

Congress of the United States
Washington, DC 20515

November 1, 2016

The Honorable Loretta Lynch
Attorney General
U.S. Department of Justice
Office of Attorney General
950 Pennsylvania Avenue, N.W.
Washington, D.C. 20530

The Honorable Vanita Gupta
Principal Deputy Assistant Attorney General
U.S. Department of Justice
Civil Rights Division
950 Pennsylvania Avenue, N.W.
Washington, D.C. 20530

Dear Attorney General Lynch and Principal Deputy Assistant Attorney General Gupta,

It was reported on October 27, 2016¹ that voting machines in several Georgia counties appear to be “flipping” or incorrectly marking the votes cast by Georgia residents at the polls. Reports from Bryan, DeKalb, Bulloch, Chatham, Dodge, Effingham and Macon-Bibb Counties indicate some voters experiencing problems while early voting. In Bryan County, it has taken voters nearly three attempts before the machine correctly recorded their vote.

As you are aware, states across the country have updated their systems to employ electronic voting machines. These machines vary from optical scan systems to ballot marking devices to direct electronic recording systems (DRE) to punch card systems. Some of these electronic systems employ a paper ballot for tabulation and auditing purposes. Georgia, however, is one of only five states² that employ a DRE system without a backup paper trail. This means voters utilize a touchscreen device to cast their vote, but the vote is cast without a paper receipt. The lack of paper backup makes it nearly impossible for voters to verify or audit their vote after it has been cast. Furthermore, to accurately collect a voter’s intended vote, the machine’s touch screen must be tilted toward the voter at approximately a 45-degree angle. If not, the machine will improperly record the vote.

Georgia Election Statute § 21-2-326 provides that: “(b) If any voting machine shall become out of order during a primary or election and repair or substitution cannot be made, paper ballots, either printed or written, and of any suitable form, may be used for the taking of votes.” This means that if any machine is inoperable or taken out of service, there should be paper ballots available for voters at the polling site.

Due to our concern regarding reports of inaccurate voting machines, we request that the Department provide any resources or assistance to ensure voters at Georgia polls can exercise their fundamental right to vote and cast their vote with accuracy and confidence. Because

¹ <http://www.ajc.com/news/state--regional-govt--politics/georgia-voting-machine-suspected-flipping-presidential-votes/woKEUgpDDEyaw9o4J318XJ/>

² Georgia, South Carolina, Louisiana, Delaware, and New Jersey.

machines in Georgia have been reported to record votes inaccurately, we ask the Department to provide poll monitors or any other election monitoring resource to ensure that:

- Georgia poll workers inform all Georgian voters of the option to request and cast paper ballots at all polling sites;
- any paper ballot cast in person by a confirmed, registered, Georgian voter is not classified as a provisional ballot; and
- Georgian voters are receiving assistance if machines are not functioning properly.

As we enter the waning days of this historic election, we want to protect Georgia voters and guarantee the votes cast reflect the votes intended. Thank you for your consideration and for the Department's ongoing work to protect the fairness and integrity of our elections.

Sincerely,



Henry C. "Hank" Johnson, Jr.
Member of Congress



John Lewis
Member of Congress



Sanford Bishop
Member of Congress



David Scott
Member of Congress

cc: Honorable Brian Kemp, Georgia Secretary of State
Honorable Thomas Hicks, U.S. Election Assistance Commission
Honorable Matthew Masterson, U.S. Election Assistance Commission
Honorable Christy A. McCormick, U.S. Election Assistance Commission