

Irene Diaz

From: Glenn Glover
Sent: Wednesday, November 19, 2003 10:51 AM
To: Irene Diaz
Subject: Hart New ITA version.doc

TO: Ann McGeehan
 Elections Division Director

FROM: Glenn Glover

DATE: November 19, 2003

Subject: Version change approval

Hart InterCivic Inc. has requested approval from the Texas Voting Systems Examination board of changes to their Hart InterCivic System 3.0 voting system. These changes were a result of modifications to the system after testing by 2 Independent Testing Authorities (ITA) – Ciber and Wyle Laboratories. I reviewed the ITA analysis of the 3.0 system programming code tests and changes required to receive ITA product approval and I also reviewed Hart's internal change documents. Hart InterCivic modified the 3.0 system presented to the examination board in May 2003, to conform to the ITA standards. The revision levels presented now for the examination board's approval is a result of these modifications.

Upon review of the Hart InterCivic's change documents and the final ITA approval document, it appears that no major changes to the functions of the Hart InterCivic System 3.0 voting occurred; only minor code changes that impacted performance and appearance. These changes do not appear to be in conflict with Texas Voting System Standards

Based on these documents, I recommend continued approval of the Hart InterCivic System 3.0 voting systems with the new ITA certified versions as listed below.

Hart's InterCivic 3.0 Voting system

Application Name	Version approved by Texas	ITA certified revision level
BOSS	3.3.34 (3.0.0*)	3.3.44
Ballot Now	2.0.3	2.0.9
Tally	3.1.0	3.1.18
Rally	1.1.0	1.1.13
eSlate (firmware)	2.0.0	2.0.13
JBC (firmware)	2.0.0	2.0.13

* Version number erroneously submitted by Hart but approved by Texas Examination Board.

Irene Diaz

From: Nick Osborn [nicholas.osborn@dir.state.tx.us]
Sent: Wednesday, November 19, 2003 10:05 AM
To: IDiaz@sos.state.tx.us
Subject: Hart Intercivic revisions

Irene,

The documents Hart sent us gave us no real information because they were written at such a high level. However, after examining details contained in the ITA report yesterday, I concur with Hart's assessment that the changes that were made were trivial. Most of the changes to the code base were merely documentation rather than actual coding changes.

There were apparently a few coding changes to peripheral routines that have nothing to do with the actual voting.

Caveat: coding is always somewhat risky because the unpredictability of the language compilers, particularly C/C++, can occasionally create logic problems that don't show up except under very rare circumstances.

Having said that, it should also be noted that the ITA noted that Hart had been the "most aggressive" and cooperative of all DRE vendors at migrating all its code to the 2002 FEC standards. Thus it appears unlikely that they are trying to cover up or minimize any program flaws discovered in the testing process.

So I do not think a full examination is necessary to certify the current versions of their software.

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

Nick Osborn
Work: (512) 475-3568
Cell: (512) 470-0686
FAX: (512) 475-4759

Barbara Strain

From: Ben Hanson
Sent: Friday, January 09, 2004 5:43 PM
To: Geoff Connor; Ann McGeehan
Subject: FW:

See below re: Sylvia Reveles

-----Original Message-----

From: Ben Hanson
Sent: Friday, January 09, 2004 5:16 PM
To: Luis Saenz
Subject: RE:

I got a phone call from her today, asking me what she is, in essence, asking for below. I told her to put it in writing and we would respond. Clearly, she took me at my word.

BMH

-----Original Message-----

From: Luis Saenz
Sent: Friday, January 09, 2004 5:15 PM
To: Ben Hanson
Subject: FW:

Luis J. Saenz
Assistant Secretary of State

-----Original Message-----

From: Silvia Reveles [mailto:s[REDACTED]]
Sent: Friday, January 09, 2004 5:01 PM
To: [REDACTED]
[REDACTED]
[REDACTED]
Subject:

Texas Action Alert!

To: Pete Wassdorf, Voting System's Examiner's Board Member
Secretary of State, Geoffrey S. Connor
Attorney General, Greg Abbott
Date: Jan. 9, 2004
Re: Meaningful Certification Standards; Paper Audit Trail; Nonpartisan and Fair Panel

Dear Mr. Wassdorf:

We ask you January 9, 2004 to temporarily halt the Certification Process of Diebold and ES&S voting systems and other electronic voting systems in Texas until the public can be assured that:

- 1) The Texas certification panelists of the Voting Systems Examiner's Board, be fair and nonpartisan; and in addition that the panelist have the highest qualifications;
- 2) The Texas certification process is of the highest and most rigorous of standards in order to restore public confidence and support of our electoral process;
- 3) Elected officials will be barred from investment in electronic voting systems to avoid detrimental conflict of interest scenarios;
- 4) Texas will require a paper audit trail with electronic voting systems;
- 5) The Texas certification process will be transparent, and not conducted behind in closed doors.

Both electronic voting systems are highly controversial both at the national, state and local levels. Lawsuits are currently underway in Dallas County 2002 elections in which ES&S voting systems in several reported instances, did not allow voters to select their candidate of choice on the touch screen system; instead the machine would record a vote for the major opposition candidate. In addition, properly trained polling officials failed to remove the flawed equipment. CEO of Diebold System has received national notoriety for public comments in strong partisan comments; however even more controversial is the standards issue surrounding severe security concerns. Since both systems past certification standards; the renown computer scientists from established universities across Texas and the country, along with the general public need proof that the certification is meaningful in order to protect the very foundation of democratic system. Nothing less will do.

