



County of Santa Cruz⁰⁰⁸⁷

BOARD OF SUPERVISORS

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SECOND DISTRICT

MARDI WORMHOUDT
THIRD DISTRICT

TONY CAMPOS
FOURTH DISTRICT

JEFF ALMQUIST
FIFTH DISTRICT

AGENDA: 6/17/03

June 9, 2003

BOARD OF SUPERVISORS
County of Santa Cruz
701 Ocean Street
Santa Cruz, CA 95060

RE: ELECTRONIC VOTING

Dear Member of the Board:

I recently received information from Michael and Margaret Smith concerning the problems that can arise with electronic voting machines. It's easy to imagine the number of glitches that could occur due to hardware or software problems or programmer mistakes. As long as there is a "paper trail" of some sort, then the votes can be recounted as needed. Without any paper evidence of a vote to recount, any recount is meaningless.

I ask that the Board consider referring the matter of electronic voting to the County Clerk-Recorder, who has far more expertise in this area than I. I would suggest that his office research this issue and report back to us on what steps that they recommend to take.

Therefore, I recommend that the Board refer this matter to Richard Bedal, the County Clerk-Recorder, and ask that he return to the Board on or before August 12, 2003, with a report on the potential for mistakes or fraud with paperless electronic voting and his recommendation for steps we should take to avoid such problems.

Very truly yours,

ELLEN PIRIE, Supervisor
Second District

EP:ted
Attachments

1437A2

May 30, 2003

Ellen Pirie, Chair
Board of Supervisors
701 Ocean Street
Santa Cruz, CA 95060

Copy To Each Supervisor 0088

**Request for a Resolution from the Board of Supervisors: Supporting the position that all electronic voting machines used by County Elections Departments have the capability of producing a voter-verifiable auditable paper record and
Support for *The Voter Confidence and Increased Accessibility Act of 2003* (HR 2239)**

Dear Ms. Pirie:

Following the Florida 2000 election debacle, the federal government through the Help America Vote Act of 2002 (HAVA) provided \$4.9 billion to Elections Departments throughout the nation to modernize their voting systems. Prop. 41, passed by California voters in 2002, provides \$200,000 for the same purpose.

Since that time, Elections Departments throughout California have been applying for funding through the Secretary of State to modernize their voting systems. In at least 31 out of 58 counties, they have partially or totally converted to electronic touch screen voting machines. In virtually all cases these voting machines have been ordered or purchased from Election Services & Software (ES&S), Diebold, or Sequoia. ES&S alone claims to have handled **56% of the nation's votes in the last four presidential and congressional elections.**

None of these companies currently have voting machines that can produce voter-verifiable auditable paper records!

Equipment malfunction or breakdown; suspected tampering - accidental or intentional; and the production of incorrect data by these voting machines only to name a few of the problems is causing great concern to voters who realize that in order for an Elections Department to accurately and completely conduct a vote recount **it is absolutely crucial that a verifiable paper record of individual votes be available - not just data which may be correct or incorrect.**

When a problem or suspected tampering occurs with voting machines from ES&S, Diebold, or Sequoia an independent technician cannot be hired or assigned to check the codes of these machines or in any way open the machines unless they have a court order because of proprietary ownership issues. Only technicians or staff from the specific company can provide this service.

The Secretary of State's office is continuing to certify voting systems without this capability, and to fund County Elections Departments requesting funds to purchase these machines. They claim that the broad language in HAVA and Prop. 41 does not require that voting machines have to have the capability of producing a voter-verifiable auditable paper record. However, these documents do not prohibit such a requirement.

Multiply this problem throughout the nation and it is no wonder voter participation is at its all time low or that voters do not have confidence that their votes will be accurately recorded or counted.

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We are requesting the Board of Supervisors place this item on the next available agenda and pass a resolution recommending that:

- All electronic voting machines used by Elections Departments possess the capability for producing a Voter-Verifiable Auditable Paper Record;
- The Secretary of State decertify all electronic voting machines that have been certified, but have no capability to produce a voter-verifiable auditable paper record, until such time that these systems have been retrofitted with this capability;
- The Secretary of State discontinue approving funding requests from counties for Prop. 41 or other monies with which to purchase voting machines without this capability; and to instruct County Elections Departments to cease using any voting machines without this capability until they have been retrofitted with it;
- All electronic voting machine companies provide open disclosure to potential customers and the press about past problems with their machines;
- Our State legislators pass similar legislation to **HR 2239** at the federal level by Rep. Rush Holt of New Jersey, **The Voter Confidence and Increased Accessibility Act of 2003** that addresses this issue, that the Board of Supervisors support such legislation.

We have included this letter and documents and other materials supporting this request to all members of the Board of Supervisors.

If we are to increase public confidence and participation in our election system we must give them the assurances they need that their votes will be accurately recorded as they intend and that their votes can be adequately retrieved if a recount is requested or ordered.

Thank you for your consideration on this vital issue.

Sincerely,


Michael J. Smith
564 Santa Marguarita Drive
Aptos, CA 95003


Margaret M. Smith
564 Santa Marguarita Drive
Aptos, CA 95003

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VOTING MACHINE ERRORS BY STATE / COUNTRY

* [Also see Errors by date/year](#)

VENEZUELA

2000 Venezuela - Associated Press (AP) reporter Jessica Fargen wrote in June 2000, "ES&S has felt the most fallout from its problems in Venezuela, where that nation's highest court suspended the May 28 elections because of technical glitches in the cards used to tabulate votes. Dozens of protesters have chanted "Gringos get out!" at ES&S technicians working in Venezuela's election offices. The U.S. Embassy in Caracas has protested the treatment by secret police of ES&S personnel, including alleged verbal and physical abuse and threats. Venezuela sent an air force jet to Omaha to fetch computers and experts in a last-ditch effort to fix the problem before the delay was ordered. Venezuela's president and the head of the nation's election board accused ES&S of trying to destabilize the country's electoral process." <http://starbulletin.com/2000/06/07/news/story3.html>

UNITED STATES

ALABAMA

2002 Alabama - No one at ES&S can explain the mystery votes that changed after polling places had closed, flipping the election from the Democratic winner to a Republican in the Alabama Governor's race. "Something happened. I don't have enough intelligence to say exactly what," said Mark Kelley, of Election Systems & Software. Baldwin County results showed that Democrat Don Siegelman earned enough votes to win the state of Alabama. All the observers went home. The next morning, however, 6,300 of Siegelman's votes inexplicably disappeared, and the election was handed to Republican Bob Riley. A recount was requested, but denied. The "glitch" is still being examined. (By a citizens group?) No. (By a judge?) No. (By an independent computer expert?) No. (By someone who works for ES&S?) Yes. <http://www.blackboxvoting.com/modules.php?name=News&file=article&sid=12>

ARIZONA

1986 Arizona - Maricopa County. A clerical error that would have interchanged votes for the two major parties in this primary election was caught during testing. Pre-punches (ballot style identifiers) were incorrectly specified, and if the errors had not been caught, votes in the primary contests in each party would have been assigned to the other party during tallying. Poor communication between the county data processing department and the election administration contributed to the problem. A well-designed testing process caught the error, so that ballot counting during the actual election was not affected. <http://www.ecotalk.org/VotingMachines-SaltmanReport.htm>

