

"Steve Heller" <hgunited@earthlink.net>
12/03/2008 07:21 PM
Please respond to
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To
HAVAinfo@eac.gov
cc

Subject
December 8 public meeting testimony

Chair Rosemary E. Rodriguez
Election Assistance Commission
1225 New York Avenue, N.W. - Suite 1100
Washington, DC 20005

Sent via e-mail to HAVAinfo@eac.gov

Dear Madam Chairwoman:

Thank you for soliciting public comments in advance of the EAC's December 8th public meeting and panel discussion about the 2008 Election Day Survey and voting system performance.

At this time, American elections are unverifiable. Our elections are "faith-based." By that, I mean that we voters have to have faith that the electronic voting machines and electronic ballot scanners -- which have been proven to be frequently inaccurate, unreliable, and easily hacked -- are recording and counting every vote accurately and completely, and that election officials are doing their jobs perfectly. This faith is needed because there is currently no possible way for citizens to verify that their votes are being counted accurately and completely, or even that their votes are being counted at all. That is not the way to run elections in an open and transparent Constitutional Republic, which America is supposed to be.

To rectify this situation, I believe the following changes must be implemented with the power of federal law for any and all elections in the United States, no exceptions of any kind.

1. The only thing secret about American elections should be the secret ballot. No election in the United States should be run on secret, proprietary machines or software

owned, controlled, or serviced by private corporations or contractors. All election equipment must be completely transparent (metaphorically). There should be no secret equipment of any kind used in any American election.

2. Every vote cast in every election must be cast on a paper ballot which the voter marks by hand. Appropriate technology (i.e., "sip and puff" devices or audio ballot readers) should be employed for those voters who are unable to mark a ballot by themselves due to physical or visual impairment.

3. Every ballot must be counted publicly and transparently at the local precinct level.

4. Citizens should be allowed by federal law to observe the ballots being counted. Election officials who prevent citizens from observing the counting of the ballots would be in violation of the law and must be held accountable for this violation.

5. The results from each local precinct must be posted publicly before being sent to any other location.

6. Currently, federal law that requires all election records, including the ballots and memory cards, be preserved for at least 22 months. Yet this law is often not followed or enforced. This law must be enforced with criminal consequences for anyone who violates the law.

If these suggestions are implemented with the power of federal law behind them -- and if the law is actually enforced and not ignored -- the United States will take a giant step towards verifiable and secure elections. Our great Republic deserves no less.

Very truly yours,

Stephen Heller

Election Integrity Activist

Velvet Revolution's Election Protection Strike Force

<http://www.velvetrevolution.us/electionstrikeforce/>

"Teri Nomura" <nomura@windermere.com>

12/03/2008 07:01 PM

To
HAVAinfo@eac.gov
cc

Subject
public comment

Hello,

I am the chair of the Jefferson County Democrats in Washington State.

I think it is important to have paper ballots, in order to have a paper trail.

Thank you.

Teri Nomura

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"McCain" <dspppp@tampabay.rr.com>
12/03/2008 06:08 PM

To
HAVAinfo@eac.gov
cc

Subject
December 8 public meeting testimony

Dear Madam and Sirs of the EAC,

I'm just a concerned citizen that has a few ideas for you to consider.

1. Make Veterans Day a national Voting Holiday so as everyone has a chance to vote.
2. Mandate all States to have Scanners and paper ballots for Federal elections.
3. On voting day, use the count from the scanners as a preliminary total only, then allow all of the ballots to be recounted in full public view by hand (see Coleman v Franken Senate race MN.) over a certain reasonable period of time.
Report the hand count total with the machine count total mistakes and all.
Then the local boards can go back and reconcile the final totals.

This is the only way we can have fair and honest elections due to the vulnerabilities of electronic voting.

See? that wasn't so hard.

Thanks for reading

Dave McCain, citizen voter

"E Walter" <ewalter@w-link.net>

12/03/2008 04:01 PM

Please respond to

ewalter@w-link.net

To

havainfo@eac.gov

cc

Subject

Public Input for 12-08-08 meeting

To whom it may concern:

I would like to provide public input regarding voting system performance.

During this 2008 election problems continued to occur with DRE touch screen voting machines. In multiple states there were reports of votes being switched from one candidate to another. Long lines formed where touch screen voting is used. Machines failed to work creating even longer lines. These machines must be eliminated. This is no way to run an election.

Computer scientists continue to prove that both, DRE touch screen voting machines and the optical scan machines are not secure and can easily be tampered with. These machines must go. This no way to run elections.

In the U.S. every election is now accompanied by fear from the electorate that the machines will not properly count votes, will break down, or that they will tampered with. These machines and the corrupt private companies that provide them must be removed from our elections.

