

Utah Count Votes

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P.O. Box 680192
Park City, UT 84068



Tuesday, August 02, 2005 - updated August 11, 2005

Dear Utah Lt Governor Gary Herbert:

Your office has:

1. *ignored the advice of B.Y.U. and U. of U. computer scientists & the advice of Utah's computer professionals given to you in writing and at public hearings.*
2. *misled Utah press & public in interviews and during public hearings, regarding:*
 - a. the date HAVA compliance was due is January 1, 2006 when it is June 2006.
 - b. options & costs of new voting equipment. They informed press of touchscreen costs but neglected to mention the AutoMARK op-scan option and costs.
 - c. said that Utah had to purchase DREs to meet HAVA requirements when we do not.
 - d. said that U.S. EAC certified Diebolds. Only the states certify voting equipment, not the EAC. The EAC sets standards to receive HAVA funding.
 - e. said that election results are tabulated more quickly with DREs, but precinct-based op-scan counters return election results more quickly, with less opportunity for tampering.

You have decided that Utah should purchase Diebold DRE voting equipment¹

1. *that does not meet HAVA law requirements that will be in force in June 06 because it:*
 - a. does not allow disabled the same privacy as non-disabled - segregates their ballots
 - b. does not allow disabled voters the same voter verifiability of their ballots
 - c. does not have the low error rates required by the HAVA law
 - d. does not provide features required for the mobility disabled
 - e. does not yet provide other features for disabled voters required by HAVA

and you want us to trust the vendor to bring its systems up to par by June 06!

2. *that provides no practical method of recovering accurate vote counts after computer glitches and no practical method of checking its accuracy through independent audits because it*
 - a. did not provide any convenient method to count its voter verifiable paper rolls
 - b. did not provide open source hardware and software specifications necessary for Utah to build a system to independently count its voter verifiable paper rolls

You did not even ask the vendor to demonstrate or provide a bid proposal for any system to count its voter verifiable paper roll record of ballots!

3. *that is outrageously expensive when better systems are available for almost half the cost.*
4. *that has been widely reported since early 2003 to be one of the most hackable, least secure voting system in America*
 - a. Anyone can easily tamper with vote counts on its central tabulator without leaving a trace of evidence
 - b. Computer scientists have said that any hacker can cast multiple votes & that this system should not be used in any election.

¹ For more information, refer to documents available on <http://UtahCountVotes.org> and see the attached EAC advisory.

- c. Diebold is built on an unnecessarily large, insecure operating system that needs constant updates to maintain its security.

5. *sold by a vendor who has*

- a. in at least two states, *used uncertified software* during elections
- b. has *been sued* by CA
- c. has *been decertified* by CA
- d. has *been thoroughly tested and found to have over a 10% error rate* in CA
- e. has *been involved in prior statistically implausible election results*
- f. had its op-scan & DRE voting machines *shown to be easily used to rig elections*
- g. provided machines which have *miscounted votes during elections* - something that is more detectable in its op-scan systems with hand countable paper ballot availability
- h. had *a long list of reported problems* with its voting equipment that are well documented and reported
- i. *been in the news due to its flawed voting equipment more than any voting system*
- j. gave a county election official \$10,000 in Ohio, as reported by the AP, July 20, 2005
- k. *not yet fixed flaws that were found in its systems in early 2003*

In Summit County people program our punch-card ballot counting machines. If there is an error and ballots are miscounted, we can recover accurate vote counts by using the paper after the fixing the programs. You want us to use an unreliable system² for creating a paper record of ballots that is difficult for voters to verify, has no *tested* method to count them, and no method at all to *independently* count them!

WHY have you made this unimaginably unwise, fiscally irresponsible decision? Are you not afraid of damaging your reputation if you insist on going forward with this choice of voting equipment for the state of Utah?

I strongly recommend to Summit County that it give itself options by putting out an RFP for voting equipment so that it can save money, implement a more trustworthy voting system, and meet the legal requirements of HAVA laws for accuracy and for the disabled - and not follow this unintelligible decision made by Utah's chief election official.

Perhaps the HAVA law does not permit the state of Utah to withhold HAVA funds from counties that purchase HAVA compliant voting equipment and perhaps the state has no legal right to accept HAVA funds for Diebold touch-screens which are clearly *not* yet HAVA compliant. Summit County may want to sue the state of Utah if it withholds funding for purchasing HAVA compliant voting systems.

Sincerely,

Kathy Dopp
Utah Count Votes, Founder
<http://utahcountvotes.org>

cc. Summit County Commissioners, Summit County Attorney, and Summit County Clerk, on-line³

Attachment: U.S. Election Assistance Commission Advisory 2005-004: How to determine if a voting system is compliant with section 301(a) - a gap analysis between 2002 Voting System Standards and the requirements of Section 301(a)

² The paper rolls were found to jam roughly 10% of the time in a CA test and were never tested by UT.

³ This letter can be found on-line at <http://utahcountvotes.org/Herbert0508.pdf>