CALIFORNIA

2002 California - California machines that can't add: The problem in Monterey, California was that the department's mainframe computer refused to add the results of early absentee votes and those cast on touch-screen computers

prior to Election Day. "We didn't have any problems whatsoever during our pre-election tests," said the elections official, <http://www.blackboxvoting.com/modules.php?name=News&file=article&sid=12>

^{Florida} 2002 California - 103,000 votes lost by computers in Broward County, ^{Florida} In California, all the 'Yes' votes registered as "No." <http://www.talion.com/vote-rigging.html>

2002 California 02/11/ - The San Francisco Chronicle Jones' investigation raised the specter of massive inaccuracies in the November 2000 vote count -- enough to put in question the election of some members of the Board of Supervisors...For instance, in precinct 3213 on Russian Hill, the city reported counting 328 ballots and 327 signatures were in the roster. But when state investigators opened the box for that precinct that city officials pulled from storage, they found only 170 ballots. In one precinct, the major discrepancies found by Jones seem to have existed on election night as well. In polling place 2214 in the Western Addition, the city counted 416 ballots, but there were only 362 signatures in the roster, and the secretary of state found only 357 paper ballots. <http://www.talion.com/election-machines.html>

FLORIDA

1970 Florida - Dade County. This is the election that started the Collier brothers on a decades-long investigation of computer vote-rigging and the major news networks complicity. On election day the networks claimed that the courthouse computer broke down. Before the breakdown candidate Ken Collier had 31% of the vote. 20 minutes later, the network reported that Collier had only 16%. The Colliers claim that election night computer breakdowns, followed by a sharp drop-off in votes for certain candidates, was pattern repeating itself across the country. They later alleged in court that three University of Miami computer professors conspired with election officials and news network officials to rig elections in Florida. "One voting machine was used to accurately project (100% of the time) the entire election involving some 40 races and more than 250 candidates." <http://www.votescam.com/frame.html> (Votescam; The Stealing of America)

1972 Florida - Dade County. The election was a repeat of 1970 (see above) although Ken Collier was not a candidate this time. <http://www.votescam.com/frame.html> (Votescam: The Stealing of America)

1974 Florida - Dade County. The Collier brothers discover that the Printomatic voting machines contain pre-printed vote tabulations. Thousands of precinct workers walk out in protest, but the news media plays down the story. Both local authorities (Dade County attorney Janet Reno) and the Department of Justice under current election crimes chief, Craig DonSanto, refuse to investigate even though there have long been widespread rumors of rampant election fraud in Dade. <http://www.votescam.com/frame.html> (Votescam: The Stealing of America)

1980 Florida - History repeats itself again and again and again. "Undervotes"—the failure of votes to register on a voted ballot—occurred on about 10,000 ballots in Palm Beach County this year, where Vice President Al Gore has strong support. In 1988, in MackKay's four Democratic stronghold counties, there were 210,000 people who voted for president but did not vote in the U.S. Senate race. in a comparable U.S. Senate race in a presidential-election year--1980--in the same four counties, three out of every 100 presidential voters did not vote for senator. <http://www.notablesoftware.com/Press/Dugaer1.html>

1984 Florida - Palm Beach County . Following the general election, David Anderson, defeated candidate for Property Appraiser of Palm Beach County, sued to contest the election of his opponent Rebecca Waiker. [72] Anderson asked that the Court order a hand recount of the ballots, or a hand recount of at least several precincts in that election. The issues on which Anderson sued included handling of the ballots, precinct procedures for signing in voters, ballot secrecy, counting of punch card ballots, and possible manipulation of the computer program. <http://www.ecotalk.org/VotingMachines-SaltmanReport.htm>

1988 Florida - History repeats itself again and again and again. "Undervotes"—the failure of votes to register on a voted ballot—occurred on about 10,000 ballots in Palm Beach County this year, where Vice President Al Gore has strong support. in 1988, in MackKay's four Democratic stronghold counties, there were 210,000 people who voted for president but did not vote in the U.S. Senate race. In a comparable U.S. Senate race in a presidential-election year--1980--in the same four counties, three out of every 100 presidential voters did not vote for senator; in 1988, 14 of every 100 did not. in the entire state of Florida, excluding the four MackKay counties, fewer than one of 100 presidential voters--25,000--were not recorded as also voting in the Senate race. Three of the MackKay counties in 1988 are among Gorp's big four recount counties. MackKay believed "very strongly" that the Senate election was

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stolen from him. He suspected, as a reason for the vote drop-off, the use, in the questioned counties, of a ballot layout that crowded the Senate race onto the bottom of the same page with the presidential race. The voting electorate for president dropped to 86% for the Senate, then jumped back up to 97% for secretary of state. Suspecting, *too*, "a problem in the [computerized vote-counting] software," MacKay asked that his campaign be permitted to examine it in five counties, but was refused on grounds that it was the secret property of the election-business companies. "A damned outrage," he said of this. <http://www.notablessoftware.com/Press/Dugger1.html> MacKay's campaign "late" polls had him ahead by 5-9%, according to Dugger in APR Reporter - Vol. 16, NO. 3

1997 Florida 04/07 The Tampa Tribune - Bob Stamper, a 10-year state attorney investigator, usually works on white-collar crime cases. But his investigation at the supervisor of elections office involves no crime. Rather, the probe is focusing on a ballot count that landed Republican Bruce L. Parker at the top of the heap election night, but later unseated him in favor of Democrat Marlene Duffy Young after a court-ordered hand recount. Todd Urosevich, a vice president of American Information Systems [now ES&S], which made Polk's troubled ballot-counting equipment, already has been interviewed by Stamper, and told Stamper his machines were not responsible for the miscount. <http://www.talion.com/election-machines.html>

2000 Florida - History repeats itself again and again and again. "Undervotes"—the failure of votes to register on a voted ballot—occurred on about 10,000 ballots in Palm Beach County this year, where Vice President Al Gore has strong support. In 1988, in MacKay's four Democratic stronghold counties, there were 210,000 people who voted for president but did not vote in the U.S. Senate race. In a comparable U.S. Senate race in a presidential-election year—1980—in the same four counties, three out of every 100 presidential voters did not vote for senator; in 1988, 14 of every 100 did not. In the entire state of Florida, excluding the four MacKay counties, fewer than one of 100 presidential voters—25,000—were not recorded as also voting in the Senate race. Three of the MacKay counties in 1988 are among Gore's big four recount counties. <http://www.notablessoftware.com/Press/Dugger1.html>

2000 Florida - An entire precinct had been left uncounted. The ballots had been run through the card reader, but the operator had pressed CLEAR instead of SET. (The recount gave Gore +368, Bush +23.) In Deland, Volusia County, a disk glitch caused 16,000 votes to be subtracted from Gore and hundreds added to Bush in the original totals. This was detected when 9,888 votes were noticed for the Socialist Workers Party candidate, and a new disk was created. (The corrected results were Gore 193, Bush 22, Harris 8.) In Pinellas County, election workers were conducting a SECOND recount after the first recount gave Gore more than 400 new votes. Some cards that were thought to have been counted were not. [Source: Democrats tell of problems at the polls across Florida, *The New York Times*, November 10, 2000, National Edition, p. A24] <http://www.ejfi.org/Voting/Voting-9.htm>

