**Section 1:** Restates the right of the Division of Elections to use the current Accuvote Optical Scanning machines for reading paper ballots.

**Sections 2 & 3:** Provides that voters may, upon asking, use the new DRE electronic ballot machines, but that no more than one of these machines will be placed in most precincts; and that these machines must produce a paper ballot for a voter's review, and for recounts.

**Section 4:** Definitions Section.

**Section 5:** Federal Law has funded the state's new DRE machines for blind and otherwise disabled persons. This section provides that by 2006, or before if technologically feasible, these machines must provide a paper trail so voters can see their votes on paper, and so that there will be paper for recounts.

**Section 6:** Immediate Effective Date.

## Opinion

*(Published: February 8, 2004)*

Paper trail

Integrity of Alaskans' votes at risk

Here's a bill in the Legislature that should see speedy passage. SB 296, from Sen. Johnny Ellis, D-Anchorage, would help prevent vote fraud by requiring electronic voting machines to produce a paper record of the votes that are cast.

The state's main electronic vote counting machines, Accu-vote optical scanners, aren't a problem. They use paper ballots that are read and tabulated electronically. But the state recently bought 55 touchscreen electronic voting machines that leave no paper trail whatsoever. The paperless machines are meant to accommodate voters who are physically unable to handle or mark a paper ballot. Eventually the state plans to have at least one touchscreen voting machine in each of Alaska's 446 precincts.

That's a helpful accommodation for disabled voters. But where there is no paper trail, there is huge potential for voting fraud. According to The New York Times, "When the State of Maryland hired a computer security firm to test its new (paperless electronic voting) machines, these paid hackers had little trouble casting multiple votes and taking over the machines' vote-recording mechanisms." With no paper trail, there is no way to cross-check the vote count.

In an editorial, The Times concluded: "The Maryland study shows convincingly that more security is needed for electronic voting, starting with voter-verified paper trails." That's what Sen. Ellis aims to do with SB 296.

Alaska has a statewide primary and a statewide general election this year. Alaskans must have confidence their votes will be counted securely and accurately. The protections outlined in Sen. Ellis' bill should be put into place as soon as possible.

**BOTTOM LINE:** Alaska law should require electronic voting machines to produce a paper record of each vote.

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# NEWS RELEASE

CALIFORNIA SECRETARY OF STATE **KEVIN SHELLEY**

KS03:106

FOR IMMEDIATE RELEASE  
Friday, November 21, 2003

Contact: Terri M. Carbaugh  
Doug Stone  
916-653-6575

## **Secretary of State Kevin Shelley Announces Directives To Ensure Voter Confidence in Electronic Systems**

*Beginning July 1, 2005, All Touch Screen Systems Purchased Must Have a Paper Audit Trail*

SAN FRANCISCO --- Secretary of State Kevin Shelley today announced that beginning July 1, 2005, no county or city may purchase a touch screen voting system that does not include an accessible voter verified paper audit trail (VVPAT). As of July 2006, all touch screen voting systems used in California, regardless of when they were purchased, must have a VVPAT that can be used by all voters, including the visually impaired, to verify that their preferences are accurately recorded.

In making the announcement, Secretary of State Shelley said that a transition period is necessary in order to assure the fair and efficient conduct of elections in California.

"The schedule I have set forth for implementing a VVPAT will ensure that there is adequate time for new voting systems to be properly certified. This also allows time to train elections officials and poll workers and to educate voters," he said.

To further enhance voter confidence in new technologies, Secretary Shelley is adopting voting system reforms and new electronic certification procedures. Shelley will also call upon the federal government to substantially improve its testing process.

"As the state progresses with new technology, all Californians must have confidence that every vote cast is a vote counted," said Secretary of State Kevin Shelley. "These new requirements will provide this confidence."

In addition to providing for a VVPAT, Shelley's reforms call for additional requirements for software testing and auditing, new security protocols for manufacturers, random field testing on Election Day to ensure proper performance of individual voting machines, and the creation of a state Technical Oversight Committee.

In February 2003, Shelley convened an Ad Hoc Touch Screen Task Force composed of computer experts, members of the public, and representatives of the disabled community and election officials to make recommendations to increase the security of voting equipment software. The task force issued a series of recommendations for Shelley's consideration.

A complete copy of Secretary Shelley's directives and the recommendations of the Ad Hoc Touch Screen Task Force are available on the Secretary of State's website, at <http://www.ss.ca.gov/elections/touchscreen.htm>.

# Fairfax Judge Orders Logs Of Voting Machines Inspected

By David Cho  
 Washington Post Staff Writer  
 Thursday, November 6, 2003; Page B01

It took more than 21 hours from the time polls closed Tuesday night for Fairfax County, the putative high-tech capital of the region, to get final election results from its new, computerized vote machines.

Widespread problems in the system, which the county paid \$3.5 million to install, also opened the door to possible election challenges by party leaders and candidates.

School Board member Rita S. Thompson (R), who lost a close race to retain her at-large seat, said yesterday that the new computers might have taken votes from her. Voters in three precincts reported that when they attempted to vote for her, the machines initially displayed an "x" next to her name but then, after a few seconds, the "x" disappeared.

In response to Thompson's complaints, county officials tested one of the machines in question yesterday and discovered that it seemed to subtract a vote for Thompson in about "one out of a hundred tries," said Margaret K. Luca, secretary of the county Board of Elections.

"It's hard not to think that I have been robbed," said Thompson, whose 77,796 recorded votes left her 1,662 shy of reelection. She is considering her next step, and said she was wary of challenging the election results: "I'm not sure the county as a whole is up for that. I'm not sure I'm up for that."

Meanwhile, attorneys for local Republicans and GOP candidate Mychele B. Brickner, who lost her bid to chair the Fairfax County Board of Supervisors, went before a circuit court judge yesterday morning, asking him to keep 10 voting machines under lock and key and not to include their tabulations in the results. The machines, from nine precincts scattered across the county, broke down about midday Tuesday and were brought to the county government center for repairs and then returned to the polls -- a violation of election law, Republicans argued.

The judge said the activity logs of all 10 machines will be inspected this week, with members of both major parties present.

"It's like Florida in many ways," said the Republicans' attorney, Christopher T. Craig, referring to that state's 2000 presidential ballot-counting controversy. "This is about ballot integrity. . . . A lot of people have been telling us they couldn't vote for someone. . . . I have been hearing that there are a lot of problems" with the county's new WINvote computer technology.

As more details emerged yesterday, county officials defended the system. Luca insisted that most of the problems had less to do with computer glitches than human error.

Read  
 Dr. William  
 Fortney's new  
 column at  
[proplan.com](http://proplan.com)



PET TOPIC  
 OF THE MONTH:

The Dog's  
 Digestive  
 System.

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Ask  
 Dr. Fortney

Your question  
 could be answered  
 in a future column.

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"The new machines get an A-plus," she said. "It's the plan to collect the vote that gets the failing grade."

Fairfax purchased the 1,000 touch-screen vote machines this year from Advanced Voting Solutions of Frisco, Tex. The machines, which resemble laptop computers, were used countywide Tuesday for the first time, and the problems that resulted mirrored what occurred in Montgomery County last year when similar new technology was used. The equipment in Montgomery County was blamed for delayed results and confusion at the polls.

Fairfax officials had confidently promised that their machinery would work much better, citing a battery of tests conducted last week. They also predicted that the system would greatly speed the reporting of results.

Instead, it churned out one of the slowest vote counts in memory.

Much of the delay occurred at 7 p.m. when the polls closed. Most of the county's 223 precincts attempted to send in their computer tallies at once, overloading the system. Many poll officials ended up calling in their numbers, but some couldn't get through and instead drove their results to the county government center.

In at least 19 precincts, results were officially sealed in the mistaken assumption that they had been sent by computer modem, officials said yesterday. Sealed results cannot be opened unless all three election board members are present, which led to further delays.

In addition, software errors kept the results from two precincts from being posted until about 4:30 yesterday afternoon.

"Everyone seems to be aghast at how this could happen," Thompson said. "But this seems like something you could have had the foresight to see."

John Service, 50, of North Springfield said it took him four or five tries to register his vote for Thompson, and he wondered whether some voters were disenfranchised. "I am concerned about voters who might have been in a rush and didn't go back and check to make sure all the names [they intended to vote for] appeared on the final ballot," he said.

The glitches forced a handful of precincts to return to paper ballots. And even at polls where computer problems didn't arise, voter unfamiliarity with the technology created long lines.

Some voters gave up -- a thought that crossed Jeff Fisher's mind.

Fisher, 43, of Annandale said he almost walked out of his polling place when a woman in front of him spent 10 minutes getting through the ballot.

Others, though, wondered why so many people had problems with the machines. "I thought it was very easy to vote, and I'm not even that bright of a kid," Al Richards, 61, of Falls Church said.

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Posted on Sun, Feb. 01, 2004

## **ELECTRONIC VOTING'S HIDDEN PERILS**

By Elise Adlerman  
Mercury News

Poll workers in Alameda County noticed something strange on election night in October. As a computer counted absentee ballots in the recall race, workers were stunned to see a big surge in support for a fringe candidate named John Burton.