The EAC must cease to approve the use of electronic voting and counting machines that use secret proprietary software. All systems must use a hand marked paper ballot. This is the only way to verify a voter's intent. "Paper trails" are not sufficient.

Computer scientists will tell you that you can write a software program to do anything. A paper trail and a computer screen can say a voter voted for "ABC" while the program can simultaneously record a vote for "DEF." Furthermore, research shows that only a handful of voters bother to verify the paper trail. Research also shows that voters often times do not notice or pay attention to the summary screen and therefore miss errors. This is no way to run an election. Can you imagine a bank using such sloppy systems

and software that makes it impossible to verify that monetary transactions are being recorded properly? Why then is ok for our elections to be run with such sloppy systems?

We supposedly live in a democracy, but our elections are a joke to all. Too much time, money and effort is required to make sure that people get to vote and to have their vote recorded accurately. We need transparent and accurate systems. Neither the DREs or the optical scan machines fit this bill.

In the immediate short term, I urge the EAC to ban DRE touch screen voting machines for the reasons stated, and because they fail to meet the standards established by HAVA. In the long term the EAC needs to mandate systems that are transparent and verifiable, and not controlled by private companies who do not have to answer to the people.

PEACE

Elizabeth Walter

Government is the servant of the people, and not the master of them. The people, in delegating authority, do not give their public servants the right to decide what is good for the people to know and what is not good for them to know. We insist on remaining informed so that we may retain control over the instruments of government we have created. (unkown author)

"W. Parish test" <wparish@attglobal.net>
12/04/2008 08:38 AM
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To
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cc

Subject
December 8 public meeting testimony

Chair Rodriguez:

During the November 4th General Election 2008 I participated as a "computer observer" under Florida Law and represented one of the two major political parties in that effort.

As you know Florida is a high profile State in national elections as far as electronic voting devices are concerned. Reasons for Florida's high profile are not only because of its electoral college of votes, but the fact that it does not require Federal testing of voting devices and has its own certification under the Florida Division of Elections. Not requiring Federal certification has made Florida the "Bata test" site for the nation in introduction of new design of software and hardware by our major suppliers of voting machines.

Florida must do with its budget restraints and limited capabilities in testing and certification of machines, this forces the Division of Elections to rely on significant assistance from the suppliers even to the extent that some new devices used statewide in the last General Election were tested by the State in the offices of the suppliers over a thousand miles from the State.

In Florida's run-up to the General Election there were serious problems with new hardware and software in many of the Florida counties resulting in non-uniform procedures to count the votes and loss of confidence of the public. Some of these failures of new equipment can be traced directly to software bugs and hardware failure not found in the testing and certification process yet certified just months earlier. While suppliers apologized to the public the Florida Division of Elections was silent on many of the issues.

The United States for over 50 years has been a world leader in computer development and procedures for operating them, we have been the world standard in most all areas of

information technology. In the Election industry, and even the Congressional mandate to your agency of government, there has been a weakness in the process of management of information technology. The EAC has been tasked as a clearing house of information on election process and devices yet falls down on information technology as a center for knowledge of bug reports and necessary information to manage the election devices.

Focus in the coming months of the EAC should be to collect, collate, disseminate what is common in industry, the necessary bug reporting in software and fail points of hardware, used in our elections. As an example the State of Florida certifies devices but offers no organized follow-on to standard dissemination of bug reports or machine failure points, so management of our county election divisions can implement uniform or know about solutions. The suppliers are reluctant to expose public scrutiny to failings in their devices as their ongoing sales nationally would be harmed by such information. As an example Ohio election officials in a small county experienced software bugs in the processing of votes, and devised a "workaround" for it. Later the Ohio Secretary of State formalized the exposure of it by asking for a review from an independent test organization, the supplier issued a statement as to why the event occurred then had to "apologize" to the State for misleading it in the cause of the software problem and offer a new solution to "workaround it". Further the same issues found their way to Florida in use of devices from the same supplier, with again a county by county discovery and "workaround" solution.

A comprehensive program by the EAC to implement its Congressional mandate as a clearing center for Election process would have saved many of the voting problems found in Florida in the last election and in the nation. Such a program would require any and all software and hardware failures to be listed within 24hrs of discovery, along with cross indexing by type, effect, and solution with updates and fixes just as our leading software suppliers do with web access to the public and election industry in a timely way.