Sincerely,
Silvia Reveles

Silvia Reveles
Outreach Coordinator
Parish Social Ministry
Catholic Charities of Central Texas
Diocese of Austin-Pastoral Center
1625 Rutherford Lane, Bldg. D
Austin, Texas 78754
Ph: 512.836.1213 x 202
FX. 512.836.1359
Email: [REDACTED]

Irene Diaz

From: Irene Diaz
Sent: Thursday, January 15, 2004 10:22 AM
To: 'Barney Knight'; Glenn Glover; 'Jim Sneeringer'; 'Nick Osborn'; 'Pete Wassdorf'; 'Tom Watson'
Cc: Irene Diaz
Subject: FW: Provisional Ballot Procedures for eSlate Voting

Examiners:

Please open and read the email from Travis Harrell below and get back to us at your earliest convenience. Please let me know if you have any questions.

Thanks,
Irene

-----Original Message-----

From: Elizabeth Hanshaw Winn
Sent: Thursday, January 15, 2004 8:49 AM
To: 'Harrell, Travis'
Cc: McClure, Neil; Flom, Scott
Subject: RE: Provisional Ballot Procedures for eSlate Voting

Travis, I will have our internal examiners take a look at it. I was informed yesterday that during the review of ES&S and Diebold's provisional voting process at the January voting systems exams last week a problem was discovered (and yes their systems already had the capability like yours), so I will assume they will be suspect of your system without reviewing it in person. Hart should have submitted its system for the January examination, but I'll forward this to all the examiners today.

Elizabeth Hanshaw Winn

-----Original Message-----

From: Harrell, Travis [mailto:THarrell@hartic.com]
Sent: Wednesday, January 14, 2004 7:23 PM
To: 'EHanshawWinn@sos.state.tx.us'
Cc: McClure, Neil; Flom, Scott
Subject: Provisional Ballot Procedures for eSlate Voting

Elizabeth,

Attached is a draft letter addressing the points we discussed yesterday.

If this draft provides the information you need, let me know and I will finalize it and send a fax and hard copy.

If you need additional clarification, please let me know and I will turn it around quickly.

Travis

Travis Harrell
Manager, Professional Services
Elections Solutions Group
Hart InterCivic, Inc.
tharrell@hartic.com
512.252.6526

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Irene Diaz

From: Jim Sneeringer [jim@sneeringer.com]
Sent: Monday, January 19, 2004 12:35 PM
To: 'Tom Watson'; 'Nick Osborn'; BarneyKn@aol.com; pete.wassdorf@oag.state.tx.us; GGlover@sos.state.tx.us; IDiaz@sos.state.tx.us
Subject: RE: FW: Provisional Ballot Procedures for eSlate Voting

There is nothing in my notes or that I can remember about the details of Hart's provisional ballot feature. I agree that a review of this feature by the Secretary of State will suffice until Hart's next full examination, if Hart will be examined again by the full board sometime this year.

Jim Sneeringer

-----Original Message-----

From: Tom Watson [mailto:txtwatson@yahoo.com]
Sent: Saturday, January 17, 2004 11:58 AM
To: Nick Osborn; BarneyKn@aol.com; pete.wassdorf@oag.state.tx.us; jim@sneeringer.com; GGlover@sos.state.tx.us; IDiaz@sos.state.tx.us
Subject: Re: FW: Provisional Ballot Procedures for eSlate Voting

I agree with Nick. We did talk with Hart about it but I cannot remember the details. Unfortunately, my reports do not address the issue.

I believe that Hart provisional ballot mechanism could be reviewed without the complete examination board. The board could review it again at Hart's next examination.

Tom Watson
512-818-1292

--- Nick Osborn <nicholas.osborn@dir.state.tx.us> wrote:

> I recall Hart mentioning how the provisional ballot
> was handled in their
> system. I do not remember testing the functionality,
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> I suggest we add that function to our suite of tests
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> In the interim, I'm inclined to agree that we need
> to at least have an
> examination of the approved systems at SOS or at
> Hart's site to verify
> what we may have already approved.

>
> Nick Osborn
> Work: (512) 475-3568
> Cell: (512) 470-0686
> FAX: (512) 475-4759

>
>
> >>> <BarneyKn@aol.com> 01/15/04 12:37PM >>>
> I'm not certain I know how to reply. I do not
> recall examining any
> provisional ballot option for Hart. It may be as

> the communication
> appears to allege
> that the SOS certified a system that had a
> provisional ballot option.
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> Question. Has Hart made any change whatsoever to
> the versions
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> provisional ballot or otherwise. From one
> perspective, if the
> provisional
> ballot was in a version as certified and no changes
> have been made
> perhaps the
> Secretary's staff could have Hart provide a
> demonstration of the
> provisional
> ballot. I am very reluctant to amend something that
> I have no
> recollection of
> examining. More and more over time, it appears to
> me that every change
> should be
> examined and the examinations may need more
> scheduled time. In any
> event, if
> its certified and no changes have been made, perhaps
> the SOS can cover
> the
> issue with a staff examination/review on Hart's
> site. Otherwise, a
> full
> examination should be in order.
>
> Barney Knight
> Barney Knight & Associates
> 223 W. Anderson Lane, Ste. A-105
> Austin, Texas 78752
> (512) 323-5778
> (512) 323-5773 FAX
>
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Paul Miles

From: Nick Osborn [nicholas.osborn@dir.state.tx.us]
Sent: Friday, January 23, 2004 2:47 PM
To: ehanshaw@sos.state.tx.us; PMiles@sos.state.tx.us
Subject: Review of Hart eSlate systems

Elizabeth,

The following is a report on our interim examination (Friday January 23, 2004) of the provisional/challenged ballot feature of Hart eSlate voting systems.