Concerned that their new \$12.7 million Diebold electronic voting system had developed a glitch, election officials turned to a company representative who happened to be on hand.

Lucky he was there. For an unknown reason, the computerized tally program had begun to award votes for Lt. Gov. Cruz Bustamante to Burton, a socialist from Southern California.

Similar mishaps have occurred across the country since election officials embraced electronic voting in the wake of the Florida vote-counting debacle of 2000.

When Californians go to the polls next month to choose a presidential candidate, many voters will cast a virtual ballot by pressing a computer touch screen that records their votes digitally. The only tangible proof that a citizen has voted -- and how he voted -- will be fingerprints left on the machine's screen.

Electronic voting removes the risk of election officials misinterpreting hanging chads. But it raises another electoral peril: that a digital ballot box might miscount votes without anyone noticing.

As the black box replaces the ballot box, concern is growing that local officials are becoming dependent on a handful of corporations to guarantee the integrity and accuracy of elections.

Counties, including Santa Clara County, rely on these voting-equipment companies to manage the software that runs digital voting machines and counts electronic votes -- and to fix things when they go wrong on election night. The companies, however, consider such software a trade secret, making independent confirmation of contested elections difficult, if not impossible.

To guard against error and fraud, the state requires that the companies only install approved software on electronic voting machines. But in California, one of the biggest voting-equipment companies, Diebold Election Systems, provided 17 counties with uncertified software that was used in recent elections.

### **Review of practices**

County election officers remain responsible for overseeing electronic voting systems, but a review of past elections and current practices raises questions about how closely they're monitoring voting-equipment companies.

"My biggest concern is the lack of accountability," said David Dill, a Stanford University computer-science professor and a leading expert on electronic voting.

Election officials and company representatives dismiss concerns about computerized voting as overblown, citing safeguards designed to ensure the reliability of computerized voting systems.

"We have the best system available on the market. It is secure and reliable and the voting public had a wonderful experience," said Jesse Durazo, the registrar of voters for Santa Clara County, which uses touch-screen machines from Sequoia Voting Systems.

Alameda County officials still don't know why the computer program failed on election night. In fact, they only discovered the malfunction because they could compare the paper absentee ballots the software was counting to the computer's tally. The rest of the county's voters cast electronic ballots. Nor were election workers aware at the time that their touch-screen machines were running unauthorized Diebold software in violation of California law, as a state investigation later discovered.

"There was something in the software," said Elaine Ginnold, assistant registrar of voters for Alameda County. Alameda County officials refused to allow the Mercury News to review the software code used to test its electronic voting system, saying it was a Diebold trade secret.

"At no time were incorrect vote totals released," Diebold spokesman David Bear wrote in an e-mail. "The system is safe, secure and accurate." He attributed the malfunction to a computer-server error and the large number of candidates on the recall ballot.

"The counties are in over their heads," said Kim Alexander, founder of the California Voter Foundation, a Davis-based election watchdog group. "People are left depending on the vendors to tell them who won the elections."

That is especially the case on election night, when mechanical mishaps and buggy computer code could create crises only company employees could resolve.

For instance, in Riverside County during the 2000 presidential election, a computer from Sequoia began dropping touch-screen ballots from the vote tally. A Sequoia salesman who was on hand intervened and fixed the problem.

### **Unnoticed error**

Two years later in Bernalillo County, N.M., neither local election officials nor a Sequoia representative noticed on election night that a programming error was causing a computer running Microsoft SQL server software to delete 25 percent of ballots cast by early voters. Three days later, a Democratic Party lawyer spotted a discrepancy between the number of voters who signed in at the polls and the number of digital ballots counted. Sequoia then managed to recover the lost votes.

"They messed up," said Mary Herrera, the Bernalillo County clerk, of Sequoia.

Responded Sequoia spokesman Alfie Charles: "It was just a bug in Microsoft that required an additional step in converting data into the database format. There was a patch that was later applied by Microsoft."

Alexander of the California Voter Foundation worries that such incidents mean the machines could miscount ballots or fail to register votes without anyone realizing.

Critics are alarmed that touch-screen voting systems do not create a paper record that allows for a physical recount of ballots. Rather, the machines record votes on digital memory cartridges. When the polls close, the cartridges are removed from the touch-screen machines and plugged into a computer which downloads and tabulates the voting data.

In November, California Secretary of State Kevin Shelley ordered that by July 2006 all touch-screen machines must print paper receipts so an election can be independently audited. To meet that mandate, the voting-equipment companies must manufacture new state-approved hardware and software.

Computer scientists acknowledge a paper trail will help ensure the accountability of electronic voting systems. However, they say such a requirement does not resolve concerns over counties' dependence on voting-equipment companies and the security of computerized voting.

Until voting machines produce paper receipts, the only way a candidate can investigate questionable election results is by examining the voting systems' software code.

But there's a catch: Election companies consider such software a trade secret not open to public scrutiny -- or subject to challenge from losing candidates, as Emil Danciu found out.

Danciu ran for city council in Boca Raton, Fla., in March 2002. A popular former mayor of the seaside town in Palm Beach County, Danciu expected to win in a landslide but lost by 16 percentage points.

After some voters complained that Sequoia's touch-screen machines appeared to have recorded ballots cast for Danciu as votes for his opponents, Danciu sued to obtain the Sequoia software code.

But Palm Beach County didn't have the code. "All of this stuff that they are asking for are all proprietary items owned by the manufacturer," a county attorney told the judge hearing the case. The attorney argued that even if the county did have the documents, it would be a felony to disclose "trade secrets."

The judge denied Danciu's request for the software code.

### **U.S., state inspectors**

County election officers and voting-equipment company executives stress that voting machines and software are carefully examined by federal and state inspectors before receiving approval. Furthermore, they say, pre-election testing ensures ballots are counted correctly.

"There are checks and balances to ensure nothing has been compromised," said Charles, the Sequoia spokesman.

The goal of the government certification process is to make sure proprietary voting systems are accurate, reliable and secure. The certification process is crucial because it provides the only safeguard voters have that the machines are performing the way the election companies promise.

"Every single piece of hardware and software that is used in an election is certified by our office," state election official John Mott-Smith reassured the Santa Clara County Board of Supervisors last year. "Every modification to those systems has to come back for certification and testing if necessary."

Yet eight months later, a state audit revealed that voters in 17 California counties had cast ballots in recent elections on Diebold systems that were running software not approved by the state, according to a December 2003 report. The Diebold software is used to count both touch-screen electronic ballots and paper ballots read by an optical scanner. Three of the counties, including Los Angeles, the state's largest, were using Diebold software that had not been submitted for federal review.

### **Assurances by vendor**

The audit also found that county election officials had not independently verified they were using certified software, as the law requires, but relied on assurances by Diebold it was complying with state regulations.

Even tech-savvy counties like Santa Clara can have difficulty tracking exactly what their voting-equipment company is doing for them. Computer scientists argue that a failure to keep close tabs on modifications to the machines or their software opens the door to tampering or the introduction of errors that might show up on election night.

Following November's election in Santa Clara County, Sequoia sent over a group of blue-coated technicians to make adjustments to voting machines that experienced battery problems. For three weeks, the workers, employed by a Sequoia subcontractor, took apart the machines, removing their circuit boards and making adjustments.

Nevertheless, Santa Clara County officials didn't know the name of the subcontractor and hadn't verified the identities of the workers it hired when the Mercury News made an inquiry. They also hadn't documented the changes being made to the machines.

To find out such information, "you'd have to contact Sequoia," said Assistant Registrar of Voters Elaine Larson.

In interviews with the Mercury News, registrars defended their close relationship with the companies. The world of elections administration is a small one, and the revolving door between state, federal and county elections departments and the voting-equipment companies has spun for years.

"I have a hundred percent confidence in Sequoia -- in their integrity and honesty and their ability to keep us compliant with the law of California," said Cathy Darling, assistant registrar of Shasta County.

That attitude bothers Dill, the Stanford computer scientist and electronic-voting expert. "From a computer-security perspective, handing over control of an important part of the election, I think, is not a good idea," said Dill. "I'd prefer to see that kind of control in the hands of local officials who are accountable to elected representatives."

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Contact Elise Ackerman at [eackerman@mercurynews.com](mailto:eackerman@mercurynews.com) or (408) 271-3774.



<http://www.sunspot.net/news/local/bal-te.md.machine30jan30,0,4050694.story?coll=bal-local-headlines>

# Md. computer testers cast a vote: Election boxes easy to mess with

## In Annapolis, tales of trickery, vote rigging

By Stephanie Desmon  
Sun Staff

January 30, 2004

For a week, the computer whizzes laid abuse - both high- and low-tech - on the six new briefcase-sized electronic voting machines sent over by the state.

One guy picked the locks protecting the internal printers and memory cards. Another figured out how to vote more than once - and get away with it. Still another launched a dial-up attack, using his modem to slither through an electronic hole in the State Board of Elections software. Once inside, he could easily change vote totals that come in on Election Day.

"My guess is we've only scratched the surface," said Michael A. Wertheimer, who spent 21 years as a cryptologic mathematician at the National Security Agency.