2000 - Florida - Supervisor of Elections in Palm Beach County, Florida, who some say single handedly cost Al Gore the presidency, is back with another debacle. Her office is being sued by the former Republican mayor of Boca Raton, Emil Danciu, who claims that the city council election held last March should be re-run **due** to malfunctions in the new \$14 million dollar computer voting machines LePore bought from Sequoia Voting Systems Inc.. Rob Ross was the lead attorney <http://www.ecotalk.org/Dr.RebeccaMercuriComputerVoting.htm>

2002 Florida - Janet Reno's (primary) campaign for governor is trying to build a sweeping case against the now-infamous touch-screen voting machines that campaign officials believe may be responsible for Reno's losing thousands of votes in the Democratic primary. Among the allegations: Touch-screen machines suffer from a buildup of smudges that create inaccuracies as more people vote; some voters saw the wrong candidate's name light up when they touched the screen; many machines may not have properly calculated votes; and some machines had more than the typical percentage of ballots without a vote in the gubernatorial primary. Election Systems and Software, the company that manufactures the iVotronic Machines used in Miami-Dade and Broward counties, could not be reached late Saturday. Last week, ES&S said in a statement that its machines "accurately captured 100 percent of the votes which were cast. No votes were lost or not counted." <http://www.miami.com/mld/miamiherald/news/state/4077014.htm>

2002 Florida - McBride was a tough guy to vote for: One voter said that he tried 10 times, and every time he pressed McBride the Bush choice lit up. He could only get his vote to light up the McBride choice when he pressed a dead area of the screen. No paper trail was available, so no one really knows who got any of the votes — regardless of which Candidate lit up. Similar problems were reported in various permutations, for various candidates, by several Florida voters, and an identical problem was noted in Texas. <http://www.blackboxvoting.com/modules.php?name=News&file=article&sid=12>

2002 Florida - Only 103,000 votes went missing in Florida, and only 91,000 voters were wrongfully purged from the rolls. Though there is no paper trail, officials assure us that the counts were correct. And the purged voters get their

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votes back — after the election is over. <http://www.blackboxvoting.com/modules.php?name=News&file=article&sid=12>

2002 Florida - 09/17 The Bradenton Herald (Florida) Union County...has had trouble-free elections dating back at least to the early 1920s as the only county in Florida that continued to hand count its ballots. But that changed this year... But counting the county's 2,642 ballots using the new optical-scan machinery this year took two days, after a programming error rendered the automatic count useless. So it was back to the tried-and-true hand count for Union County, which is about 130 miles east of Tallahassee. The equipment vendor, Election Systems and Software Inc., accepted responsibility for the problems, which were caused when a printing error gave both Republican and Democratic ballots the same code. The machines read them both as Republican. Todd Urosevich, vice-president of election product sales, said the company will pick up the expenses for the hand count and apologized to the county. <http://www.talion.com/election-machines.html>

2002 Florida - November 10, <http://www.blackboxvoting.com/modules.php?name=News&file=article&sid=14> This whistleblower is an accountant, and he took it upon himself to call Century Village. He was told that their occupancy has remained stable (around 13,000 residents) since the complex hit capacity in 1998. Miami Herald listed the following figures for the total votes cast at the Democrat-friendly Broward County Century Village precinct in the general election:

1994: 7,515
1998: 10,947
2002: 4,179

2002 Florida - "I was the clerk of a precinct in Broward County FL. We counted exactly the number of voters who voted on the machines. The total was 713, however the machine count was 749. I reported this information to the Broward County Staff upon returning my supplies that evening after the election. "They, to my disbelief, thought they had a successful election. They told me if the difference between the actual voters and the machine vote was 10% that that was within their acceptable range. "Imagine this could be 100,000 votes per million votes cast! And who would ever know what candidate or issue they were assigned to. "If you like please contact me..." Thank you. Ellen In a follow up, we obtained her notarized affidavit, which contains a statement that Mike Lindsay, from the Florida Division of Elections, told her that the state of Florida would not certify any machine that produced a paper trail. This matches another report we received, from a voting machine manufacturer who was told that it is illegal to have a paper trail in the state of Florida. When he asked to see the law, they could not produce it. Ellen also says that the ES&S machines purchased in Broward County were bought while they were not certified. This is corroborated by a statement from another witness, and bears looking into further. <http://www.blackboxvoting.com/modules.php?name=News&file=article&sid=15>

GEORGIA

1986 Georgia 11/07 - Atlanta Journal Constitution Computer troubles have been blamed for ballot discrepancies in a race that state Sen. Donn Peavy (D-Gwinnett) lost by eight votes. Frances Duncan, director of the state Election Division in the secretary of state's office, said Thursday a partial recount showed 400 fewer ballots cast in the Cates D precinct, 70 more ballots cast in the Dacula precinct, and 44 more ballots cast in the Lawrenceville precinct. The recount was started Wednesday night at the request of the Republican victor, former Lawrenceville Mayor Steve Pate, but was halted when the discrepancies appeared, said county Elections Superintendent Lloyd Harris. Harris blamed the problem on the computer used to recount the votes. He said an official from a California computer firm will fly to Georgia on Monday to make necessary program changes, and the recount won't be completed until early next week. <http://www.talion.com/election-machines.html>

2002 Georgia - In one county ballots in at least three precincts listed the wrong county commission races. Officials shut down the polls to fix the problem but didn't know how many wrong ballots were cast or how to correct errant votes. In another, a county commission race was omitted from a ballot. Cards voters need to access machines malfunctioned. Elsewhere, machines froze up and dozens were **had** software programming errors. <http://www.blackboxvoting.com/modules.php?name=News&file=article&sid=12>

2002 Georgia - Officials forgot where they put their memory cards: Fulton County election officials said that memory cards from 67 electronic voting machines had been misplaced, so ballots cast on those machines were left out of previously announced vote totals. No hand count can shine any light on this; the entire state of Georgia went to touch-screen machines with no physical record of the vote. Fifty-six cards, containing 2,180 ballots, were located,

but 11 memory cards still were missing Thursday evening. Bibb County and Glynn County each had one card missing after the initial vote count. When DeKalb County election officials went home early Wednesday morning, they were missing 10 cards. <http://www.blackboxvoting.com/modules.php?name=News&file=article&sid=12>

ILLINOIS

1983-87 Illinois - "Saltman's 1988 report cited an extensive series of tests of the computer counting systems used in Illinois from 1983-87 which tested tens of thousands of ballots instead of the usual three or four dozen used in most pre-election tests. In the Illinois test series, it was discovered that significant errors in the computers' basic counting instructions were found in 20% of the tests. In 1988, Michael Harty, the Illinois director of voting systems and standards, pointed out that these gross "tabulation-program errors" would not have been caught by election authorities and lamented to the New Yorker. "At one point, we had tabulation errors in 28% of the systems tested, and nobody cared". <http://www.ecotalk.org/Pandora'sBlackBox.htm> / The Illinois State Board of Elections, Division of Voting Systems, under the direction of Michael L. Harty, has undertaken tests of vote-counting computer systems. Between 1983 and 1987, the division conducted 48 tests of the automatic tabulating equipment and computer programs in 41 election jurisdictions. The tests have involved anywhere from 1,000 to 65,000 test ballots. The division found apparent computer program tabulation errors in 11 of the election jurisdictions tested. <http://www.ecotalk.org/VotingMachines-SaltmanReport.htm>