We examined two versions of eSlate systems:

System 3.1, comprised of eSlate and Judge's Booth Controller (JBC) version 2.0.13, and Tally version 3.1.18

System 2.1, comprised of eSlate and JBC version 1.16, and Tally version 2.9.08.

We voted on both systems, using normal ballots and provisional ballots. We checked the vote totals both at the precinct (JBC) and at the central office (Tally). On both systems the JBC reported correct totals that included all ballots, both provisional and normal. This provides the election judges with a total number of ballots cast that will match their manual counts.

At the central office, system 2.1, the preliminary totals also report all votes. The system then allows the central office to deduct provisional ballots that are adjudicated as invalid and produce a final vote total for canvassing.

System 3.1 allows the central office to report preliminary totals with or without provisional votes. In fact, it is possible for the office to select which provisional ballots may be included in the preliminary totals. This has a somewhat undesirable side effect of allowing an unscrupulous individual at the central office to experiment with various provisional ballots to determine which ones would influence an election in a particular direction: This might be used to influence the adjudication process.

Both systems appeared to count ballots correctly and deduct provisional ballots correctly. I find no objections to certifying both systems.

However, while System 3.1 appears to be legal under current statutes and rules, it is suggested that the option to include provisional ballots in the preliminary totals be disabled in the Texas version to prevent a potential avenue of indirect vote tampering.

Nick Osborn
Work: (512) 475-3563
Cell: (512) 470-0685
FAX: (512) 475-4759

Irene Diaz

From: Paul Miles
Sent: Thursday, January 29, 2004 3:19 PM
To: Irene Diaz
Subject: FW: Review of Hart eSlate systems

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Sent: Monday, January 19, 2004 12:35 PM
To: 'Tom Watson'; 'Nick Osborn'; BarneyKn@aol.com; pete.wassdorf@oag.state.tx.us; GGlover@sos.state.tx.us; IDiaz@sos.state.tx.us
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> Barney Knight
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> 223 W. Anderson Lane, Ste. A-105
> Austin, Texas 78752
> (512) 323-5778
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Barbara Strain

From: Barbara Strain
Sent: Wednesday, April 14, 2004 12:16 PM
To: Ann McGeehan
Subject: FW: E-voting downfalls

Advise. Barb

-----Original Message-----

From: Steve Bickle [mailto: [REDACTED]]
Sent: Wednesday, April 14, 2004 11:25 AM
To: [REDACTED]
Subject: E-voting downfalls

Dear Mr. Connor,

My Name is Steve Bickle and I sent you a letter a few weeks ago regarding e-voting and its short comings by way of Moveon.org. Now I understand that there have been some who have tried to shrug off the Moveon.org movement by saying we are democratic liberal fanatics. Maybe to some that might be a bad thing. To me it encompasses what this country is about, and what our fore fathers would have wanted this country to be about. Today I received a letter from your office/department in answer of my previous letter, but as I read through it I realized it was just a compilation of texas voting laws, the certification process, and election assistance program summaries. Unfortunately, I did not right to you regarding the voting laws, certification process, or election assistance programs, but to open your eyes to the problems of e-voting and not requiring a paper trial.

Everyday companies with some of the best security technology in the world get hacked into and once hacked exploited. Everyday this happens and you expect me to believe that somehow not one person/potential hacker in the United States of America or else where in the world is going to try to hack into this years new e-voting systems. As a man that lives in the REAL world, I would hope that that is not what you believe and that you do believe in protecting voters rights. The other day I read over a study, by a nonpartisan group, that showed how easily it would be to hack into these e-voting systems. Not only did they hack into the systems, but it was done in less than five minutes by a person with only intermediate computer skills. If that doesn't raise your concern, then maybe the fact that kids as young as 15, if not younger, can easily make sim cards that would allow for a persons vote to count as many times as they want, and all this done right out of their garage. With problems like these it seems irresponsible for

the government to be rushing to get these systems ready for this year's election. I believe the systems need to be put through more stringent testing before they are even considered for use in voting, and once sufficiently tested and secured used at highest the state tier level. These machines should never be used for a national election, because there will always be a hacking threat.

In regards to some of the information you sent me over the Texas voting laws, certification process, and election assistance programs, let me show you a few of the problems with them. First, the argument that a debate on the federal and state levels is already on going and that a rule-making process by your office is premature, is very immature on your part. As I and, I am sure, you know, the only way to help the government make the best choice for the people is to expose the issues that are important to the people. By saying that any rule-making process is premature, because there is already a debate going on is irresponsible. By starting or debating to start the rule-making process you help to expose the issues important to your state.

Secondly, regarding the HAVA legislation opinion in their March 4, 2004 letter quoted, "Not only are such [VVPT] proposals premature, but they would undermine essential HAVA provisions, such as the disability and language minority access requirements, and could result in more, rather than less, voter disenfranchisement and error." is completely unfounded. How does requiring a voter-verified paper trail undermine HAVA provisions, unless one of the provisions is to prevent a possible investigation of voter fraud, if the need should arise. The simple requirement of printing out a "receipt", VVPT, to verify the accuracy of a person's vote, would do nothing more than that. As hard as I try to figure how this might disenfranchise the disabled or language minority I just can not. All it does is allow for an accurate recount in case a conflict should arise from the computer voting software or system.