He is now a director at RABA Technologies in Columbia, the firm that the state hired for about \$75,000 to look at Maryland's new touch-screen voting machines scheduled to be unveiled in nearly every precinct in Maryland for the March 2 primary.

The state has no choice but to use its \$55 million worth of AccuVote-TS machines made by Diebold Election Systems for the primary. The old optical scanners are gone.

Yesterday, Wertheimer calmly presented his eight-member team's findings to committees in the House and Senate, explaining the weaknesses they discovered and a plan for how to plug many of the cracks, at least in the short run.

### Giddy geek speak

Yet on a recent morning at his offices, Wertheimer's computer programmers were practically giddy as they invented new ways to muck up an election. Some were simple - like the lock-picking or just yanking the cords out of a machine's monitor, disabling it for the rest of the day.

Other fiddling inspired round after round of excited geek speak, true gibberish to the untrained ear, to explain a host of attacks that could be launched up close or by modem.

One thing was clear: There are many ways to fool with Diebold's machines, some of which could lead to an Election Day disaster. At the same time, some scenarios were far-fetched and too difficult to pull off

undetected, team members acknowledged.

But the fact that they could happen makes it impossible to have full confidence in the system, they said.

In the short term, they said, enough fixes can be done to ensure a secure election in March. But much more will need to be done to see that future elections on the machines can also be relied upon.

Diebold officials say many of the problems that were found have been fixed.

"They threw out theoretical things that could happen," spokesman David Bear said of the testing team. "But the polling places are much different."

The team was asked to answer two major questions, Wertheimer said: Do the machines count votes accurately? And do they need paper receipts?

If left alone, Wertheimer said, the machines will count quite accurately - more so than any past voting method.

But he has made a good living off the fact that there are plenty of people out there looking to wreak havoc when they can.

Web sites abound with all kinds of speculation about how easily the voting machines can be hacked into and outcomes manipulated.

Prominent computer scientists have studied the Diebold code - some of which was found unprotected on the Internet - and found hole after hole in its security.

Theories have run rampant as to how to best clean up what critics call a mess.

### **Paper receipts**

Wertheimer said he thinks there will be a need for some type of paper receipt, what some call a voter-verified paper trail - basically a printout of each vote as it is cast for the voter to check before leaving the polling place. Without a paper ballot, many say, a proper recount is impossible.

Wertheimer said it would take nearly a complete rewrite of the computer code to fix the machines' flaws.

"For a guy who just wants the vote to be accurate, I'd rather dumb down the software and add receipts," he said.

Diebold "basically had no interest in putting actual security in this system," said Paul Franceus, one of the consultants. "It's not like they did it wrong. It's like they didn't bother."

Mark McLarnon had something up his sleeve as he approached one of the voting machines. A close look revealed the cord of a portable keyboard. He had learned that he could quickly pick a lock on the side of the machine, plug in his keyboard and wreak havoc on the results stored inside - all while likely going undetected by poll judges.

Using a low-tech solution, such as tape that reveals tampering, could keep people like McLarnon at bay, at least as a temporary fix, the consultants said.

Low-tech hacking is also a possibility, though.

Someone bent on causing trouble could call a polling place and tell workers that the state's modem is down and results should be called in on a new phone number. Then the troublemaker could simply change the results before sending them onto the state.

While results can now be encrypted - after criticism that they weren't being - something called authentication is missing. Authentication tells the main computer that the person sending in results is the one who is actually permitted to do so.

### **Sneaking in, via modem**

Meanwhile, William A. Arbaugh, an assistant computer science professor at the University of Maryland, College Park and part of the team, easily sneaked his way into the state's computers by way of his modem. Once in, he had access to change votes from actual precincts - because he knew how to exploit holes in the Microsoft software.

Those holes should have been patched through regular updates sent to customers, patches that haven't been installed on the elections equipment since November.

"There's no security that's going to be 100 percent effective. But the level of effort [needed to get into the system] was pretty low," Arbaugh said. "A high school kid could do this. Right now, the bar is maybe 8th grade. You want to raise the bar to a well-funded adversary."

"Every system is vulnerable somehow," said Karl Aro, director of the state's Department of Legislative Services, who commissioned the study for the legislature. "The system's not bad but it needs some work."

No system is completely secure. In fact, the more elections the state holds, the more opportunities there will be for hackers to see how it works and launch new attacks, experts said.

"If you had the time and the money, the sky's the limit on what you could do to make a secure system," McLarnon said.

"You just need to raise the level of effort needed to exploit it so it's not feasible to do," said fellow consultant John Ormonde.

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SENATE FINANCE COMMITTEE

SIGN-IN

HB 459-PAPER TRAIL FOR ELECTRONIC VOTING MACHINE

NAME: Cindy Smith Subject/Bill No: HB459  
Co./Dept./Title: staff, Rep Kara Phone: 465-2647  
Address: Capitol Room 422 Zip: \_\_\_\_\_  
Do you wish to testify?  Yes  No  Respond To Questions

NAME: Laura Glaiser Subject/Bill No: HB 459  
Co./Dept./Title: Div. of Elections, DIRECTOR Phone: 4611  
Address: PO Box 110017 Zip: 99811-0017  
Do you wish to testify?  Yes  No  Respond To Questions

NAME: \_\_\_\_\_ Subject/Bill No: \_\_\_\_\_  
Co./Dept./Title: \_\_\_\_\_ Phone: \_\_\_\_\_  
Address: \_\_\_\_\_ Zip: \_\_\_\_\_  
Do you wish to testify?  Yes  No  Respond To Questions

NAME: \_\_\_\_\_ Subject/Bill No: \_\_\_\_\_  
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Address: \_\_\_\_\_ Zip: \_\_\_\_\_  
Do you wish to testify?  Yes  No  Respond To Questions





**HB**

**461**

**SFIN**

**FILE**

HB 461

was referred to the  
Senate Finance  
Committee

Hearing(s) were held

The bill did not move  
from Committee

SENATE FINANCE  
COMMITTEE

Amendment Number: #1  
Bill Number: HB 461  
Sponsor: Green Date: 5/10/04  
Logged In By: Mindy

AMENDMENT

OFFERED IN THE SENATE  
TO: CSHB 461(STA)am

BY SENATOR GREEN

Page 4, Line 3, following "surcharge":

Delete: "may be imposed"

Insert: "may not exceed \$1"

Page 4, line 18, following "system":

Delete all material through line 21.

*Offered  
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**SENATE CS FOR CS FOR HOUSE BILL NO. 461( )  
IN THE LEGISLATURE OF THE STATE OF ALASKA  
TWENTY-THIRD LEGISLATURE - SECOND SESSION**

**BY**

**Offered:  
Referred:**

**Sponsor(s): REPRESENTATIVES HOLM, Lynn**

**A BILL**

**FOR AN ACT ENTITLED**

1 "An Act relating to enhanced 911 surcharges and to 911 and emergency services  
2 dispatch systems."

3 **BE IT ENACTED BY THE LEGISLATURE OF THE STATE OF ALASKA:**

4 \* Section 1. AS 09.50.250 is amended to read:

5 **Sec. 09.50.250. Actionable claims against the state.** A person or corporation  
6 having a contract, quasi-contract, or tort claim against the state may bring an action  
7 against the state. A person who may present the claim under AS 44.77 may not bring  
8 an action under this section except as set out in AS 44.77.040(c). A person who may  
9 bring an action under AS 36.30.560 - 36.30.695 may not bring an action under this  
10 section except as set out in AS 36.30.685. However, an action may not be brought if  
11 the claim

12 (1) is an action for tort, and is based upon an act or omission of an  
13 employee of the state, exercising due care, in the execution of a statute or regulation,  
14 whether or not the statute or regulation is valid; or is an action for tort, and based upon

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the exercise or performance or the failure to exercise or perform a discretionary function or duty on the part of a state agency or an employee of the state, whether or not the discretion involved is abused;

(2) is for damages caused by the imposition or establishment of a quarantine by the state;

(3) arises out of assault, battery, false imprisonment, false arrest, malicious prosecution, abuse of process, libel, slander, misrepresentation, deceit, or interference with contract rights;

(4) arises out of the use of an ignition interlock device certified under AS 33.05.020(c); [OR]

(5) arises out of injury, illness, or death of a seaman that occurs or manifests itself during or in the course of, or arises out of, employment with the state; AS 23.30 provides the exclusive remedy for such a claim, and no action may be brought against the state, its vessels, or its employees under the Jones Act (46 U.S.C. 688), in admiralty, or under the general maritime law; or

(6) is based on the exercise or performance of a duty in connection with an emergency services dispatch system that is part of an enhanced 911 system or an enhanced 911 system, including providing, maintaining, or operating any toll-free, statewide default public safety answering point, and is not based on an intentional act or omission amounting to misconduct or on an act or omission amounting to gross negligence.

