

**Statement of Jeffrey Starkweather on Voting Equipment for Chatham County**  
[February 2008]

My name is Jeffrey Starkweather, 590 Old Goldston Road, Pittsboro. I am speaking tonight as a local attorney, a campaign organizer who has worked with several local political action committees and candidates, and a soon to be official candidate for County Commissioner District 2.

Let me preface my remarks with an admission. Unlike the previous expert and knowledgeable speakers before, I am an admitted Luddite. While computers are indispensable, they act up in strange ways. Of course, I never know if it is the computer that is the problem or me.

I first want to applaud our excellent new Board of Elections for holding this long-awaited public hearing and looking for ways to respond the voters well-researched and deeply felt concerns and questions about the dangers of using Direct Record Electronic voting machines. And while I am up here, I want to take this opportunity publicly to thank you, as the attorney who had the distinct pleasure of representing Pittsboro Town Board candidate Michele Berger in her protest petition, for your actions in recommending to the state board that a new election be held due to voting irregularities. Moreover, I want to also thank you on behalf of the voters of Pittsboro for your recent proactive decisions designed to prevent any recurrence during the March 18 re-election of the type of shameful and disturbing behavior that occurred at the polling place on election day in November. I especially applaud your decision to provide a buffer area around curbside voting.

Secondly, I understand this Board is considering providing paper ballots with optical scans as the default option at early voting this spring and fall, just as is currently done on Election Day. That is a move in the right direction. However, I want to join my fellow concerned citizens here tonight to urge you to discontinue use of the Direct Record Electronic (DRE) voting machines, except for persons with disabilities.

Many citizens here tonight have done considerable research and self-education on this issue and presented to you this evening and to previous Boards of Election and County Commissioners considerable factual information raising serious questions about the integrity, reliability, and comparative costs of DREs. Moreover, as has been demonstrated we actually are hearing tonight from local citizen experts who have presented detailed factual evidence supporting citizens' concerns about DRE, including Nick Meyer, Jack Perry and Ken Boggs. That information was ignored in 2006 by both boards resulting in a substantial outlay of funds for DRE equipment, which it appears a large segment of the voters, if not the majority, do not trust. As a former editor and reporter who covered numerous Chatham elections, a campaign organizer, and now a candidate myself, I believe nothing is more important to democracy than the belief of the citizens in the integrity of our election process. The people's faith in the integrity of this process has clearly come into question with the use of DRE's.

*[NOTE: Not in original text of speech: I would like to add that I served as Special Attorney for Employment and Public Accommodations with the Governor's Advocacy Council for Persons with Disabilities. In 2005 I was asked by my boss to represent my agency before a special legislative study commission looking into DRE problems we are discussing tonight that grew out of several major breakdowns in DRE during the 2004 election. When I first undertook this assignment, many disability advocates, especially those representing persons with low vision or without sight, were advocating conversion to DREs. My boss had originally planned to speak in favor of total conversion to DRE around arguments of privacy, equal access and non-discrimination. I was able to convincemby boss and those advocates that they needed to balance vote integrity and voter confidence in the process along with access and privacy. They agreed and my boss' speech was revised to only advocate that their needed to be at least one machine usable by all persons with disabilities at each voting place. But I would also state that in attending all of the study commission's meeting and subsequent legislative committee meetings on this subject, I was pleasantly surprised that a number of the speakers here tonight were also regular attendees at the meetings, giving Chatham, by far, the greatest representation of any area of the state at these proceedings. Thus, I can attest to the fact that those speakers tonight who attended those meetings certainly did their homework on this issue and you can be assured they are speaking with factual authority.]*

Third, I believe in the notion that elected officials are essentially delegates of the majority of the people. Unless there is some compelling reason to do otherwise, elected officials should listen to the voice of the people who elected them and act accordingly. There is a contrary view among some elected officials that they are not our delegates, but instead "trustees" who are free to ignore the will of the voters and act in a manner they have decided is in our best interests. I reject this view of political representation. In January 2006 the County Commissioners voted unanimously to support the previous Board of Election's recommendation to spend approximately \$133,000 in county funds for the DRE's, according to the county minutes. This was reconfirmed in March of that year. This purchase was made despite the Commissioners themselves admitting that the massive number of calls and e-mails they received overwhelmingly opposed the purchase of the DREs. Fortunately, we did not have an election disaster like a number of other jurisdictions that relied solely on DREs. And more importantly, democratic accountability worked in Chatham. Six of the eight public officials involved in making the costly and controversial decision to purchase the DREs are no longer in office.

Fourth, I understand that when paper ballots and optical scan are used, that there is currently no way to alert voters of what are referred to as under-votes, which is where a voter fails to vote in a particular race. This has been particularly a problem with the Presidential race during the General Election, because a straight ticket vote does not include a vote for President. I realize there are political factors that prevent the state from including Presidential voting as part of the straight ticket vote. Thus, I would request that each voter be reminded by a poll worker when get their ballot that if they desire to vote straight ticket for either party, that they will still have to make a separate vote for President.

Finally, I want to applaud those of you in the audience and other dedicated citizens who have put so much of their time, talent and tears into bringing this critical aspect of election integrity before the Board of Elections tonight. Voting is the first requirement of a vibrant democracy. Citizen participation in government policy making is the second. And they are both needed for the government to truly belong to the people. Thank you.