Without a VVPT how would the government conduct a recount if a glitch was discovered, or a DRE or the systems central main frame was hacked and voting data was altered? They would not be able to. Without a VVPT the only place they could go to recount are the computer systems that contain the altered voting data, glitches, ect. If the DRE's were required to print a copy of the completed ballot, then these "receipts" could be used to do a 'hard' recount. To require VVPT's is such a fundamental and necessary obligation of

the government that serves for the people, and not special interests,
that I,
find it 'disenfranchising' that I have to write this letter. In closing
I
hope you will not "prematurely" toss this matter aside, and will start
the
debate in Texas, and, through conversation with your colleagues, spread
the
debate across the United States of America. I thank you for your time
and
look forward to the debates to come.

Respectfully,
Steve Bickle

PS - If you are interested I have a great idea for the use of the DRE's.
Instead of using them to vote with, use them to print out voter friendly
ballots. What I mean by voter friendly is to use the terminals assess
the
necessities of a particular voter; such as printing a ballot in foreign
language if needed, or a ballot in bigger font if you have bad eye
sight.
This would solve most, if not all, of disenfranchised voters' problems.
Once
again thank you for your time

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Barbara Strain

From: Barbara Strain
Sent: Wednesday, April 28, 2004 7:45 AM
To: Ann McGeehan
Subject: FW: DRE and an Independent Tally of Votes

advise.

-----Original Message-----

From: James Carlson [mailto: [REDACTED]]
Sent: Tuesday, April 27, 2004 5:46 PM
To: [REDACTED]
Subject: DRE and an Independent Tally of Votes

Greetings from Austin.

You are aware of the May 5th EAC meeting. I'm sharing written testimony with this commission and wanted to share it with you as well. Please consider the proposal for securing the vote with redundant procedures at every step in the voting process. I hope you support the proposal and I look forward to your response.

Thanks,
James

James R. Carlson
President, Texian Christian Writers
[REDACTED]
5607 Sunshine Dr. #106
Austin, TX 78756
[REDACTED]

For inquire, I pray thee, of the former age, and prepare thyself to the search of their fathers. (Job 8:8 KJV)

DRE and an Independent Tally of Votes

Introduction

At the recent, March 2004, Travis County Republican Party (SD14) County Convention, I introduced the following plank to the platform committee:


We believe that a healthy republic requires a voting process in which all participants have confidence. When electronic voting systems are utilized, election judges from both parties at the polling places should be allowed to electronically download the results of an election before turning in the electronic vote to the County Clerk, to provide for an unofficial tally of votes that may be compared with the official tally by the County Clerk by both parties.

This was accepted by the convention and is now an official part of the Travis County Republican Party Platform.

With ten years of experience in holding elections in Travis County, I have served as an election clerk, judge alternate, and election judge in my precinct. I have also worked the Travis County Republican Party for ten years on ballot security and have been a poll watcher at the precinct level, remote substation level, and central counting level. Some of the data that I collected at the remote substation level was later presented to the Texas Legislature on the issue of ballot security.

With an AAS in Electronics Technology (1983), I have experience working with both the hardware and software of industrial controllers and A/V control systems (Crestron, AMX). My experience in electronics gives me a perspective that I apply with my experience in elections and ballot security. Because of my relevant experience and background, I have recently applied for and have been accepted as a non-voting member of the IEEE 1583 committee on electronic voting standards.

I am currently working to present this proposal for an unofficial tally of the vote to all appropriate levels of government. I welcome your feedback.

James R. Carlson
1508 Princeton Avenue
Austin, TX 78757


DRE and an Independent Tally of Votes

Proposal

Direct Recording Electronic voting (DRE) will rely upon the integrity of both man and machine to secure the vote. As a precinct election judge, I understand the responsibility to preserve the integrity of the vote. As an electronics technician, I understand electronic computing systems and their reliability. I propose creating an independent tally of the electronic vote by duplicating voting data from the DRE voting systems for an unofficial/bi-partisan tally of the vote.

Learning from the fault tolerant computer systems used in electronic banking (such as Tandem's computer systems), processor redundancy is key to preventing errors in financial transactions. Having redundant processing in the hardware and the software of electronic systems creates a fault tolerant system that insures banks and customers against electronic errors and fraud.

Similar to the redundant processing of financial transactions, a redundant tally of voter data by both major political parties will provide a backup tally to complement the official tally of votes. Having two unofficial tallies (one from each Party) of the electronic data provides a redundant check of the official tally of votes to insure that, **"The Vote Cast is the Vote Counted."**

Method

Each precinct election official from both major political parties should get a copy of their precinct voter data in the form of a file on a floppy diskette. They then transmit that data to their county party officials for an unofficial tally of the votes. As precinct elections judges turn in their voting equipment to their county's remote substations, a copy of the electronic data can be given to both the Republican and Democrat precinct election officials for each precinct in their county. With equipment in hand and county officials supervising, this is the best time and place to make a copy of the precinct voter data.

This data may be transferred to the county party headquarters by the precinct election judge (or judge alternate) via an .ftp file transfer, by email, or in person at the party headquarters with diskette in hand.

With a prior knowledge of the data format, an independent count or tally of all voter data may be made by each county party that will complement the work of the county clerk's office and their official tally. This can in turn be repeated for statewide elections, which will complement the work of the secretary of state's office by state party officials.