\* Sec. 2. AS 09.65.070(d) is amended to read:

(d) An action for damages may not be brought against a municipality or any of its agents, officers, or employees if the claim is based on

(1) [IS BASED ON] a failure of the municipality, or its agents, officers, or employees, when the municipality is neither owner nor lessee of the property involved, to

(A) [TO] inspect property for a violation of any statute, regulation, or ordinance, or a hazard to health or safety;

(B) [TO] discover a violation of any statute, regulation, or ordinance, or a hazard to health or safety if an inspection of property is made;

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1 or

2 (C) [TO] abate a violation of any statute, regulation, or  
3 ordinance, or a hazard to health or safety discovered on property inspected;

4 (2) [IS BASED UPON] the exercise or performance or the failure to  
5 exercise or perform a discretionary function or duty by a municipality or its agents,  
6 officers, or employees, whether or not the discretion involved is abused;

7 (3) [IS BASED UPON] the grant, issuance, refusal, suspension, delay,  
8 or denial of a license, permit, appeal, approval, exception, variance, or other  
9 entitlement, or a rezoning;

10 (4) [IS BASED ON] the exercise or performance during the course of  
11 gratuitous extension of municipal services on an extraterritorial basis;

12 (5) [IS BASED UPON] the exercise or performance of a duty or  
13 function upon the request of, or by the terms of an agreement or contract with, the  
14 state to meet emergency public safety requirements; or

15 (6) [IS BASED ON] the exercise or performance of a duty in  
16 connection with an emergency services dispatch system that is part of an  
17 enhanced 911 system or enhanced 911 [EMERGENCY] system and is not based on  
18 an intentional act of misconduct or on an act of gross negligence.

19 \* Sec. 3. AS 29.35.131(a) is amended to read:

20 (a) A municipality may [,] by [RESOLUTION OR] ordinance [,] elect to  
21 provide an enhanced 911 system at public safety answering points, may purchase or  
22 lease the enhanced 911 equipment or service required to establish or maintain an  
23 enhanced 911 system at public safety answering points from a local exchange  
24 telephone company, competitive local exchange telephone company, or other  
25 qualified vendor, and may impose an enhanced 911 surcharge, in an amount to be  
26 determined by the municipality, on all local exchange access lines that provide  
27 telephone service to wireline telephones in the area to be served by the enhanced 911  
28 system. A municipality that provides services under an enhanced 911 system may  
29 also by [RESOLUTION OR] ordinance impose an enhanced 911 surcharge on each  
30 wireless telephone number that is billed to an address within the enhanced 911 service  
31 area. The [FOR A MUNICIPALITY WITH A POPULATION OF 100,000 OR

WORK DRAFT

WORK DRAFT

23-LS1633V

1 MORE, AN] enhanced 911 surcharge may be imposed each [MAY NOT EXCEED  
2 50 CENTS PER] month for each wireless telephone number or, for wireline  
3 telephones, each [50 CENTS PER] month for each local exchange billing statement  
4 for a residential customer or for each access line for a commercial customer [FOR  
5 WIRELINE TELEPHONES]. For a municipality with more [FEWER] than 100,000  
6 people, an enhanced 911 surcharge may not exceed \$1.50 [75 CENTS] per month for  
7 each wireless telephone number, or \$1.50 [75 CENTS] per month for each residential  
8 customer billing statement or commercial customer local exchange access line for  
9 wireline telephones. An enhanced service area may be all of a city, all of a unified  
10 municipality, or all or part of the area within a borough and may include the  
11 extraterritorial jurisdiction of a municipality in accordance with AS 29.35.020. The  
12 governing body of a municipality shall, at a public hearing, review an enhanced 911  
13 surcharge annually to determine whether the current level of the surcharge is adequate,  
14 excessive, or insufficient to meet anticipated enhanced 911 system needs. The  
15 municipality may [ONLY] use the enhanced 911 surcharge for the enhanced 911  
16 system.

17 \* Sec. 4. AS 29.35.131(b) is amended to read:

18 (b) A local exchange telephone company, or competitive local exchange  
19 telephone company, providing service in a municipality that has imposed an  
20 enhanced 911 surcharge shall bill each month and collect the surcharge from  
21 customers in the enhanced 911 service area. A wireless telephone company or  
22 wireless reseller that provides telephone service to wireless telephone customers with  
23 billing addresses within the enhanced 911 service area shall impose the [AN  
24 ENHANCED 911] surcharge each month and collect the surcharge from customers in  
25 the enhanced 911 service area. A residential local exchange telephone customer may  
26 not be subject to more than one enhanced 911 surcharge on a local exchange billing  
27 statement [ACCESS LINE] for a wireline telephone. A wireless telephone customer  
28 may not be subject to more than one enhanced 911 surcharge for each wireless  
29 telephone number. [A CUSTOMER THAT HAS MORE THAN 100 LOCAL  
30 EXCHANGE ACCESS LINES FROM A LOCAL EXCHANGE TELEPHONE  
31 COMPANY IN THE MUNICIPALITY IS LIABLE FOR THE ENHANCED 911

WORK DRAFT

WORK DRAFT

23-LS1633U

## 1 SURCHARGE ONLY ON 100 LOCAL EXCHANGE ACCESS LINES.]

2 \* Sec. 5. AS 29.35.131(c) is amended to read:

3 (c) A local exchange telephone company, a competitive local exchange  
4 telephone company, a wireless reseller, or a wireless telephone company shall  
5 include the appropriate enhanced 911 surcharge, stated separately and included in the  
6 total amount owed, in the bills delivered to its customers. The Regulatory  
7 Commission of Alaska may not consider the enhanced 911 surcharge as revenue of the  
8 telephone company [AND HAS NO JURISDICTION OVER AN ENHANCED 911  
9 SYSTEM]. A customer is liable for payment of the enhanced 911 surcharge in the  
10 amounts billed by the telephone company until the amounts have been paid to the  
11 telephone company.

12 \* Sec. 6. AS 29.35.131 is amended by adding new subsections to read:

13 (i) A municipality may by ordinance elect to impose a point-of-purchase 911  
14 surcharge from prepaid wireless telephone accounts not to exceed one percent of the  
15 purchase value. The surcharge must apply to initial purchases and to subsequent  
16 purchases of air time. The retailer of the wireless account is responsible for remitting  
17 the surcharge to the municipality.

18 (j) To enable each municipality to qualify for grant funding, the governor is  
19 responsible for certifying the collection and use of all 911 surcharges.

20 \* Sec. 7. AS 29.35.133(a) is amended to read:

21 (a) The establishment, funding, use, operation, or maintenance of enhanced  
22 911 systems and all activities associated with those actions are specifically found to be  
23 within the ambit of AS 09.50.250(6) [AS 09.50.250(1)] and AS 09.65.070(d)(6).  
24 Except for intentional acts of misconduct or gross negligence, a service supplier, local  
25 exchange telephone company, competitive local exchange telephone company,  
26 wireless reseller, or wireless telephone company and their employees and agents are  
27 also immune from tort liability that might otherwise be incurred in the course of  
28 installing, training, maintaining, or providing enhanced 911 systems or transmitting or  
29 receiving calls on the system.

30 \* Sec. 8. AS 42.05 is amended by adding a new section to read:

31 **Sec. 42.05.295. Routing 911 calls.** Notwithstanding AS 42.05.711, to ensure

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WORK DRAFT

23-LS1633U

1  
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3  
4  
5

statewide access by all residents to 911 wireline services, traditional or enhanced, each local exchange telephone company that provides wireline service to an area outside a municipality must route all 911 calls originating from within its customer service base through a toll free number to a regional public safety answering point identified by the state. In this section, "municipality" has the meaning given in AS 29.35.137.

# FISCAL NOTE

STATE OF ALASKA  
2004 LEGISLATIVE SESSION

Fiscal Note Number: \_\_\_\_\_  
 Bill Version: HB461CS-DPS-ASTD-5-9-04  
 ( ) Publish Date: \_\_\_\_\_

Revision Date/Time (Note if correction): \_\_\_\_\_ Dept. Affected: Public Safety  
 Title Act relating to 911 Svcs and Emergency Svcs RDU Alaska State Troopers  
 Component AST Detachment  
 Sponsor Rep. Holm  
 Requester (S) Finance Component No. 2325

**Expenditures/Revenues** (Thousands of Dollars)

Note: Amounts do not include inflation unless otherwise noted below.

| OPERATING EXPENDITURES | FY 2005 | FY 2006 | FY 2007 | FY 2008 | FY 2009 | FY 2010 |
|------------------------|---------|---------|---------|---------|---------|---------|
| Personal Services      |         |         |         |         |         |         |
| Travel                 |         |         |         |         |         |         |
| Contractual            |         |         |         |         |         |         |
| Supplies               |         |         |         |         |         |         |
| Equipment              |         |         |         |         |         |         |
| Land & Structures      |         |         |         |         |         |         |
| Grants & Claims        |         |         |         |         |         |         |
| Miscellaneous          |         |         |         |         |         |         |
| <b>TOTAL OPERATING</b> | *       | *       | *       | *       | *       | *       |

|                             |  |  |  |  |  |  |
|-----------------------------|--|--|--|--|--|--|
| <b>CAPITAL EXPENDITURES</b> |  |  |  |  |  |  |
|-----------------------------|--|--|--|--|--|--|

|                               |  |  |  |  |  |  |
|-------------------------------|--|--|--|--|--|--|
| <b>CHANGE IN REVENUES ( )</b> |  |  |  |  |  |  |
|-------------------------------|--|--|--|--|--|--|