The commission should take a lesson from Florida and its problems in placing new software and hardware in service that is the first of its kind in the country. Currently some Florida counties are the first in the country to have experience with devices that are now being sold on a national basis by suppliers. The commission and the public would be well served if it could share this knowledge base on a public electronic web based forum with comments. A full evaluation of the capabilities of "State testing" for devices used in Federal elections should be in place as to its ability to complete its mission. The NIST facilities should be considered as a "partner" of the commission in posting, finding, and listing computer bugs and machine failures in our election industry with a timeline of 12 months to implement this service.

The nation does not have any Federal specifications on devices used in its own elections, it is one of the only areas our Federal Government does not have tight specifications for manufacture and performance in devices used in the conduct of government. The commission needs to implement mandatory Federal specifications for devices as to security, function, and features of election machines used in its own elections with the help of Congress in this next session. These specifications should also cover parts,

machines, software that is within the jurisdiction of the United States Federal government and exclude foreign supply of parts, machines and software not within the boundaries of Federal jurisdiction as to enforcement due to the special nature of the use of election equipment in the process of placing our government officials and key to national security.

Listing of Florida findings in failure of software and hardware during the last election and primary can be supplied on request, and thank you for the opportunity to address the Commission.

W. "Skip" Parish

"Carol Bronder" <swansonteam@hotmail.com>

12/04/2008 04:32 AM

To

HAVAinfo@eac.gov

cc

Subject

Public Testimony for EAC

Hello,

I have been working locally as an election reform activist since the 2004 election. I never believed that Al Gore lost in 2000 and the NORC study indeed proved that had all the votes been counted, as the Florida courts ordered, he would have won. In 2004, having read all of the numerous books and articles and watched the documentaries such as Hacking Democracy, I remain convinced that our voting machines have corrupted our elections system. Accordingly, I have spent countless hours in research and in corresponding with not only other activists but with local officials, legislatures and my secretary of state on my concerns and recommendations. Right now, in Minnesota, we see the result of unreliable machines just today, in a Minneapolis precinct that recorded 133 fewer votes than voters. Where did those missing ballots go? Why were they not run through the machines?

There is no justification to continue to rely on these proven unreliable, hackable and privately owned machines in a process that needs to be transparent, public and trustworthy, or the electorate has no confidence in the outcome. Nearly every expert I have read on the subject recommends without reservation that we abandon the machines and return to a hand-counted paper ballot system. After all, our elections are precinct-based for a reason; in order to make a manageable count possible by people themselves. We count caucus results by hand here in my precinct in Minnesota. I see no reason why we cannot also count actual election results as well. We are told it is too expensive, too time consuming, and so forth. Yet the machines have cost multiple millions of dollars in each state and have delivered shabby results necessitating time-consuming recounts, law suits and generally contentious battles between candidates that further taint the outcome. Let us end this. Repeal HAVA, return the machines to the manufacturers and give us back an honest, open and public election system once again.

Carol

"Robert Burgee" <robert@stylemetrics.com>
12/03/2008 07:40 PM
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Subject
December 8 public meeting testimony

Our election process is an embarrassment and a disgrace. Since the right to vote applies to all citizens, it makes sense to have uniform rules governing any election in which any national office is contested (president, vice-president or members of congress). Voter identification rules, intimidation, mis-information and other techniques used to depress the turnout can and must be stopped.

To accomplish this I offer these suggested improvements.

1) The following actions should be felonies, punishable by large fines and significant jail time:

The deliberate dissemination of misleading information

- a) regarding the time and place for casting a ballot,
- b) about the validity of registrations,
- c) designed to discourage certain demographic groups or party adherents from voting,
- d) the intimidation of voters through the use of threats and warnings that have no basis in fact or in law.

2) Every citizen of the United States should be registered to vote automatically upon reaching his or her 18th birthday. This registration would be permanent, and would be rescinded only upon the person's revocation of citizenship or upon commission of a crime serious enough to warrant the removal of the right to vote. The only obligation of the voter would be to update their residency whenever it changed. This updating could take place up to and including the day of the election.

3) There should be a uniform ballot design, size and organization for all national elections (i.e. any election for offices of president, vice president or a member of congress.) This ballot would be tested and re-tested to achieve universal readability and ease of use before being put into use.

- 4) Voting machines should have an auditable paper trail, and should be allocated to precincts based upon population and likely turnout.
- 5) Early voting should be allowed in all states.
- 6) The preparation of the ballot and the distribution thereof should be in the hands of a neutral commission, and not in the hands of secretaries of state. This rule would apply to the allocation of voting machines as well.
- 7) The hours of voting should be uniform throughout the country.
- 8) Consideration should be given to making election day a holiday, or to holding the election over the course of a weekend.
- 9) States should be encouraged to move to mail ballots for all national elections. The federal government would underwrite and supervise the transition to mail balloting, using the Oregon process as a model.