Practical Example

With the DRE equipment used in Travis County, purchased from Hart InterCivic, the PCMCIA port within the JBC may be configured by Hart InterCivic to download voter data from the JBC to a floppy drive while election officials are at the remote substation. At the remote substation, after the PCMCIA memory card with voter data has been removed, a secondary transfer of each precinct's voter data to a floppy diskette may be made for each precinct's election officials. Accurite makes a PCMCIA floppy drive (\$259.00@) that may be used for this specific purpose. However, implementing any new equipment or procedure requires testing and approval before they can be used.

As redundancy is the key to securing the vote, Hart InterCivic already provides for redundant data storage in their electronic equipment's hardware (one copy of voter data in each e-slate, one in the JBC, and one within the internal PCMCIA memory card). Voter data may be transferred to a floppy diskette (or another PCMCIA card) while at the remote substation without violating Hart's proprietary security algorithms. The data can be pre-formatted for use by both major political parties who will then use their own computers and software (or purchase Hart's equipment) to sort the data and tally the vote.

Political Parties & Voter Security

As the two major political parties work in tandem with the county clerk's office to facilitate elections at the precinct level, creating an independent tally of the vote is simply an extension of the role both parties already serve for the voter. As both parties work at the polling place to set up and run the elections, an unofficial tally of the vote is one more example of how our two-party system can secure the integrity of the vote.

In addition to working with the county officials to facilitate elections, both political parties receive voter data from the county clerk's office after each election has been tallied. Voter registration information and precinct by precinct tallies are available to each party as a matter of routine. Each election judge in each precinct keeps a copy of various election materials (such as combination forms) to secure voter data. In this manner both political parties have access to and are responsible for securing voter data.

Unofficial tallies by both major political parties will not compromise the secrecy of the ballot. Combination forms kept by the precinct election judge and DRE voter access codes are not linked to each other; just as paper ballots with unique ID numbers cannot be linked to the combination forms. The electronic data cannot be linked to the combination forms and the voter is secure in the knowledge that they are casting a secret ballot.

Each political party has a responsibility to perform basic civic duties and securing a proper tally of the vote after facilitating the vote is simply an extension of their civic duties. Using a bipartisan method to check the tally of votes in each county will help everyone know that their vote is secure.

Changing Paper & Electronic Methods

When used, paper ballots are returned to the county clerk via their substations and counted electronically at a central receiving station. This electronic voter data is maintained by the county clerk and provided to both political parties upon request. A secret ballot is maintained even with the exchange of electronic data and there is no change in the relationship between the county and the two major political parties with the security of the electronic voter data.

Each paper ballot has a unique number and each precinct election judge is given a stack of paper ballots prior to the election for voters to use. The election judge shuffles the paper ballots and randomly places them on a table for voters to choose. The unique number of each ballot is not known to the election judge and no record of them, other than the block of ballots given to the judge as a whole, is kept. This provides for a secret ballot, even though combination forms show who voted. Similarly, unique voter access codes for DRE voting represent a unique ballot ID that cannot be traced back to individual voters via the combination forms.

With a DRE voting system, combination forms, provisional ballots, and other materials are still used and the combination of paper and electronic voting systems continues to be a reality with all DRE voting systems. Just as paper money is still being used in spite of electronic banking, and the paperless office has proven to be a myth, DRE voting systems will require paper in some form or another.

The relationships between paper and electronic voting methods may change but they will continue to rely upon electronic tallying processes. While electronic voter data was once shared with each major political party only after the elections were finished and the official tally complete, this proposal seeks to change this relationship as well. While changing from paper ballots to electronic ballots, voter data may be shared with each political party prior to the county clerk's official tally.

Paper Ballots

A paper ballot added to the DRE voting system adds a layer of redundancy that insures a no-fault system of electronic voting. Having a paper ballot for the voter to review (and placed in a ballot box) before registering their vote electronically allows the voter to secure their vote before leaving the polling place. Counting paper ballots separately from the electronic data is one way of providing a redundant tally of votes. In this way, paper ballots work to complement DRE voter systems while not competing against them.

No-fault tolerant voting systems should rely upon a paper ballot in cases when errors in electronic tallies, corrupted data, or other programming problems arise within the DRE equipment. Having a redundant printed record of the vote will help insure the reliability of the final vote tally. As government officials currently utilize both paper and electronic equipment to tally the vote, paper ballots reverse the process for added security.

However, an independent tally of votes need not rely upon paper ballots for securing original voter data or the final tally of votes. An independent tally of votes may expose discrepancies in the voter data as well as the process used to tally that data. In theory, when two sets of voter data from three sources (official or unofficial) are the same, we may conclude that the original record of voter data is reflected in the two sets that agree (called fault tolerant computing).

Yet having a paper ballot for the voter along with DRE voting systems means that the paper trail can be recalled to secure the original voter data and correct the tally of votes. This then will prove which was the correct voter data and help establish the correct process used for tallying the vote.

DRE & Computer Technology

DRE introduces an electronic interface for the voter to record their vote instead of the more familiar paper ballot. Creating an electronic tally following this electronic vote is nothing new as electronic tallies have been performed for years. However, new challenges to ballot security arise from the fact that the vote is now recorded electronically.

Punch cards and optical scan ballots (both paper ballots) have been the norm in elections for decades. Voters register their vote by punching out chads or by penciling in bubbles on a paper form, which is later counted electronically by computerized counting equipment. The data is collected, published, and stored by the county election officials.

Punch cards were first used in computer systems more than 30 years ago for programming and information retrieval. *Hanging Chads* made famous in the recent Florida elections come from the same punch cards used in the old 1970s main frame computer systems.