**FUND SOURCE** (Thousands of Dollars)

|   |   |   |   |   |   |   |
|---|---|---|---|---|---|---|
| 1002 Federal Receipts                   |   |   |   |   |   |   |
| 1003 GF Match                           |   |   |   |   |   |   |
| 1004 GF                                 |   |   |   |   |   |   |
| 1005 GF/Program Receipts                |   |   |   |   |   |   |
| 1037 GF/Mental Health                   |   |   |   |   |   |   |
| Other (Specify Type--Do not abbreviate) |   |   |   |   |   |   |
| <b>TOTAL</b>                            | * | * | * | * | * | * |

Estimate of any current year (FY2004) cost: 0.0  
 Mark this box (X) if funding for this bill is included in the Governor's FY 2005 budget proposal:

**POSITIONS**

|           |  |  |  |  |  |  |
|-----------|--|--|--|--|--|--|
| Full-time |  |  |  |  |  |  |
| Part-time |  |  |  |  |  |  |
| Temporary |  |  |  |  |  |  |

**ANALYSIS:** (Attach a separate page if necessary)

This bill, will allow municipalities to, by resolution or ordinance, elect to provide an emergency services dispatch system. It also establishes rates that municipalities can collect as a 911 surcharge which will be limited in use to the 911 system and for the actual labor and equipment used to provide emergency services dispatch, but not for costs of providing the medical, police, fire, rescue or other emergency service, or for any other purpose.

This bill also amends the current statute to improve the immunity protection to municipalities that provide emergency services dispatch capabilities.

(continued)

Prepared by: Lt. Al Storey Phone 269-4532  
 Division Alaska State Troopers Date/Time 5/9/04 2:09 PM  
 Approved by: Commissioner William Tandeske Date 5/9/2004  
 Agency Department of Public Safety

FISCAL NOTE

STATE OF ALASKA  
2004 LEGISLATIVE SESSION

BILL NO. HB461CS-DPS-ASTD-5-9-04

ANALYSIS CONTINUATION

Page 2 of 3

Section 8 amends AS 42.05.295 to read: Routing 911 calls. Notwithstanding AS 42.05.711, to insure statewide access by all residents to 911 wireline services, traditional or enhanced, each local exchange telephone company that provides wireline service to an area outside a municipality must route all 911 calls originating from within its customer service base through a toll-free number to a regional public safety answering point identified by the state. In this section, "municipality" has the meaning given in AS 29.35.137.

This last provision, in essence, will require the State of Alaska to develop 911 procedures and implement processes to have Public Safety Answering Points (PSAP's) established, in areas where the 911 service is not currently present, so that all phones in Alaska will have 911 emergency services capability.

Currently the Alaska State Troopers (AST) have a number of formal and informal procedures established to insure that emergency calls for service are answered and responded to in a timely fashion. The AST work with local agencies as well as state and federal agencies to insure a proper response to calls for assistance. It is recognized that the needs of the state vary widely from region to region and that there is not a "one size fits all" solution to providing quality emergency services dispatch capabilities across the state. The needs for the western regions are different from the needs of southeast Alaska. Similarly, the needs for the North Slope Borough are different from the needs of smaller communities in south central Alaska.

In some locations, local police departments provide emergency services dispatch capabilities for the AST. This is especially true for the AST after normal duty hours. These call takers screen the calls and initiate an appropriate response. In other areas of the state, the AST may receive the calls directly, even after hours. Yet at other locales, request for emergency services may go to a larger centralized AST dispatch center such as Anchorage or Fairbanks.

This current system of receiving calls for emergency services is an ongoing effort to insure that no call goes unanswered and that responses are timely. The call takers are usually located close to the communities expected to need the services so that there is common shared knowledge about the locations between the call taker and the person placing the call.

The impact of the proposed provision, while laudable, could have immediate far-reaching fiscal implications as it applies to providing the capability that would be required. Many of the current AST dispatch centers are not equipped or manned in a way that could assume the additional duties of answering 911 calls originating from other parts of the state.

In locations where the AST works with the local agencies to provide the current call taking capability, it is believed that those agencies are also not equipped or manned in a way that would allow them to assume a much larger role as 911 call takers. It could certainly be expected that those agencies will ask for compensation for providing that service or increased compensation if they are already providing some call taker service.

This provision was brought forth at a late date in the legislative process. Because of the limited time that has been allowed to discuss the issue of how the PSAP's would be established, the equipment and personnel that would be required to properly operate these PSAP's, and the potential costs that will arise to connect the system to PSAP's, the AST have no viable way in which to determine the fiscal impact to the department. It is expected that the costs could be substantial as the department works to enhance currently existing processes, or moves to establish systems that do not currently exist. It could logically be expected that this would take a considerable amount of staff hours to plan, negotiate with other involved agencies, procure equipment if needed, hire additional dispatchers/call takers, and implement the effort on a statewide basis.

(continued)

FISCAL NOTE

STATE OF ALASKA  
2004 LEGISLATIVE SESSION

BILL NO. HB461CS-DPS-ASTD-5-9-04

ANALYSIS CONTINUATION

Page 3 of 3

Also, while the legislature establishes procedures and rates that municipalities can follow to collect funds to help finance emergency services dispatch systems, there is no similar provision for the AST to receive funds to assist in providing the same service.

There is no question that a consistent process for accessing emergency services is desirable. A formal comprehensive plan addressing all aspect of the system, including specific goals and objectives is needed. The plan must include the areas of responsibility for all the involved agencies and the procedures to be followed. The plan must also include the expected costs for personnel and equipment. It should also reflect anticipated funding sources. Once the plan is completed, it can be implemented in a coordinated fashion with the end result being a properly managed emergency services dispatch capability that serves the needs of all communities.

Without such a plan, there is no viable means of determining the fiscal impact to the Alaska State Troopers.

The fiscal impact to the Department of Public Safety is indeterminate at this time.

# FISCAL NOTE

STATE OF ALASKA  
2004 LEGISLATIVE SESSION

Fiscal Note Number: \_\_\_\_\_  
Bill Version: CSHB 461 (STA)  
( ) Publish Date: \_\_\_\_\_

Revision Date/Time (Note if correction): \_\_\_\_\_ Dept. Affected: Administration  
Title "Relating to enhanced 911 RDU Enterprise Tech. Services  
surcharges and to 911 and emergency services dispatch systems Component Enterprise Tech. Services  
Sponsor Representatives Holm, Lynn  
Requester "S Finance" Component No. 2082

**Expenditures/Revenues** (Thousands of Dollars)

Note: Amounts do not include inflation unless otherwise noted below.

| OPERATING EXPENDITURES | FY 2005 | FY 2006 | FY 2007 | FY 2008 | FY 2009 | FY 2010 |
|------------------------|---------|---------|---------|---------|---------|---------|
| Personal Services      |         |         |         |         |         |         |
| Travel                 |         |         |         |         |         |         |
| Contractual            |         |         |         |         |         |         |
| Supplies               |         |         |         |         |         |         |
| Equipment              |         |         |         |         |         |         |
| Land & Structures      |         |         |         |         |         |         |
| Grants & Claims        |         |         |         |         |         |         |
| Miscellaneous          |         |         |         |         |         |         |
| <b>TOTAL OPERATING</b> | *       | *       | *       | *       | *       | *       |

|                             |  |  |  |  |  |  |
|-----------------------------|--|--|--|--|--|--|
| <b>CAPITAL EXPENDITURES</b> |  |  |  |  |  |  |
|-----------------------------|--|--|--|--|--|--|

|                               |  |  |  |  |  |  |
|-------------------------------|--|--|--|--|--|--|
| <b>CHANGE IN REVENUES ( )</b> |  |  |  |  |  |  |
|-------------------------------|--|--|--|--|--|--|

**FUND SOURCE** (Thousands of Dollars)

|   |   |   |   |   |   |   |
|---|---|---|---|---|---|---|
| 1002 Federal Receipts                   |   |   |   |   |   |   |
| 1003 GF Match                           |   |   |   |   |   |   |
| 1081 Info. Svcs.                        | * | * | * | * | * | * |
| 1005 GF/Program Receipts                |   |   |   |   |   |   |
| 1037 GF/Mental Health                   |   |   |   |   |   |   |
| Other (Specify Type--Do not abbreviate) |   |   |   |   |   |   |
| <b>TOTAL</b>                            | * | * | * | * | * | * |

Estimate of any current year (FY2004) cost: 0.0  
Mark this box (X) if funding for this bill is included in the Governor's FY 2005 budget proposal:

**POSITIONS**

|           |  |  |  |  |  |  |
|-----------|--|--|--|--|--|--|
| Full-time |  |  |  |  |  |  |
| Part-time |  |  |  |  |  |  |
| Temporary |  |  |  |  |  |  |

**ANALYSIS:** (Attach a separate page if necessary)

ETS (Enterprise Technology Services) has conducted a preliminary analysis of the potential impact of this legislation. We have confirmed that SOA agencies currently pay 911 surcharges in Juneau, Anchorage, Mat-Su, Ketchikan and Fairbanks for 3rd party lines. The State of Alaska (ETS) currently supports 14,000 PBX lines and approximately 6,000 3rd party instruments. There are approximately 3,500 cell phones in use by SOA agencies at this time. If Municipalities can place any figure in for the surcharges, we cannot determine total costs or the effects on SOA agencies at this time.