1984 Illinois - Effingham County, General Election: A county-level office was not being tabulated in five precincts, though votes were assigned to the office. <http://www.ecotalk.org/VotingMachines-SaltmanReport.htm>

1984 Illinois - Jackson County, General Election: A translation error between precinct returns and the summary report caused the summary report to fail to properly reflect the precinct sum totals for certain candidates. <http://www.ecotalk.org/VotingMachines-SaltmanReport.htm>

1984 Illinois - LaSalle County, General Election: The straight party vote was not being tabulated for all candidates in a party. In addition, when an overvote occurred in the straight party column and also in an individual candidate's punches on the same ballot, the candidates involved actually lost a vote, i.e., had their vote totals reduced by a vote (instead of simply being denied a vote). <http://www.ecotalk.org/VotingMachines-SaltmanReport.htm>

1984 Illinois - Grundy County, General Primary Election: Forty-seven percent of the precincts had one or more of the following types of errors: (1) the assignment of the wrong county board districts in the precincts, (2) the deletion of candidates in precincts, (3) the incorrect assignment of candidates to precincts, (4) assignment of only 2 vote for each vote cast, and (5) incorrect totals of precinct votes on the summary report for several candidates. <http://www.ecotalk.org/VotingMachines-SaltmanReport.htm>

1984 Illinois - Rock Island County, General Primary Election: Two votes for each vote cast were being tabulated for a candidate. In addition, the "no" votes on a proposition were not being counted. Further, the summary report totals did not properly reflect precinct sum totals for several candidates. <http://www.ecotalk.org/VotingMachines-SaltmanReport.htm>

1984 Illinois - Jackson County, General Election: Column binary punching appeared to cause severe tabulation delay. In addition, the card reader stopped occasionally during the tabulation of a precinct. When this condition occurred, the results already obtained had to be erased and all the ballots for the precinct had to be retabulated. The cause of this difficulty could not be immediately ascertained. <http://www.ecotalk.org/VotingMachines-SaltmanReport.htm>

1984 Illinois - Will County, General Election: During the system test, the card reader was jammed twice by ballots. The ballots involved were almost completely destroyed in the process. <http://www.ecotalk.org/VotingMachines-SaltmanReport.htm>

1985 Illinois - Moline, Consolidated Municipal and Township Election. The following report is primarily based on an article in Illinois Issues, November, 1985, that was republished in a newsletter of the National Center for Policy Alternatives. [66] In this election on April 2, 1985, the failure of a card reader to read correctly caused a losing aldermanic candidate for Moline City Council to be put into office. The error was not rectified until about three months later, <http://www.ecotalk.org/VotingMachines-SaltmanReport.htm>

1985 Illinois - Morgan County, Consolidated Election: No straight party votes registered for the candidates of a party. However, this did not affect the individual candidate totals. <http://www.ecotalk.org/VotingMachines-SaltmanReport.htm>

1985 Illinois - Peoria County, Consolidated Election: The computer program misassigned straight party punches for a candidate for township supervisor. The candidate received a tally from a straight party punch for the opposite party but failed to receive a tally from the straight party punch of his own party. <http://www.ecotalk.org/VotingMachines-SaltmanReport.htm>

1985 Illinois - Sangamon County, Consolidated Election: The computer program would not accept ballots with proper ballot style identifiers. This error was not discovered by the test previously run by the local jurisdiction. In addition, ballots in precincts with more than one ballot style did not contain different style identifiers. Thus, it would not have been possible to separate the voted ballots of the different styles. <http://www.ecotalk.org/VotingMachines-SaltmanReport.htm>

1985 Illinois - Logan County, Consolidated Primary Election: Tabulation errors occurred when precincts were split by ward boundaries. When the same punch position was assigned to different candidates in different wards in the same precinct, votes for one of the candidates were not tallied by the computer program. <http://www.ecotalk.org/VotingMachines-SaltmanReport.htm>

1986 Illinois - Elkhart County. Following the 1986 general election, a State-mandated recount was undertaken that included ballots from Elkhart County. In this recount, directed by Dean David Link of the Notre Dame Law School, it was discovered that the computer program used to count ballots in Elkhart County was not counting correctly according to Indiana law. <http://www.ecotalk.org/VotingMachines-SaltmanReport.htm>

1986 Illinois - Whiteside County, General Primary Election: The system tabulated votes on ballots that contained invalid security codes (ballot style identifiers). <http://www.ecotalk.org/VotingMachines-SaltmanReport.htm>

1986 Illinois - Pulaski County, General Primary Election: The principal disk that contained the vote-tallying program failed to operate for the system test. The duplicate (backup) disk was employed. The principal disk operated correctly for the public test. No reason for the problem was discovered. <http://www.ecotalk.org/VotingMachines-SaltmanReport.htm>

1987 Illinois - City of Chicago, Consolidated General Election: The system test indicated an approximate 3% failure rate of program chips. The chips were improperly programmed or "burned." The malfunction would have been identified during the public test. <http://www.ecotalk.org/VotingMachines-SaltmanReport.htm>

1987 Illinois - Boone County, Consolidated Primary Election: Due to substantial ballot quality defects, a system test could not be executed. New test ballots were ordered. <http://www.ecotalk.org/VotingMachines-SaltmanReport.htm>

INDIANA

1982 Indiana - Elkhart County, General election. A major source of problems in the election was the apparent failure to properly test the equipment prior to use. The losing candidates charged that no test of the automatic tabulating equipment was undertaken five days prior to the election, as required by the Indiana statute then in effect, and that only a superficial test was done at about 4 p.m. on election day. The losing candidates' case, brought before the U.S. District Court for the Northern District of Indiana, named the local board officials as defendants. It was alleged in the pleadings in that case that the computer system was not tested, that there was no error-free test of the system before the official count, that there was no actual count of the ballots and that the alleged count and certification of the vote count was fraudulent. The pleadings and briefs further stated that the control cards for the operation of the program were altered by the vendor representative during the counting, and that the acts by the election officials were willful, wanton, reckless and oppressive. However, the court entered a summary judgment on Feb. 21, 1985 against the losing candidates because, in the court's opinion, there were no allegations of any "willful conduct which undermines the organic processes by which candidates are elected" (language of an important precedent, *Hennings v. Grafton*) <http://www.ecotalk.org/VotingMachines-SaltmanReport.htm>

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LOUISIANA

2002 Louisiana - "I can't say every precinct had a problem, but the vast majority did" -- Tangipahoa Parish, Louisiana Clerk of Court John Dahmer said at least 20 percent of the machines in his parish malfunctioned. "One percent might be acceptable, but we're not even close to that," Dahmer said. He said 15 employees worked to combat the malfunctions. <http://www.blackboxvoting.com/modules.php?name=News&file=article&sid=12>

2002 Louisiana - More than 200 machine malfunctions reported in Ascension Parish [Louisiana]: An elections official gnashed his teeth as more than 200 machine malfunctions were called in. The Parish Clerk said his staff was on the road repairing machines from 5 a.m. to 9 p.m. In one case, a machine wasn't repaired until 12:30 a.m. Wednesday. "A mechanic would fix a machine, and before he could get back to the office, it would shut down again," Bourque said. <http://www.blackboxvoting.com/modules.php?name=News&file=article&sid=12>