In 1976, Tandem introduced their first fault tolerant computing system called the NonStop I. This was the first computer system to utilize a multi-processor architecture for the redundant processing of transactions. This architecture duplicates both hardware and software as multiple processors operate in 'tandem' with other independent processors. Having redundant processors do the work of calculating transactions was central to electronic banking where security was a must.

This redundancy in processing is at the core of a proposed fault tolerant system with an independent tally of votes. Independent processing of voter data will result in a fault tolerant tally of the vote using duplicate tallying processes. When problems with corrupted voter data or different tallies arise, the software used for both the official and unofficial tally of the votes can be checked for precision and potential logic errors. This aids in the development of tally software and creates an environment where problems are welcomed for improving the computer science of DRE voting systems.

Costs

The cost of adding hardware to the current process is minimal. Given the total of the number of substations in each county where DRE equipment is collected from precincts, the cost of each floppy drive used in each substation represents the total cost of equipment. In a county where four substations are used to collect election materials, using Accurite's PCMCIA floppy drive (\$259.00@), the total cost for the added equipment is a little more than \$1,000. As one e-slate from Hart InterCivic costs about \$1,800@ (multiplied by a factor of 100 for each county), the total cost of adding this procedure is minimal.

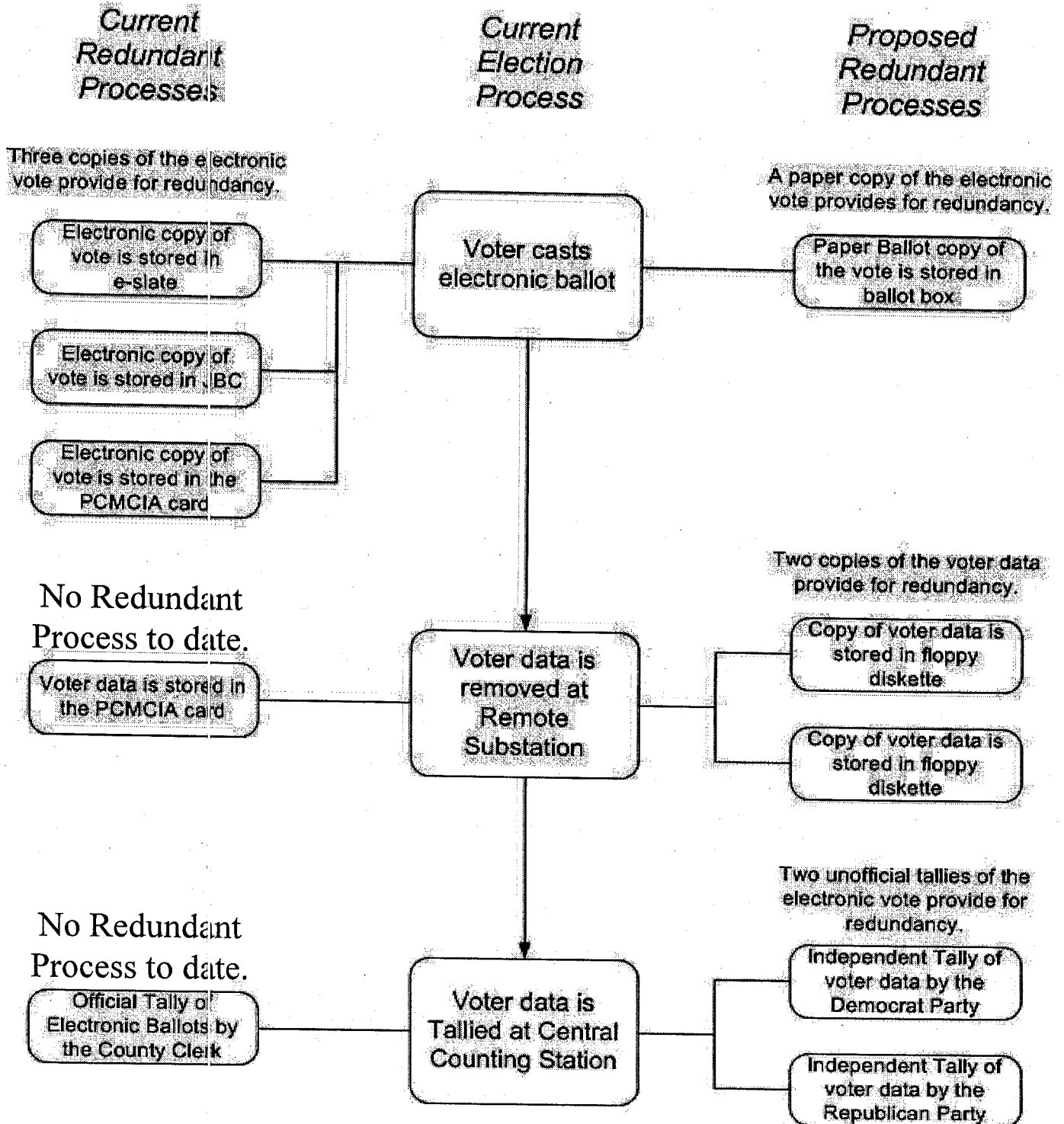
The real cost associated with this proposal is in the testing and approval process. But as there are no real technical challenges to overcome, the cost to manufacturers should be minimal as well. Manufacturers of DRE equipment will have to add this process to their products for a successful download of voter data. The value represented by having redundant processes to tally the votes more than offset the minimal costs for adding this procedure at the remote substations.

Conclusion

This proposal recommends that the data stored in DRE voting equipment be distributed to each major political party before the official tally of the total vote is made. DRE voting systems should incorporate redundancy in processing voter data to create a fault tolerant voting system for voter security. Voter data collected by the county clerk at the remote substations should be copied and given to both major political parties in a format they can use in creating an independent tally of votes.