TOTAL ESTIMATED RATE INCREASE (cap at \$1 p/line): \$1,888 / month or \$22,656 / year

Total estimated rate increase cell phone (cap at \$1 p/phone) \$3,500 / month or \$42,000 / year

Prepared by: Stan Herrera, Director Phone 465-5735  
Division Enterprise Technology Services Date/Time 5/10/04 3:46 PM  
Approved by: Ray Maliashowcki, Commissioner Date 5/10/2004  
Agency Department of Administration

# STATE OF ALASKA



*Interim:*

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*Session:*

State Capitol Building  
Juneau, Alaska 99801  
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Fax: (907) 465-2937

## REPRESENTATIVE JIM HOLM DISTRICT 9

HB 461

### "EMERGENCY SERVICES DISPATCH/911 SURCHARGE"

## Sponsor Statement

21 April 2004

Enhanced 9-1-1 technology is sweeping the nation. This enhanced emergency service provides a faster, more efficient means of rescue to the citizens of Alaska. Enhanced 9-1-1 immediately provides the dispatcher with the identity and physical location of a caller. Bottom line: Enhanced 9-1-1 can save lives.

Municipalities have no way to fully cover the costs of this essential dispatch service. Currently AS 29.35 gives a municipality the ability to cover the cost of the Enhanced 9-1-1 equipment through a surcharge of only sixty-five cents. This does not cover the cost of the dispatch or the labor. The burden of the cost for this service is borne by local property taxes and state revenues.

This bill will shift some of the costs to the users of this service and provide substantial relief to stretched municipal budgets. Municipalities will have the option to charge phone users through a surcharge on their phone bill. Local governments are more capable of responding to the specific needs of their community. These adjustments will be a great stride toward the goal of local control for city and borough governments.

# LEGAL SERVICES

DIVISION OF LEGAL AND RESEARCH SERVICES  
LEGISLATIVE AFFAIRS AGENCY  
STATE OF ALASKA

(907) 465-3867 or 465-2450  
FAX (907) 465-2029  
Mail Stop 3101

State Capitol  
Juneau, Alaska 99801-1182  
Deliveries to: 129 6th St., Rm. 329

## MEMORANDUM

May 1, 2004

**SUBJECT:** Sectional summary (CSHB 461(STA))

**TO:** Representative Jim Holm  
Attn: Matthew Rudig

**FROM:** Tamara Brandt Cook *TBC*  
Director

**Sec. 1.** Adds to list of judicial actions that may not be brought against the state an action based on the exercise of a duty in connection with an enhanced all system or emergency services dispatch system that is not based on misconduct or gross negligence.

**Sec. 2.** Adds to list of judicial actions that may not be brought against a municipality an action based on the exercise of a duty in connection with an emergency services dispatch system.

**Sec. 3.** Adds reference to emergency services dispatch systems to list of home rule limitations.

**Sec. 4.** Permits a municipality to provide an emergency services dispatch system. Existing law permits enhanced 911 systems. Deletes the distinction in surcharges that is in existing law based on municipal population and deletes provisions setting the amounts of surcharges. Permits the surcharge to be used for labor and equipment used to provided emergency services dispatch, but not for cost of providing the emergency service.

**Sec. 5.** Provides that a residential customer may not be subject to more than one enhanced 911 surcharge on each billing statement for a wireline telephone.

**Sec. 6** Deletes provision that the Regulatory Commission of Alaska has no jurisdiction over an enhanced 911 system.

**Sec. 7.** Permits a municipality to impose a point-of-purchase 911 surcharge from prepaid wireless telephone accounts, limited to one percent of the purchase value. Makes the governor responsible for certifying the collection and use of 911 surcharges.

**Sec. 8.** Adds emergency services dispatch to the existing immunity provision applicable to enhanced 911 systems.

**Sec. 9.** Adds a definition of "emergency services dispatch."

TBC:med  
04-488.med

# Fairbanks Daily News-Miner

## What 911 is worth

**Sunday, February 22, 2004** - Two members of the Interior delegation have introduced bills that would increase the amount municipalities are allowed to collect as phone surcharges, and broaden the use of that money, for 911 emergency service.

The bills, introduced by Fairbanks Republicans Rep. Jim Holm and Sen. Ralph Seekins, deserve a close look and should be passed in some form.

The idea is another good one that comes from Fairbanks Mayor Steve Thompson, who has been looking at our cash-strapped city to see where money can be saved. He has not only found a way to save money for local dispatch services, but found a better way to pay for them.

At present, there are six dispatch centers: Fairbanks City, Fairbanks International Airport, North Pole, State Troopers, University and Fort Wainwright. They operate at a combined cost of roughly \$4.5 million, according to Thompson.

Five of those centers could be combined into one central dispatch center, likely housed in the new Fairbanks police station, which has six state-of-the-art dispatch consoles. Because of specific federal security guidelines, the airport dispatch center would have to remain separate. The cost of running the single center--which would include enhanced 911 service for cell phones and higher level training for dispatchers--would fall closer to \$1.5 million.

So the result is a consolidated dispatch center, dispatchers with better training, enhanced 911 on both land lines and cell phones, and it costs less.

Sounds like a pretty good idea.

The Fairbanks North Star Borough currently levies a 65 cents a month surcharge for "enhanced 911" services, but the money is not available to cover general 911 dispatching service. Dispatching services are paid for out of general funds.

That's where the new bills come in. Thompson found that most dispatch centers across the country are funded by phone surcharges, not property taxes.

The new plan spreads the burden of paying for the 911 service beyond property owners to everyone who owns a phone or cell phone.

While the state law would allow municipalities to collect up to \$3 per month per phone, with roughly 80,000 phones in the Fairbanks North Star Borough, the local charge likely would be closer to \$1.50 to \$1.80 to cover a dispatch center that runs at a cost of about \$1.5 million. The 65 cents per month for enhanced 911 would remain in place.

So will it cost? Oh yes. It will especially cost those who have a land line and two or three cell phones among family members.

But will it save?

No doubt, overall it saves money.

More importantly, it may save lives.

E-911 Dispatch Center  
Revenue and Costs Summary

|               | Call Center/Dispatch<br>Operating Costs | Current E-911<br>Surcharge Revenue | Current Revenue<br>Shortfall | Estimated Total<br>Phone Lines/Cell<br>Phones |
|---------------|---|------------------------------------|------------------------------|---|
| Anchorage (1) | \$ 7,652,280                            | \$ 2,066,944                       | \$ 5,585,336                 | 344,491                                       |
| Fairbanks (2) | \$ 4,680,000                            | \$ 436,293                         | \$ 4,243,707                 | 84,150  |
| Kenai (3)     | \$ 2,266,680                            | \$ 447,352                         | \$ 1,819,328                 | 48,333  |
| Juneau (4)    | \$ 1,400,000                            | \$ 305,456                         | \$ 1,094,544                 | 34,739  |

**Note: Operating costs only. Does not include capital expenditures or anticipated Wireless E-911 cost recovery.**

Sources

- (1) 2004 General Government Operating Budget/MOA Office of Management & Budget
- (2) City of Fairbanks Office of the City Manager
- (3) Kenai Peninsula Borough Office of Emergency Management
- (4) City and Borough of Juneau FY 2004 Operating Budget