2002 Louisiana - All the king's horses and all the king's men...couldn't put the tally together again: With a 34-vote margin separating the two justice of the peace candidates in St. Bernard Parish (Louisiana), the machine ate 35 absentee votes and (after everyone guessing about the outcome of the race. The ballots became inaccessible when the system locked up; even the technician couldn't get at them. <http://www.blackboxvoting.com/modules.php?name=News&file=article&sid=12>

MARYLAND

1984 Maryland - On November 8, two days after the Tuesday, November 6, 1984 general election, and in accordance with the rules of the Maryland State Administrative Board of Election Laws (SABEL), voted punch card ballots from two districts of Carroll County were taken to a neighboring county, Frederick, to be rerun on an independently-managed system. It was clear from these reruns that one of the computers used was in error in determining the outcome of a contest between Wayne Cogswell and incumbent T. Edward Lippy, for Carroll County School Board. Manual counts of the votes on ballots from both Frederick and Carroll Counties showed that the Carroll County computer was the one that was incorrect. The initial but unofficial count, made public on the evening of the election, had incorrectly indicated that Cogswell was the winner. An investigation, undertaken the next day (November 9) by Craig Jester, a county computer program contractor, demonstrated that a wrong utility computer program for reading the ballot cards had been used. According to a July 11, 1985 story by Chris Guy in the Carroll County Times referring to the court-ordered recount, "...defeated candidate Wayne Cogswell had verification that use of an incorrect computer program caused a nearly 13,000-vote mistake in the unofficial totals released election night." <http://www.ecotalk.org/VotingMachines-SaltmanReport.htm>

2002 Maryland - Vote Republican (read "Democrat") — In Maryland, a software programming error upset a lot of voters when they saw a banner announcing "Democrat" at the top of their screen, no matter who they voted for. <http://www.blackboxvoting.com/modules.php?name=News&file=article&sid=12>

NEBRASKA

2002 Nebraska - When all else fails, use duct tape: In Sarpy County, Nebraska, they used duct tape to stick a block of wood under the machine — that's the only way it would feed votes through. <http://www.blackboxvoting.com/modules.php?name=News&file=article&sid=12>

2002 Nebraska - Candidate for governor finds vote-counting computer asleep: I spoke with Paul Rosberg, the Nebraska Party candidate for governor, who told me he eagerly took advantage of a Nebraska law that lets candidates watch their votes being counted. He first was invited to watch an optical scanner machine, which had no counter on it, and then was taken into the private room, where he was allowed to watch a computer on a table with a blank screen. So much for public counting of votes. <http://www.blackboxvoting.com/modules.php?name=News&file=article&sid=12>

2002 Nebraska - Nearly a day later, no votes were counted in Adams County. A software programming error from ES&S caused the problem, County Election Commissioner Chris Lewis said. Attempts to clear up the problem, including using a backup machine, failed. The problem affected at least 12,000 ballots. "The irony is they had one of the newest pieces of voting equipment in the state," said Nebraska Secretary of State John Gale. <http://www.blackboxvoting.com/modules.php?name=News&file=article&sid=12>

0097

2002 Nebraska - This crushing defeat never happened: Vote-counting machines failed to tally "yes" votes on the Gretna school-bond issue (Nebraska), giving the false impression that the measure failed miserably. The measure actually passed by a 2-1 margin. Responsibility for the errors was attributed to ES&S, the Omaha company that provided the ballots and the machines. New Jersey - "What the hell do I do with this?" — Abag full of something that looked like rolls of cash register tapes was handed to the County Clerk. A computer "irregularity" in a New Jersey vote-counting system caused three of five relay stations to fail, leaving a single county clerk holding the bag for a hand count. <http://www.blackboxvoting.com/modules.php?name=News&file=article&sid=12>

NEW JERSEY

2000 New Jersey 02/18/ THE RECORD, Northern New Jersey About 75 percent of the voting machines in the city of Passaic failed to work when the polls opened on Election Day, forcing an undetermined number of voters to use paper ballots during the morning hours. An independent consultant who later examined the machines concluded the problem was due to sabotage, which has led a Democratic freeholder to refer the matter to the FBI. <http://www.talion.com/election-machines.html>

NEW MEXICO

2002 New Mexico - Candidate declared victory prematurely: New Mexico candidate Heather Wilson declared herself the victor and made a speech, even though the margin was only 51 :49 and votes weren't fully counted. First reports explained that "thousands of new votes had been found but not counted." Later, when thousands of new votes were not discovered after all, the reason for her victory premonition was changed to an influx of uncounted absentee votes, 2:1 for Wilson. <http://www.blackboxvoting.com/modules.php?name=News&file=article&sid=12>

2002 New Mexico - A software programming error caused machine to count the wrong names: In Taos, New Mexico just 25 votes separated the candidates in one race; another race had a 79-vote margin. After noticing that the computer was counting votes under the wrong names, Taos County Clerk Jeannette Rael contacted the programmer of the optical machine and was told it was a software programming error. The votes were then hand-counted. <http://www.blackboxvoting.com/modules.php?name=News&file=article&sid=12>

OHIO

1970s-1980s Ohio -The Cincinnati Bell-FBI scandal - The following are excerpts from the Cincinnati Post of October, 30th, 1987: Cincinnati Bell security supervisors ordered wire-taps installed on county computers before elections in the late 1970s and early 1980s that could have allowed vote totals to be altered, a former Bell employee says in a sworn court document. Leonard Gates, a 23-year Cincinnati Bell employee until he was fired in 1986, claims in a deposition filed Thursday in Hamilton County Common Pleas Court to have installed the wire-taps. Cincinnati Bell officials denied Gates' allegations that are part of a six-year-old civil suit that contends the elections computer is subject to manipulation and fraud. Gates claims a security supervisor for the telephone company told him in 1979 that the firm had obtained a computer program through the FBI that gave it access to the county computer used to count votes. <http://www.ecotalk.org/Pandora'sBlackBox.htm>

2002 Ohio - In Ohio, a vote-counting machine malfunctioned with 12 of the county's 67 precincts left to count. A back-up vote-counting machine was found, but it also could not read the vote. Election workers piled into a car and headed to another county to tally their votes. <http://www.blackboxvoting.com/modules.php?name=News&file=article&sid=12>

OKLAHOMA

1986 Oklahoma - Oklahoma County In the general election difficulties perceived by an independent group of local observers involved, among other items, the operability of the precinct-located, mark-sense computers, and the anomalous numbers of counted ballots that were reported. The county signed a contract to purchase the mark-sense vote-counting equipment in the summer of 1984. During the November 4, 1986 general election, the number of non-processed ballots was over 2% in a significant number of precincts. According to State rules, the county Board of Elections "has the authority" [68] (but is not required) to recount precincts with over 2% non-processed ballots. The county board has used its discretion in selecting particular precincts for reprocessing. Reprocessing if

done at all, is done on the county's central computer. Not all precincts with over 2% non-processed ballots were reprocessed in the November, 1986 general election. <http://www.ecotalk.org/VotingMachines-SaltmanReport.htm>