Having the voter data before being processed by the county clerk's office allows for two independent tallies of the vote. This independence provides the redundancy necessary to insure that the processes used in collecting and counting voter data are secure. In this manner, an unofficial tally of the vote, along with the official tally, will enable the government, political parties, and the voter to be secure in the knowledge that, **"The Vote Cast is the Vote Counted."**

Independent Tally of the Electronic Vote Redundancy is the Key!



Barbara Strain

From: Barbara Strain
Sent: Monday, May 03, 2004 8:06 AM
To: Ann McGeehan
Subject: FW: NYTimes.com Article: High-Tech Voting System Is Banned in California

Follow Up Flag: Follow up
Flag Status: Flagged

Advise. Barb

-----Original Message-----

From: [REDACTED] [mailto:[REDACTED]]
Sent: Saturday, May 01, 2004 7:51 AM
To: [REDACTED]
Subject: NYTimes.com Article: High-Tech Voting System Is Banned in California

The article below from NYTimes.com has been sent to you by danadrc@aol.com.

Dear Mr Secretary,
I hope you are paying attention to the situation in California regarding the electronic voting machines. Does Texas do business with Diebold? Or plan on doing business with them?

Diebold has been caught "red-handed" by Californians who found Diebold installed uncertified software on machines in four counties. Diebold installed systems that were not tested at the federal level or certified at the state level, and Diebold lied to state officials about the machines.

Please protect the voting rights of all Texans and assure us the systems we will be using will be certified.

Sincerely, Dana R Campbell

[REDACTED]

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High-Tech Voting System Is Banned in California

May 1, 2004
By JOHN SCHWARTZ

California has banned the use of more than 14,000 electronic voting machines made by Diebold Inc. in the November election because of security and reliability concerns, Kevin Shelley, the California secretary of state, announced yesterday. He also declared 28,000 other touch-screen voting machines in the state conditionally "decertified" until steps are taken to upgrade their security.

Mr. Shelley said that he was recommending that the state's attorney general look into possible civil and criminal charges against Diebold because of what he called "fraudulent actions by Diebold."

In an interview, Mr. Shelley said that "their performance, their behavior, is despicable," and that "if that's the kind of deceitful behavior they're going to engage in, they can't do business in California."

The move is the first decertification of touch-screen voting machines, which have appeared by the tens of thousands across the nation as states scramble to upgrade their election technology.

Opponents of the high-tech systems argue that the systems are less secure than what they replace, making it possible for the electoral process to be hacked.

Without a paper trail, created at the time of the voting, to show the votes, they argue, electoral flaws or fraud could go undetected and recounts could be impossible.

In a statement, Diebold's director of marketing for election systems, Mark G. Radke, said, "We have confidence in our technology and its benefits, and we look forward to helping administer successful elections in California and elsewhere in the country in November." The statement also said that the company "disputes the secretary of state's accusations."

Mr. Shelley's decision comes after more than a week of furor in California over glitches that plagued the Super Tuesday primary elections in March in several counties.

Mr. Shelley has said Diebold's missteps "jeopardized the outcome" of the primary, in part because thousands of San Diego voters were turned away from polling places when Diebold equipment malfunctioned.

At public hearings about the voting problems, Robert J. Urosevich, president of Diebold Election Systems, said in the company's defense, "We're not idiots, though we may act from time to time as not the smartest."

A report issued by Mr. Shelley's office on April 20 accused the company of breaking state election law by installing uncertified software on machines in four counties. It said that Diebold installed systems that were not tested at the federal level or certified at the state level, and that Diebold lied to state officials about the machines.

It is those machines, known as the AccuVote TSX, that have been banned from use in November.

The four counties that currently use the TSX machines, San Diego, San Joaquin, Solano and Kern, would switch to an older technology, known as optical ballot scanning, in which voters mark ballots by hand and the ballots are then fed into a reader.

Mr. Shelley followed the advice of a state advisory committee that recommended that the 10 counties that use touch-screen machines, should be able to use them in November as long as they also provide paper ballots for voters who are wary of the electronic ballot.

The committee, known as the Voting Systems and Procedures Panel, also recommended that no new touch-screen voting machines be used in the November election unless they include a paper verification process.

If the counties do not provide the paper ballot alternative and meet more than 20 other conditions for upgrading security and reliability of the machines, those touch-screen systems will also be banned in the November election.

"I came real close - real close - to decertifying the machines outright in those 10 counties," Mr. Shelley said. But he explained that he made the decertification conditional because the machines had strong support from advocates for the disabled.

He said that the goal was to "balance trying to make this election work in those 10 counties with improving voter confidence."

Mr. Shelley had to make his announcement yesterday to meet a deadline requiring that changes to election procedures be made six months before an election. He has called for all electronic voting machines in the state to produce a paper receipt that can be viewed by voters to verify their choices by 2006; he said he was exploring ways to speed up that process.

Opposition to high-tech voting systems has been building, with a number of groups having formed around the issue.

A voters group in Maryland, the Campaign for Verifiable Voting, filed suit against the Maryland Board of Elections last week to block the use of the state's 16,000 touch-screen machines until paper-based verification systems that display each vote can be added to them.

Federal lawmakers, including Representative Rush D. Holt, Democrat of New Jersey, and Senator Hillary Rodham Clinton, Democrat of New York, have called for voter-verified paper trails as well.

