

State's Choice of Voting Machines Do Not Qualify Yet for HAVA Funds

Let me be clear. Utah counties risk losing their federal Help America Vote Act (HAVA) funds in possible law suits if they purchase the voting system recommended by Lt. Governor Herbert because Diebold touchscreen voting machines do not yet meet federal standards for HAVA funding.

HAVA law requirements that Diebolds do not yet meet include:

- a. allow disabled the same privacy and voter-verifiability as non-disabled
- b. error rate maximums
- c. features required for the mobility disabled

Emery, Utah, and Salt Lake counties are considering other options. Should we "trust" Diebold to meet those standards by the June 2006 deadline when Diebold has not yet fixed security flaws that were publicly exposed by computer scientists in March 2003?

Disinformation being spread by Lt. Governor Herbert's office and passed on by others includes:

- a. the date for HAVA compliance is Jan 2006 when it is June 2006 in Utah - the first federal election following January 1, 2006.
- b. only costly options exist for voting equipment, when better lower-cost options are available
- c. Utah has to purchase DRE¹ machines to meet HAVA requirements when we do not.
- d. the U.S. Election Assistance Commission certified Diebolds, when only states certify voting equipment, not the EAC.
- e. election results are tabulated most quickly with DREs, when precinct-based op-scan counters return election results as quickly, with less opportunity for tampering.
- f. no vote was lost and there was zero error in California's Diebold tests when 20% of the tested machines had one or more crashes resulting in a blue screen, 10% had printer jams, and nearly 33% failed in at least one way.

If Utah counties go along with the state's choice, they risk paying for a voting system that costs twice that of HAVA compliant, trustworthy systems. Counties should put out a request for bids for new voting equipment ASAP or if they go with Diebold put clauses in the contract that says: "Equipment must be HAVA compliant or WE GET OUR MONEY BACK" and provide a working open source system for counting its flimsy paper roll record of ballots.

If Utah "must" purchase touchscreen voting machines by January 1st, it is only because Utah has written requirements into its own state HAVA plan, which Utah can amend.

For detailed information, see UtahCountVotes.org

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¹ DRE (digital recording electronic) voting machines.