PENNSYLVANIA

2000 Pennsylvania 11/14 - Pittsburgh Post Gazette City Councilwoman Valerie McDonald yesterday called for an investigation of voting machine irregularities at polling places in Lincoln-Lernington, Homewood and the East Hills last week, saying machines in the city's 12th and 13th wards and other predominantly black neighborhoods were malfunctioning for much of Election Day. McDonald said both machines at a Lincoln-Lernington polling place were out of service for the first three hours, driving away 50 voters. Several machines were in and out of service at 13th Ward polling places in Homewood and East Hills, smoking and spitting out jammed and crumpled paper and leaving poll workers to wait hours for repair by Allegheny County elections division workers. Workers in the polling places "strongly felt that the machines were intentionally programmed incorrectly ... and were sabotaged," <http://www.talion.com/election-machines.html>

2002 Pennsylvania - One hundred percent error tabulating Libertarian votes: in Pennsylvania, a voter reported that he had followed his Conscience and voted Libertarian. When he reviewed the results for his precinct, though, the Libertarian candidate received zero votes. Two ways to look at this: Unimportant, just a vote; or, a 100 percent error. Either way, why bother to vote? <http://www.blackboxvoting.com/modules.php?name=News&file=article&sid=12>

SOUTH CAROLINA

1970 South Carolina - In the first election I witnessed in South Carolina (it was 1970, I believe), a voting machine broke down in one of the largest black precincts in Charleston. It was in the middle of the morning rush. There were no replacement machines available, and while a repairman worked on the problem for a couple of hours, several hundred African-Americans eventually

2002 North Carolina - Trying to find 300 voters so they can vote again: In North Carolina, one out of four new touch-screen voting machines failed in early voting, losing 294 votes. The machines were shut down before Election Day, so election workers looked for the 294 voters to ask them to vote again. (A paper trail would have solved this problem.) <http://www.blackboxvoting.com/modules.php?name=News&file=article&sid=12>

2002 North Carolina - A software programming error overturned the result: In North Carolina, a software Programming error caused vote-counting machines to skip over several thousand party-line votes, both Republican and Democratic. Machines aren't supposed to get past quality control, and certainly not past certification, and definitely not past pretesting, if their programming is so flawed. But everyone seemed to yawn. Fixing the error turned up 5,500 more votes and reversed the election. <http://www.blackboxvoting.com/modules.php?name=News&file=article&sid=12>

2002 South Carolina - Two South Carolina precincts working to extract information from the computer: Pickens County was unable to get totals from two precincts because of software programming errors. <http://www.blackboxvoting.com/modules.php?name=News&file=article&sid=12>

2002 South Carolina - A software programming error of 55 percent: In South Carolina, and it caused more than 21,000 votes in the squeaker-tight race for S.C. commissioner of agriculture to be uncounted; only a hand-count was able to sort it out. Good thing there were paper ballots. <http://www.blackboxvoting.com/modules.php?name=News&file=article&sid=12>

~~2002 South Dakota - Double-counting votes in South Dakota: Blamed on "flawed chip." ES&S sent a replacement chip; voter demanded that the original chip be impounded and examined. Who gets to examine it? ES&S. <http://www.blackboxvoting.com/modules.php?name=News&file=article&sid=12>~~

SOUTH DAKOTA

2002 South Dakota - Double-counting votes in South Dakota: Blamed on "flawed chip." ES&S sent a replacement chip; voter demanded that the original chip be impounded and examined. Who gets to examine it? ES&S. <http://www.blackboxvoting.com/modules.php?name=News&file=article&sid=12>

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NORTH CAROLINA

2002 North Carolina - A software programming error overturned the result: in North Carolina, a software programming error caused vote-counting machines to skip over several thousand party-line votes, both Republican and Democratic. Machines aren't supposed to get past quality control, and certainly not past certification, and definitely not past pretesting, if their programming is so flawed. But everyone seemed to yawn. Fixing the error turned up 5,500 more votes and reversed the election. <http://iMww.blackboxvotincr.com/modules.php?name=News&file=article&sid=12>

TEXAS

1985 Texas - 03/26/1987 The Dallas Morning News The Texas secretary of state's office has decided to assign a computer expert and a lawyer as inspectors for the Dallas city elections on April 4 to check the county's computerized tabulating equipment. A spokesman for the office said Wednesday that the assignments were made after a briefing by the state attorney general's office, which has been investigating allegations of vote fraud in the tabulating system used in the 1985 mayor's race. Dallas County District Attorney John Vance said Monday that the attorney general's office has asked his staff for assistance in the investigation, which centers on the reliability of the vote-counting machines and whether they are vulnerable to fraud through subtle changes in computer programs. <http://www.talion.com/election-machines.html> also in <http://www.ecotalk.org/VotingMachines-SaltmanReport.htm> 2010 Texas - Three Republican candidates in a row won with exactly 18,181 votes each in Comal County, Texas. <http://www.talion.com/vote-rigging.html>

2001 Texas 11/19 Houston Chronicle "We have a problem where voters are being turned away from polls even though they have the proper identification," said Joe Householder, spokesman for the Brown campaign. "A potential reason may be that computers were down, but that is not an excuse. The law is pretty clear on this." A computer problem cut off access to the county's voter registration database for about one hour after polls opened Saturday afternoon, said Tony Sirvello, administrator of elections for the Harris County Clerk's Office. ...the problem affected four polling sites: the Fiesta Mart on Kirby, the Spring Branch Community Center, Kashmere Multi-Service Center and the Sunnyside Multi-Service Center <http://www.talion.com/election-machines.html> 2002 Texas - A Republican landslide turned into a Democratic landslide when election officials in Scurry County, Texas did a hand count. <http://www.talion.com/vote-rigging.html>

2002 Texas - ES&S machines accused of flubbing 2002 Dallas votes
Push Democrat vote Republican; election halted <http://www.talion.com/election-machines.html>

2002 Texas - In Comal County Texas, the uncanny coincidence of three winning Republican candidates in a row tallying up exactly 18,181 votes each was called weird, but apparently no one thought it was weird enough to audit. <http://www.blackboxvoting.com/modules.php?name=News&file=article&sid=13>

2002 Texas - When 13 machines were pulled out of action in Dallas because they registered Republican when, voters pushed Democrat, the judge quashed an effort to investigate the accuracy of the tally. <http://www.blackboxvoting.com/modules.php?name=News&file=article&sid=13>

2002 Texas - But when Scurry County poll workers got suspicious about a landslide victory for Republicans, they had a new computer chip flown in and also counted the votes by hand — and found out that Democrats actually won by wide margins, overturning the election. <http://www.blackboxvoting.com/modules.php?name=News&file=article&sid=13>

UTAH

1980 Utah - Salt Lake County. A last minute breakdown of one of Salt Lake County's two ballot reading computers caused a delay in production of the tally. No county totals were produced for two hours, and the final tally was produced at 5:39 a.m. the following morning. The situation was reported in an article in the Salt Lake Tribune on Nov. 6, 1980. [79]

WEST VIRGINIA |

0100

1980 West Virginia - Following the general election of November, 1980, three defeated candidates charged gross violations of election laws in Kanawha County, the county in which Charleston is located. According to an article on June 2, 1981 in the Charleston Gazette [42], Darlene Kay Dotson, an employee in the office of the County Clerk, had stated in a deposition taken for Underwood's suit that the ballots from the election in question had been run through the computer on the day after the election to get "precinct-by-precinct reports." ..Appeals of the dismissal were similarly dismissed, and the U.S. Supreme Court announced on February 24, 1987 its refusal to hear the case. <http://www.ecotalk.org/VotingMachines-SaltmanReport.htm>

“Black Box Voting”

Top 10 Ways Electronic Voting Machines with NO Voter-Verifiable Paper Trail Can be Rigged!