"Once again, California is setting an excellent example for the rest of the country," said David L. Dill, a computer science professor at Stanford University and founder of a group, VerifiedVoting.org, that is pushing for paper backup for electronic voting systems.

"Diebold earned this," he said.

Michael Wertheimer, a former official of the National Security Agency who tested Diebold machines at the request of the State of Maryland

and found that the election systems could be easily hacked, said that the harsh action by the State of California was appropriate and that the problems with the machines could be addressed.

"They're absolutely fixable problems," said Mr. Wertheimer, but "the time for mea culpas are behind for all of these companies. They have to get out front and say, 'We are going to make these systems secure.' "

<http://www.nytimes.com/2004/05/01/national/01VOTE.html?ex=1084415854&ei=1&en=48ffe662730e678a>

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Barbara Strain

From: Barbara Strain
Sent: Friday, May 14, 2004 2:33 PM
To: Ann McGeehan
Subject: FW: certification of voting systems in Texas - John Reitsma/Clear Voting Systems, LLC (AM)
Follow Up Flag: Follow up
Flag Status: Flagged

-----Original Message-----

From: Jon Reitsma [mailto: [REDACTED]]
Sent: Friday, May 14, 2004 2:04 PM
To: [REDACTED]
Subject: FW: certification of voting systems in Texas - John Reitsma/Clear Voting Systems, LLC (AM)

Dear Ms. McGeehan,

It would appear Dr. Manaugh passed on a dialog we had about the security of electronic voting systems. I am working with an Australian company, Software Improvements, who developed and deployed an open source e-voting system in 2001 and are planning entry in the US voting systems market. I will be working with them on federal and various state certifications. I am familiar with the federal process and with California, where I live. I took a look at the www.sos.state.tx.us site and did not readily see the procedure for certification in Texas. Are they available on-line? If so - would you be so kind as to point me in the right direction?

Thank you so much for your time.

Best regards,

Jon Reitsma
 Clear Voting Systems, LLC
 San Francisco, CA

-----Original Message-----

From: [REDACTED] [mailto: [REDACTED]]
Sent: Friday, May 14, 2004 8:50 AM
To: [REDACTED]
Subject: Re: certification of Diebold electronic voting system

Mr. Reitsma:

Thank you for responding to the question that I put to Matt Quinn. I have shared your response with knowledgeable colleagues in Texas who are concerned about the security of paperless DREs.


DREs are not widely used in Texas right now, but that will change. Texas has a large population, so the market is well worth going after. Your system seems to have an edge over less secure and less easily audited systems like the Diebold system that was decertified in California. That might favor it being a good seller, assuming it has a competitive price.

A first step must be certification in Texas. Thereafter, your company would likely find strong interest among those who are concerned about election security issues. A helpful and knowledgeable source of information about certification would be Ann McGeehan, Director of Elections, Office of the Secretary of State for Texas: [REDACTED], or you may phone the Elections Division toll-free at 1-800-252-VOTE(8683).

6/25/2004

Please keep me informed about your progress. If you know of a way that I might help your company to improve the security of elections in America, feel free to call on me.

Regards,

Thomas Manaugh, PhD
Dallas, Texas


6/25/2004

Barbara Strain

From: Barbara Strain
Sent: Tuesday, June 01, 2004 9:39 AM
To: Ann McGeehan
Subject: FW: Check out Contra Costa Times | 05/31/2004 | Vote-machine labs' oversight call - Tom Manaugh (AM)
Follow Up Flag: Follow up
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-----Original Message-----

From: [REDACTED] [mailto:[REDACTED]]
Sent: Monday, May 31, 2004 8:11 PM
To: [REDACTED]
Subject: Check out Contra Costa Times | 05/31/2004 | Vote-machine labs' oversight call - Tom Manaugh (AM)

[Click here: Contra Costa Times | 05/31/2004 | Vote-machine labs' oversight called lax](#)

Ann,

I haven't heard anything from your office since we talked about six weeks ago about the certification process for voting systems in Texas. I heard through the grapevine that a state senate committee recently heard testimony about voting in Texas. Please put me on your mailing list so that I can keep informed.

The reference above is to an article about ITAs. Given the existing lack of standards for electronic voting systems, it appears that testing by only nominally independent testing labs may or may not tell us much about the integrity and reliability of any given voting system.

Apparently, some pretty flaky software has been approved by ITAs, as witnessed by events in California. Are we in the position of having to trust implicitly manufacturers and ITAs that are dependent on manufacturers and whose testing procedures and standards are unknown?

Additionally, there may be no easy way to determine if software has been altered after it has been approved by an ITA or even if a machine is using a version of software not yet approved, as was done in California and only discovered after the election.

Logic and accuracy tests by local and state officials would not catch a cunning programmer who wanted to affect the results of an election and not be detected. Even with ballot order randomly assigned, last minute "fixes" or "tests" could be used to access and alter software. That was done in Georgia in 2002. We know that President Bush will be the first name on the November ballot in Texas. In that case not even a last minute change would be needed for a programmer to manipulate vote counts in the contest for President.

I believe that you told me that vote tampering has had a long history in the world. My opinion is that we in the US are vulnerable to high tech tampering on a large scale. Please don't write off my concerns as those of a nutty conspiracy theorist. Hundreds of expert computer experts all around the country are sounding alarms that deserve attention. It would be naive to assume that nobody who has access to millions of lines of unexamined and only cursorily tested code in voting machines' software could not be tempted to alter the outcome of one of the most important elections ever.

Regards,

Tom Manaugh
 [REDACTED]

6/25/2004