Provided by Rep. Holm

| <b>Proposed Telephone Surcharge Amendment</b>   |        |                        |                           |
|---|--------|------------------------|---------------------------|
| January 29, 2004  |        |                        |                           |
|   |        | <b>Current</b>         | <b>Proposed</b>           |
|   |        | <b>Fairbanks E-911</b> | <b>Current E-911</b>      |
|   |        | <b>Surcharge</b>       | <b>Surcharge plus</b>     |
|   |        |                        | <b>Dispatch Surcharge</b> |
| <b>Surcharge Income</b>   |        |                        |                           |
| E-911 monthly surcharge per line  |        | \$ 0.65                | \$ 0.75                   |
| Proposed new Dispatch surcharge   |        |                        | \$ 1.45                   |
| Total   |        | 0.65                   | \$ 2.20                   |
| ACS Lines   | 47,000 |                        |                           |
| GCI Lines   | 9,500  |                        |                           |
| ST&T Lines  |        |                        |                           |
| Other Lines   |        |                        |                           |
| Cell Phones   | 28,500 |                        |                           |
| Total Lines   | 85,000 |                        |                           |
| Monthly Income  |        | \$ 55,250.00           | \$ 187,000.00             |
| less rebate to providers  |        | \$ 552.50              | \$ 1,870.00               |
| Net per month   |        | \$ 54,697.50           | \$ 185,130.00             |
| Net per year  |        | \$ 656,370.00          | \$ 2,221,560.00           |
| <b>Total Income</b>   |        | <b>\$ 656,370.00</b>   | <b>\$ 2,221,560.00</b>    |
| <b>Expenses</b>   |        |                        |                           |
| <i>E-911 System Expenses</i>  |        |                        |                           |
| Annual E-911 tech & system costs  |        | \$ (350,000)           | \$ (350,000)              |
| Annual set aside for equipment replacement  |        | \$ (250,000)           | \$ (250,000)              |
| <i>Dispatch Centers Expense</i>   |        |                        |                           |
| Fairbanks Center  |        | \$ (1,200,000)         | \$ (1,200,000)            |
| AST (est)   |        | \$ (1,100,000)         | \$ (1,100,000)            |
| UAF   |        | \$ (600,000)           | \$ (600,000)              |
| North Pole**  |        | \$ (175,000)           | \$ (175,000)              |
| Fairbanks Int'l Airport   |        | \$ (175,000)           | \$ (175,000)              |
| Local Annual set-aside for equipment#   |        | \$ (830,000)           | \$ (830,000)              |
| <b>Total Expense***</b>   |        | <b>\$ (4,680,000)</b>  | <b>\$ (4,680,000)</b>     |
| <b>Net Local Share of Costs**</b>   |        | <b>\$ (4,023,630)</b>  | <b>\$ (2,458,440)</b>     |
| *North Pole and Fairbanks considering contractual arrangement                             |        |                        |                           |
| **Local share includes state funds used at Fairbanks AST and Fairbanks Int'l Airport      |        |                        |                           |
| ***Interior Agencies are looking at possible Regional Dispatch Center to reduce expenses. |        |                        |                           |
| #Grants have in the past covered this cost; no guarantee of future funding.               |        |                        |                           |

## **Emergency Dispatch Telephone Surcharge**

### **Background**

Over the past decade, a remarkable breakthrough in emergency dispatch service has occurred. First, the nationwide use of dialing "911" to reach emergency service. Then, the advent of "Enhanced 911" provides a much higher level of service: Enhanced 911 provides the dispatcher with identity and physical location of an emergency caller immediately, even when the caller is unable to speak. Enhanced 911 has saved lives. Soon E-911 technology will be offered for Fairbanks cell phones users as well.

In Alaska, Enhanced 911 technology and hardware is financed by a telephone surcharge authorized by AS 29.35.131. The current maximum surcharge is \$0.75 for small communities. In Interior Alaska, the current \$0.65 surcharge and E-911 system is administered by the Fairbanks North Star Borough. Five local agencies use the system.

### **The Proposal**

While the current surcharge pays the cost of the E-911 equipment and technology, it does not provide funding for cost of emergency dispatch labor and expenses. An amendment to expand surcharge would help local governments pay the cost of dispatch service, especially in light of the complete loss of state municipal assistance.

It is common across the nation to use the phone surcharge for all of the costs of emergency dispatch, not just the E-911 technology.

An amendment to AS 29.35.131 authorizing a second level of surcharge (up to \$1.45 per month for small communities) would assist all dispatch centers. The combined maximum per month surcharge for small communities would be \$2.20.

In Interior Alaska, the total cost for all emergency dispatch service is more than \$4 million dollars a year. The increased surcharge would fund roughly \$2.4 of the \$4 million. The balance of the cost is funded by local taxes and state revenues. Shifting some of the cost to phone users would provide significant relief to local communities.



217 Second Street, Suite 200 • Juneau, Alaska 99801  
Tel (907) 586-1325 • Fax (907) 463-5480 • www.akml.org

April 7, 2004

Representative Jim Holm  
Alaska State Legislature  
State Capitol  
Juneau, AK 99801

Re: HB 461

Dear Representative Holm,

Thank you for sponsoring HB 461, which would expand the surcharge local government may levy on telephone users for E-911 and emergency dispatch services. The increased user fee, if enacted by a municipality, will improve that local government's ability to promptly respond to life and health threatening emergencies.

Although emergency communications technology has improved considerably in recent years, the added costs combined with reduced state shared revenues has made it difficult for emergency service providers to keep up with the advancements. HB 461 would provide another tool available to help improve these services.

We understand there are concerns which have been voiced by some of the telecommunications carriers regarding E-911 surcharges. We believe most of their issues can be resolved through consumer education and appropriate cost reimbursement to the carriers. We also believe any basic objection to a surcharge for 911 services is outweighed by the service provided through the surcharge funds.

Not all areas of Alaska are covered by 911 service. According to a Denali Commission survey, 164 communities within Alaska have no 911 service. The AML also supports the use of a portion of the surcharge to help municipalities and telephone service providers develop a statewide coordinated plan with the goal of eventually expanding the availability of 911 service to all parts of Alaska.

Thanks again for introducing this bill and we offer our support in helping to secure its passage.

Sincerely,

Kevin Ritchie  
Executive Director

Introduced by:

Mayor Thompson  
Council Member Johnson  
Date: February 23, 2004

**RESOLUTION NO. 4112**

**A RESOLUTION IN SUPPORT OF HOUSE BILL 461 AND  
SENATE BILL 335, WHICH WOULD ALLOW MUNICIPALITIES  
TO LEVY A MONTHLY SURCHARGE ON TELEPHONE  
SERVICES TO PAY FOR GENERAL EMERGENCY SERVICES  
DISPATCHING AND FOR ENHANCED 911 SERVICE**

**WHEREAS**, public safety is one of the mandates in the state; and

**WHEREAS**, an enhanced 911 automatically provides dispatchers with the  
identity and location of callers; and

**WHEREAS**, local dispatch centers are now paid mostly through local  
taxes; and

**WHEREAS**, it is common around the Country for 911 dispatch centers to  
be funded by telephone surcharges.

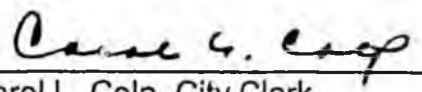
**NOW, THEREFORE, BE IT RESOLVED** by the City Council of the City of  
Fairbanks that the City Council supports passage of House Bill 461 and Senate  
Bill 335.

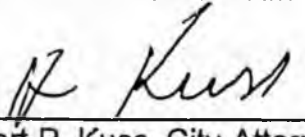
**Passed, Approved and Effective this 23rd day of February, 2004**

  
Steve M. Thompson, City Mayor

ATTEST:

APPROVED AS TO FORM

  
Carol L. Colp, City Clerk

  
Herbert P. Kuss, City Attorney

**ALASKA FIRE CHIEFS ASSOCIATION  
04-01**

**RESOLUTION IN SUPPORT OF AMENDMENT OF THE ALASKA STATUTES TO  
AUTHORIZE MUNICIPALITIES TO INCREASE THE PHONE SURCHARGE TO PAY  
THE COSTS OF EMERGENCY SERVICES DISPATCH**

**WHEREAS**, dispatch centers are an essential part of providing emergency police, fire, and emergency medical services; and

**WHEREAS**, Alaska Statutes section 29.35.131 authorizes smaller Alaskan municipalities to enact a surcharge of up to \$0.75 per month upon telephone lines to pay for the expense of enhanced 911 services; and

**WHEREAS**, as currently written, AS 29.35.131 does not authorize a surcharge for the operating costs of emergency dispatch centers; and


**WHEREAS**, authorization for municipalities to increase the phone surcharge to pay the cost of dispatch centers in an appropriate amount will provide desperately needed revenue to operate dispatch centers.

**NOW, THEREFORE, BE IT RESOLVED THAT THE ALASKA FIRE CHIEFS ASSOCIATION SUPPORTS AMENDMENT OF STATE LAW TO AUTHORIZE A COMMUNITY OPTION FOR LOCAL INCREASE OF THE TELEPHONE SURCHARGE TO PAY THE COST OF OPERATION OF DISPATCH CENTERS UP TO THE AMOUNT ALLOWED BY STATE LAW.**

**BE IT FURTHER RESOLVED, THAT THE ALASKA FIRE CHIEFS SUPPORTS HOUSE BILL 461 AS PROPOSED BY REPRESENTATIVE JIM HOLM, WHICH WOULD AUTHORIZE AN INCREASED SURCHARGE.**

**ADOPTED, THIS 10TH DAY OF FEBRUARY, 2004**

  
\_\_\_\_\_  
**Dave Tyler, President  
Alaska Fire Chiefs Association**

  
\_\_\_\_\_  
**Warren B. Cummings,  
Attest, First Vice President**

**CITY OF NORTH POLE  
RESOLUTION 04-12**

**A RESOLUTION IN SUPPORT OF HB 461 AND SB 335 TO ALLOW  
MUNICIPALITIES TO LEVY A SURCHARGE ON TELEPHONE SERVICES  
TO PAY FOR GENERAL EMERGENCY DISPATCHING SERVICES**

**WHEREAS**, providing for and maintaining public safety is one of the mandates of government; and

**WHEREAS**, the cost of operating and maintaining emergency dispatch services in Alaska falls disproportionately on property tax payers and not on users; and

**WHEREAS**, it is common around the country for 911 dispatch centers to be funded by telephone surcharges; and

**WHEREAS**, HB 461 and SB 335 would amend state law allowing municipalities to levy a monthly surcharge to pay for general emergency dispatching services in addition to the current levy for enhanced 911 services.