1. Optical Scan Machine: Create a dummy ballot using a special configuration of “votes” that launches a program when put through the machine. This is called a “backdoor”. It takes just ONE programmer to insert this. It uses very short code and is almost undetectable even if certifiers actually look for it, though indications are that the software examination is not rigorous during certification, and even if it was, nothing guarantees that the software that’s certified is the same as what’s in the actual machines at every precinct.
2. Help the machine pass testing by creating a program to tamper with the day and time. Make certain it can’t be triggered to execute the program until the actual election.
3. Replace certified files with new ones during a “technical servicing”. Most of these machines carry service contracts and the technician goes through a set of diagnostic steps. Technicians are often given software patches or “upgrades” to install that do NOT go through any official approval policy. Even if they did, there is no guarantee that the software patch used in the machine is the one that was examined.
4. Include a layer of software that is insulated from certification testing. There are two ways this can be done: First, by incorporating Microsoft Windows into the system. Bypass the testing on the Microsoft portion (and embed malicious programs in the Microsoft operating system instead of the voting software). Another way is to patent a layer of the software and sell it to the other voting machine manufacturers. This way, the mischief lies with a vendor, not the manufacturer. A single could compromise many companies at once.
5. Build in a “diagnostic” tool that lets technicians add or change programs just before, during, or after Election Day. Some of the new DRE machines have a panel that, when removed, allowed access to the very bowels of the machine, potentially erasing all the votes and replacing them with a brand new cartridge.
6. Have your technicians obtain their files from an Internet site. Tell them how to troubleshoot using a batch of replacement files and patches on a server. Anyone who gains access to the server can replace one with another, for example, replacing the central counting program with a file of the same name that contains a variation of the program.
7. On the way to tabulating the votes, substitute one memory cartridge with another. In Georgia during the 2002 Election dozens of memory cartridges were “misplaced”, representing tens of thousands of votes. There was no documented chain of custody during the time they were missing.
8. Tell county commissioners that they don’t need to see you demonstrate or test an “upgraded” system, because they saw the demonstration before the previous version.
9. Get hold of targeted e-mail lists and send a fast-spreading worm to military voters of your opponent’s party. When they try to vote on the Internet, they’ll experience problems.
10. Buy a technician and plant him as a poll worker. Have him go through the training (this works best when the precinct uses your competitor’s machine) and then have him flub the election by preventing machines from booting up on time and then blaming it on the manufacturer. If things really get messed up, have him call the press and grant interviews.

0102

What can we do about it? Get a paper trail, LOOK AT the paper trail, require disclosure

1. Require voter verified paper trails. Require manufacturers to retrofit their machines at their own expense. Do not give them a choice. The reasons: 1) They did not disclose known errors when they sold the system, and 2) Like the rest of us, voting machine manufactures are accountable for understanding their own industry. Election Systems & Software (ES&S), Diebold and Sequoia have been in business long enough and have had enough problems to know that vote rigging is an issue. If your bank, for example, continued making addition errors and pretended it was unaware that people might try to steal **money**, it would be held liable. Our vote is even more precious than our money, so make the voting machine manufacturers accountable!
2. Allow voluntary comparisons of machine counts with hand counts by election officials in any precinct, for any reason. Because **most** precincts are small, at most 3,000 votes, this can be done on election night. Require spot checks, comparing hand counts with machine counts. Also, allow any citizen to get a hand count, if he or she pays for it. If this reveals a significant error when compared with machine counts, refund the money because he or she had done a public service. This can provide revenue for public universities, and should be made available at a reasonable cost.
3. Require full disclosure of errors in future sales presentations and to the news media. Many industries are held to this standard. If the voting machine companies and vendors have to tell their next customer that their machines lost 103,000 votes in Florida, 41,000 in Texas, that there had to be a **recount** in the whole state of Hawaii, and Venezuela had people marching in the streets protesting their voting machines, they will become more careful to make certain their machines are accurate the **FIRST** time.

Also, require disclosure of the names of owners and **key** people at voting machine companies. We have a right to know if people have **criminal** backgrounds, or if owners are running for **office** with their **own** voting machines counting the vote.

Also, require more thorough inspection of the code. Currently, the manufacturers do not permit even the testing **labs** to do a thorough job of testing the software programming itself. Require excellent documentation of each step to be kept on file at the manufacturer. Allow spot checks by government or citizen auditing groups.

4. Require appropriate remedies when the voting machines **miscount**. This may sound obvious, but many of the errors uncovered have never been corrected, even when machines elected the wrong candidate (which they have done several times, even when the election is not particularly close).
 5. Do not depend on these safeguards being in federal or state laws. They are not in the Help America Vote Act or in Prop. 41.
 6. Contact: Hon. Kevin Shelley
California Secretary of State
1500 11th Street
Sacramento, CA 95814
- For more information contact: Maureen or Michael Smith
P.O. Box 2325
Aptos, CA 95001
(831) 688-8692 or 688-4268

Ask him to decertify any electronic voting machine companies that have been certified by his office if they do not meet the above requirements, and stipulate the above requirements must be met before they are re-certified. Require any other voting machine companies to meet the above requirements before they can be certified.

7. Contact your federal and state legislators and ask them to draft legislation requiring a voter verifiable auditable paper trail for any voting machines used in any governmental election, include the above requirements.

0103



The 12th Congressional District of New Jersey

ON ELECTION DAY 2004, HOW WILL YOU KNOW IF YOUR VOTE IS PROPERLY COUNTED?

ANSWER: YOU WON'T

Rep. Rush Holt Introduces Legislation to Require All Voting Machines To Produce A Voter-Verified Paper Trail

Washington, DC – Rep. Rush Holt today responded to the growing chorus of concern from election reform specialists and computer security experts about the integrity of future elections by introducing reform legislation, **The Voter Confidence and Increased Accessibility Act of 2003**. The measure would require all voting machines to produce an actual paper record by 2004 that voters can view to check the accuracy of their votes and that election officials can use to verify votes in the event of a computer malfunction, hacking, or other irregularity. Experts often refer to this paper record as a “voter-verified paper trail.”

“We cannot afford nor can we permit another major assault on the integrity of the American electoral process,” said Rep. Rush Holt. “Imagine it’s Election Day 2004. You enter your local 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.”

Last October, Congress passed the **Help America Vote Act (HAVA)**, groundbreaking election reform legislation that is currently helping states throughout the country replace antiquated and unreliable punch card and butterfly ballot voting systems. HAVA, however, is having an unintended consequence. It is fueling a rush by states and localities to purchase computer-voting systems that suffer from a serious flaw; voters and election officials have no way of knowing whether the computers are counting votes properly. Hundreds of nationally renowned computer scientists, including internationally renowned expert David Dill of Stanford University, consider a voter-verified paper trail to be a critical safeguard for the accuracy, integrity and security of computer-assisted elections.