Submitted by Robert Burgee
Portland, OR
503-977-2519

"David Lasagna" <songndance49@yahoo.com>
12/03/2008 05:33 PM

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To
HAVAinfo@eac.gov
cc

Subject
suggestions to improve our voting system

Dear EAC,

As a citizen extremely interested in the integrity of your election systems these are the changes I would dearly love to see.

1. Repeal HAVA and start over.
2. Do away with easily hackable electronic voting machines, which is to say all, of them.
3. My understanding is that Germany, Canada, and Great Britain hand count paper ballots in their elections. If they can do this and have confidence in their election outcomes, why can't we?
4. Create a public domain national exit poll to help ensure the integrity of the vote as they do in many other countries.
5. Make election day a holiday.
6. Create simple, efficient, uniform standards for voter registration and voting.
7. Create a new position in the Obama Administration whose specific task is to create and oversee an efficient, equitable voting system.
8. Make election fraud and voter suppression felonies and prosecute.
9. Make it illegal for a Secretary of State to chair any party's presidential campaign.

10. Bring full transparency and citizen oversight back to our election process. Private companies should not be allowed to claim proprietary rights to any aspect of our public voting system. It's OUR system. It is NOT Diebold's, or ES&S's, or Sequoia's, or any private company's.

Voting, our sacred right, is the foundation upon which all our other rights depend. Please fix our incredibly dysfunctional system. No one should have to wait hours to vote. And no one should go to vote and find themselves incorrectly purged from voter rolls. Voting should not be an ordeal. It should be a pleasure.

Thank you for your time.

sincerely,

David Lasagna

"Mac Hathaway" <mhathaway3@verizon.net>
12/04/2008 12:16 PM

To
HAVAinfo@eac.gov
cc
jennifer.gannon@mail.house.gov
Subject
December 8 public meeting testimony

Rosemary Rodriguez, Chairman
U.S. Election Assistance Commission

Dear Ms. Rodriguez,

Please find herein my suggestions to the EAC regarding their mission, and the state of voting in the US, generally, for your consideration during the upcoming hearing on Dec. 8th.

- 1) The EAC should immediately take action to fulfill its legal mandate by disseminating to all voting jurisdictions any information it has regarding voting equipment failures, whether equipment-based, software-based, or "user-error"-based, so that jurisdictions using a given type of voting equipment can learn from other jurisdictions how best to use their equipment, what efforts are needed to avoid problem, security holes, etc. This includes any problem alerts that come from equipment manufacturers, problem alerts that come from (or can be gleaned from) various state SoS offices and county election officials, and problem reports submitted by election integrity advocates and organizations.
- 2) There should be no reduction in the rigor or standards for certification of election equipment. If no equipment, software, or equipment-software combinations are able to pass certification testing in time for various elections, hand-counting of paper ballots should be mandated.
- 3) There is should be a concerted effort made by the EAC to emphasize the need for accuracy and transparency of elections, far above the need for fast vote counting. In this way, pressure for "quick results", which automatically creates pressure for automated

but error-prone solutions, is reduced. Also, the importance of actual secure vote-counting systems should be emphasized over the need for superficial "increased voter confidence" in those systems, which currently is sought through the suppression of vote-problem reporting and suppression of security-problem research. A portion of your web-site could be dedicated to user-reports and academic research into equipment problems, security issues, ballot and equipment protection measures taken by election officials, and typical "real world" problems and solutions regarding such measures. This would be a valuable and tangible contribution which the EAC could undertake in fulfilling its charter to improve our election processes.

4) Due to the physical reality that non-paper-based (i.e. DRE) voting equipment is fundamentally non-verifiable, efforts should be made to reduce or eliminate the use of DRE systems (except for perhaps limited use for the fulfilment of HAVA accessibility requirements). Please note that "paper records" from DREs are, for practical reasons, similarly unsuitable for election purposes. Paper ballots are the best solution, especially when coupled with hand-counting, based on their physical permanence, ease of determination of voter intent, transparency of vote-count verification, and low cost-per-vote. Electronic ballot scanner/counters are not necessarily problematic, but must be audited thoroughly (at least ten percent parallel hand-counted) and randomly to ensure no programming, mechanical, software, or other errors and manipulations. Such auditing must be made part of the election-night routine, and performed consistently in every precinct nation-wide that chooses to use electronic tabulation. It is evident that pre-election testing is too often insufficient or skipped entirely, rendering post-election audits even more important in securing accurate results.

Thank you for your hard work on these critical issues. The importance of your work is massively under-appreciated in this country, but never doubt that the foundation of our democracy rests squarely on your efforts.

Sincerely,

Mac Hathaway
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