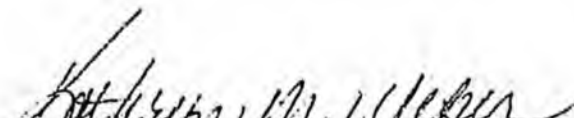
**NOW, THEREFORE, BE IT RESOLVED** that the North Pole City Council supports passage of House Bill 461 and Senate Bill 335.

**PASSED AND APPROVED THIS 1<sup>ST</sup> DAY OF MARCH 2004.**



Jeffrey James Jacobson, Mayor

**ATTEST:**

  
Kathryn Weber, CMC, City Clerk

~~Alaska Telephone Association~~

**Greg Berberich**  
President

201 E. 56th, Suite 114  
Anchorage, AK 99518  
(907) 563-4000  
FAX (907) 562-3776  
www.alaskatel.org

**James Rowe**  
Executive Director  
jrowe@arctic.net

May 10, 2004

Senate Finance Committee  
Alaska State Legislature  
State Capitol  
Juneau, Alaska 99801-1182

Sen. Lyda Green, Co-Chair  
Sen. Gary Wilken, Co-Chair  
Sen. Con Bunde, Vice-Chair  
Sen. Fred Dyson  
Sen. Ben Stevens  
Sen. Lyman Hoffman  
Sen. Donny Olson

RE: E911 Proposed Legislation, HB461

Dear Committee Members:

The Alaska Telephone Association represents fourteen rural, essentially wireline, local exchange telephone companies, each of which is absolutely dedicated to providing high quality service to all of its customers. We support emergency services, but are very concerned with HB461.

Of foremost concern to local telephone companies is the customer perception that local telephone rates will increase by very significant amounts due to the lifting of the cap on E911 surcharges. Currently the cap is a very affordable 75 cents per month (50 cents in Anchorage). Additionally, HB461 places at potential risk the customer least able to afford a higher monthly phone bill such as the aged and infirm on a fixed income; certainly among the population most likely to have need of access to E911 services.

Essentially, this legislation permits a municipal government an unlimited power of taxation. That power is already inherent in municipal government, tempered, however, by the electorate. We don't understand what has changed that the Legislature, which endorsed a responsible cap only a few years ago, would be willing to remove this very prudent surcharge ceiling on local telephone service. Municipal government should be

Alaska Telephone Association

encouraged to seek the approval of their own citizens for levels of taxation and should spend those monies as their own constituents direct.

The members of the Alaska Telephone Association look forward to working with the legislature and emergency services personnel to determine the needs of all Alaskans and facilitate the solutions. HB461 does not do that.

Respectfully,

A handwritten signature in cursive script, appearing to read "Jim Rowe", with a long horizontal flourish extending to the right.

Jim Rowe

**POSITION SUMMARY ON HB 461**  
**ALASKA TELEPHONE ASSOCIATION**

May 10, 2004

- The Alaska Telephone Association (ATA) and its 14 members statewide remain opposed to the version of HB 461 that is before the Senate Finance Committee. A list of ATA members is attached.
- The reason for ATA's opposition is that the current version of HB 461, unlike the version passed by House C&RA (Rep. Morgan's committee), deletes ANY cap on the monthly E911 tax that local municipalities can impose. Under existing law, that cap is 75 cents for a municipality with fewer than 100,000 people and 50 cents for municipalities with a population of more than 100,000.
- Testimony in the House indicated that monthly surcharges of \$5-\$6 or more may be assessed in some localities.
- The problem is that this is a complicated issue with numerous implications, and it just hasn't been studied enough.
- The House C&RA version of HB 461 would have increased the surcharge cap to \$1 for all communities (which would double the existing 50-cent cap for municipalities with over 100,000 population).
- **ATA and its members support the House C&RA version with the \$1 cap.**
- Contrary to an impression left on the House floor, ATA and its members were not consulted on the version of HB 461 that is before the Senate Finance Committee. Thus, this version does not represent an agreement.
- ATA and its members oppose having an unlimited surcharge cap because the local phone companies already are the tax collectors, and they have to devote their administrative resources to explain to upset customers that increases in their phone bills are not because telephone rates went up but are due to a governmental E911 surcharge. It takes time and money to answer complaints, which surely grow more numerous as E911 surcharges increase more and more.

- If local governments want the ability to raise the E911 tax on an unlimited basis, perhaps those governments should collect this tax directly, and acquire whatever information they need from the telephone companies serving those areas.
- There have been at least three 911 bills this year, with caps ranging from about \$2 to about \$3. Now, as mentioned, there is no cap at all in the version of HB 461 before the Senate Finance Committee.
- The bottom line is that HB 461 is an example of getting the cart before the horse. Logically, the state and local governments – and the telephone companies -- need to collaborate on a reasoned basis with professional expertise, to determine just what and how much money are needed for 911 and enhanced 911 service; then come back to legislature with a justifiable plan.

**The Alaska Telephone Association is comprised of the following rural Alaska local exchange telephone companies.**

Alaska Power & Telephone Company (Alaska Telephone Company, Bettles Telephone Company, and North Country Telephone Company)

Arctic Slope Telephone Association Cooperative

Bristol Bay Telephone Cooperative, Inc.

Bush-Tell, Inc.

Copper Valley Telephone Cooperative, Inc.

Cordova Telephone Cooperative

Ketchikan Public Utilities, KPU Telecommunications

Matanuska Telephone Association

Nushagak Electric & Telephone Cooperative, Inc.

OTZ Telephone Cooperative

Summit Telephone Company, Inc.

TelAlaska, Inc. (Interior Telephone Company and Mukluk Telephone Company)

United Utilities, Inc. (also United-KUC, Inc.)

Yukon Telephone Company, Inc.



**Bristol Bay**  
TELECOMMUNICATIONS  
GROUP

5/5/2004

- Hon. Sen. Lyda Green, Co-Chair
- Hon. Gary Wilken, Co-Chair
- Hon. Con Bunde
- Hon Sen. Fred Dyson
- Hon. Sen. Ben Stevens
- Hon. Sen. Lyman Hoffman
- Hon Sen. Donny Olson

Dear Senators;

I am writing in opposition to SB335. I represent the rural consumers of the Bristol Bay Telephone Cooperative who will be ill served by the proposed legislation. As written, the legislation would not advance the intended purpose of providing enhanced 911 to any of the 5 exchanges we serve. While the intent of the bill seems reasonable, the bill would negatively impact the members of our cooperative. Our cooperative hoped for provisions that would provide some means to provide 911 traffic routed in the rural unorganized portions of the state to the appropriate responders. This was not incorporated into this bill.

Also, many of our cell customers reside within urban organized areas. We do not provide roaming as our cell service is designed to serve the fishing industry and the cell phone do not work in the urban areas. Under proposed legislation, we would be required to levy a charge on these customers with billing address in an urban area. This would place an increased burden on our small struggling telephone cooperative and unfairly assess customers who can't even call 911.

Currently, five of our exchanges serving five villages have no Public Safety Answering Point (PSAP). It is unclear in the law as to exactly what happens when there is no PSAP within an exchange or community. The bill needs to outline how we are to forward calls. The BBTC is more than willing and able to route 911 to any number. It would be unworkable for many subscribers who have toll restricted phones to complete a long distance call routed to the trooper designated PSAP outside the local exchange. As an example, there will never be a local PSAP in Igiugig within the foreseeable future. We do not know which trooper's office provides coverage of that area. We think the statute should indicate that Public Safety would take responsibility to provide the designated number to for us to forward 911 calls toward.

We therefore think that as written this bill is troublesome and cannot be accomplished without additional responsibility outlined in the law as to what PSAP the telephone company should use for routing calls in each community.

While we support a comprehensive bill that would gather support from both regular and wireless customers, this bill is not a step in the right direction without further language and or clarification. We would gladly work with you on legislation that is workable and would meet the intended purpose of improved public safety. This bill does not serve that purpose.

We therefore urge you to not advance this bill out of committee as written.

Sincerely,

Dennis Niedermeyer  
Acting General Manager  
Bristol Bay Telephone Cooperative



Representative Jim Holm  
Alaska State Legislature  
State Capitol, Room 416  
Juneau, AK 99801-1182  
907-465-3466

Executive Offices

May 10, 2004

Re: CS for HB 461 – “An act related to enhanced 911 surcharges and to 911 and emergency services dispatch systems.”

Dear Representative Holm:

Alaska Communications Systems (“ACS”) does not have a problem with the intent of HB 461, which allows municipalities to determine the appropriate level of surcharge that needs to be placed on either wireline or wireless bills. The surcharge covers the substantial cost of the enhanced 911 system and the actual labor and equipment used to provide emergency services dispatch. ACS feels that municipalities are best equipped to determine the appropriate level of surcharge for this critical health and safety issue and recognizes that there may exist a difference in cost among cities due to available technology already in place, etc.

If you have any questions, please do not hesitate to contact me.

A handwritten signature in black ink that reads "Mary Ann Pease". The signature is written in a cursive, flowing style.

Mary Ann Pease

VP, Corporate Communications  
Alaska Communications Systems