“Voting should not be an act of blind faith. It should be an act of record,” said Rep. Rush Holt. “But current law does nothing to protect the integrity of our elections against computer malfunction, computer hackers, or any other potential irregularities.”

There have already been several examples of computer error in elections. In the 2002 election, brand new computer voting systems used in Florida lost over 100,000 votes due to a software error. Errors and irregularities were also reported in New Jersey, Missouri, Georgia, Texas, and at least 10 other states.

“A recount requires that there be a reliable record to check,” said Holt. “Without an actual paper record

0104

that each voter can confidentially inspect, faulty or hacked computer systems ~~will~~ simply spit out the same faulty or hacked result. Every vote in every election matters. We can and should do this in time for the 2004 federal election."

Key provisions of The Voter Confidence and Increased Accessibility Act of 2003 include:

- 1) Requires all voting systems to produce a voter-verified paper record for **use** in manual audits and recounts. For those using the increasingly popular ATM-like "DRE" (Direct Recording Electronic) machines, this requirement means the DRE would print a receipt that each voter would verify as accurate and deposit into a lockbox for later use in a recount. States would have until November 2003 to request additional funds to meet this requirement.
- 2) Bans the use of undisclosed software and wireless communications devices in voting systems.
- 3) Requires all voting systems to meet these requirements in **time** for the general election in November **2004**. Jurisdictions that feel their new computer systems may not be able to meet this deadline may use an existing paper system as an interim measure (at federal expense) in the November 2004 election.
- 4) Requires that electronic voting system be provided for persons with disabilities by January **1, 2006** -- ~~one~~ year earlier than currently required by HAVA. Like the voting machines for non-disabled voters, those used by disabled voters must also provide a mechanism for voter-verification, though not necessarily a paper trail. Jurisdictions unable to meet this requirement by the deadline must give disabled voters the option to use the interim paper system with the assistance of an aide of their choosing.
- 5) Requires mandatory surprise recounts in **0.5%** of domestic jurisdictions and **0.5%** of overseas jurisdictions.

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SAMPLE RESOLUTION

This is a Resolution Recommending That:

- Any Electronic Voting Machine system obtained by the Santa Cruz **County** Elections Department produce a Voter-Verifiable Auditable Paper Record in real time (at the time the voter enters **his** or her vote) for each vote cast.
- Each Electronic Voting Machine, used by any California **County** Elections Department produce a Voter-Verifiable Auditable Paper Record in real time (at the time the voter enters his or her vote) for each vote cast; and that this record be available **to** the particular Elections Department officials to use in case a manual recount is necessary; and that this record be securely retained **for** such time as designated by the Secretary of State, and be treated as Confidential Material.
- There are requirements set forth to adequately test each voting machine for workability and accuracy before, during, and after each election.
- Modifications are to be made by the Secretary of State in the procedures for certifying electronic voting systems used by County Elections Departments, and funding requests by **County** Elections Departments.

Resolution Supporting:

- The Voter Confidence and Increased Accessibility Act **of 2003 (HR 2239)**

Whereas, there has been federal action, following the Florida 2000 voting debacle, to replace all lever voting machines and punch voting card systems by passing the Help America Vote Act (HAVA) that approved \$4.9 billion to modernize voting systems throughout the United States; and,

Whereas, California voters passed Prop. 41 in 2002 approving \$200,000 to modernize voting systems in California; and,

Whereas, even though the language in HAVA and Prop. 41 does not mandate each electronic voting machine used by county Elections Departments to specifically produce a voter-verifiable auditable paper record, it also does not prohibit it; and,

Whereas, nine counties in California have been ordered to convert from mechanical lever punch voting systems **or** punch voting card systems to other voting systems that are certified, by March 2004; and,

Whereas, following the replacement of lever voting machines and punch voting card systems with electronic voting machine systems in some Florida counties; and,

Whereas, in the Florida 2002 election 103,000 votes were “lost” and it was attributed to “a glitch in the system”; and,

Whereas, three electronic voting machine companies – Electronic Systems and Software (ES&S), Diebold, and Sequoia – dominate the electronic voting machine industry; and,

Whereas, **none of the electronic voting machines used by these three companies produces a voter-verifiable auditable paper record**; and,

Whereas, in many other instances there have been mechanical failures, incorrect data, and/or the capability for tampering because of the touch screen electronic voting machines containing undisclosed software, and/or wireless communications devices; and,

Whereas, the **Voting Systems Panel** of the California Secretary of State’s Office has certified and is continuing to certify electronic voting machines from ES&S, Diebold, and Sequoia even though the members on this Panel know these voting machines do not produce a voter-verifiable auditable paper record; and,

Whereas, the **Voting Modernization Board** of the California Secretary of State’s Office has approved and continues to approve county Election Departments’ requests for Prop. 41 funding, even though the members on this Board know that some of these counties have purchased or intend to purchase machines from ES&S, Diebold or Sequoia even though they have produced no voter-verifiable auditable paper record; and,

Whereas, it appears that ES&S, Diebold and Sequoia do not disclose to potential customers (County Election Departments) the history of machine breakdown, incorrect vote data, or the potential for intentional tampering because of undisclosed software and wireless communications devices in these machines; and,

Whereas, in order to ensure electronic voting machine security, there must be testing procedures established for each electronic voting machine, used by Elections Departments, to verify its workability and accuracy and to detect any intentional tampering; such procedures to be determined by an independent body of voting machine security experts such as David Dill, from Stanford University; Dr. Peter G. Neuman, from SRI International in Palo Alto, and Dr. Rebecca Mercuri from Bryn Mawr College in Pennsylvania; and,

Whereas, the public at large, and voters in particular, must be assured that each voter can verify his or her vote on a auditable paper record when using any electronic voting machine before he or she enters their vote; and,

Whereas, the individual voter must be assured that this auditable paper record of his or her vote will be securely stored by the County Elections Department in accordance with the rules and regulations mandated by the Secretary of State and available for manual recount purposes if necessary; and,

Whereas, the individual voter must be certain that his or her vote will be accurately recorded in the electronic voting machine as he or she intends; so,

Therefore, be it resolved that the City Council of the City of Santa Cruz hereby makes the following recommendations:

That the Secretary of State instruct the Voting Systems Panel members to decertify all electronic voting machines which do not produce a voter-verifiable auditable paper record, and not to certify any electronic voting machine that does not produce a voter-verifiable auditable paper record of each voter's vote in real time.

That the Secretary of State instruct the Voter Modernization Board members not to approve any requests for Prop. 41 monies or other funding applied for by County Elections Departments that are currently either using electronic voting machines which do not produce a voter-verifiable auditable paper record or that plan to purchase electronic voting machines do not produce a voter-verifiable auditable paper record.

That the Secretary of State order the County Elections Department in each county, who currently are using electronic voting machines that do not produce a voter-verifiable auditable paper record, or who have ordered such voting machines, to cease using such voting machines immediately and/or not to order such voting machines until these voting machines are capable of producing a voter-verifiable auditable paper record.

The Board of Supervisors of the County of Santa Cruz also supports **The Voter Confidence and Increased Accessibility Act of 2003 (HR 2239)**.

Signed, this _____ day of _____, 2003