

Report on the National Association of State Election Directors
NASED.org Summer Conference Aug 12 -14, 2005, Beverly Hills, CA

Only three election activists attended - myself and two whose focus is voter access. Unlike the NASS.org conference, there was no table where state election directors were allowed to pick up literature from election activists or vendors. I was not permitted to hand out materials in the conference room. NASED President, MD Election Director Linda Lamone, who implemented state-wide paperless Diebolds in her state interrupted me prior to my asking my first question saying "We've already heard all your questions Kathy." Despite this and other attempts to silence me, I asked all my questions and listened.

Speakers at the conference:

Gracia Hillman, U.S. E.A.C. Chair - She asked me to have the National Election Data Archive submit our comments on the E.A.C.'s Draft Voting System Guidelines by the September 29, 2005 deadline. NEDA must first look at the guidelines and figure out where its recommendations best fit in. The NEDA recommendations involve routine post-election audits and election data analysis for ensuring that vote counts are always correct.

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Brit Williams, the computer scientist in GA who supports paperless e-voting is a member of the U.S. E.A.C.'s Technical Review Committee. Prof. Williams said that we should be able to obtain the detailed election data needed to monitor GA's election in electronic format. In his speech, he said that "there has never been one single instance of documented attacks against a computer voting system" and that voting machines could not be hacked if they were "supervised and guarded by election judges and clerks". He also supports wireless technology in voting machines. He said in standards "shall" means mandatory. "should" means optional.

In questioning, I asked Williams how "never been one single instance of documented attacks" fits with:

1. dozens of ways to hack votes w/out leaving a trace of evidence
2. systems which have been found to be trivial to hack
3. data showing highly implausible election results
4. a signed affidavit by a programmer who says he was paid to write a vote tampering program
5. cases where electronic counts were shown to be wrong and elections were reversed when paper ballots were hand-counted

Williams replied that voting systems could easily be protected from outside hackers by having voting machines "supervised and guarded by election judges and clerks".

My Note: Perhaps Professor Williams is unaware that the vast majority of hacking is done by insiders, so suggesting that insiders guard them against outsiders is laughable.

Paul Kraft, FL election official and also member of the EAC technical advisory committee, and part of EAC's voting system board. He poo poed the Deibold op scan attack in FL, said that the hacker was given too much access to the system and ability to do SQL queries from the command line. He said with proper security, cannot do.

Alice Miller, Washington DC spoke about they'd compared voter registration rolls with MD and found that 3,000 voters were dually registered in both Washington DC and MD. They found that 300 voters that had voted twice.

Thad Hall, a proponent of paperless e-voting from Utah, spoke about "inter-operability" and data standards for voter registration databases so that states could compare voter registration databases to remove duplicate voters.

My Note: With the exception of Washington DC, voter fraud seems to be a non-existent problem. See later talk by Tova of the Century Foundation.

Glenn Newkirk - Accurate = the ability to correct mistakes. He suggested a good approach for achieving inter-operability of state voter registration databases. First, a "glossary of commonly accepted terms", "commonly accepted definitions", and a 'framework'. *My Note: Ask for his input re. NEDA development.*

Doug Chapin of ElectionLine.org supports the availability of more data and the creation of the National Election Data Archive of detailed election data for post-election monitoring of election accuracy. State Election Directors use electionline.org frequently, some of them daily. ElectionLine.org which is used daily by many election officials. He said that we don't know the extent of voter fraud, the technology, the extent of the disabled, or provisional voting. He lauded Linda Lamone and said that MD would do factual studies of voting system security. He lauded Alvarez & Hall (who have been proponents of paperless e-voting). and said that there are 9,000 election jurisdictions in the US? He mentioned standards and Best practices, centralization w/out federalization. His focus seemed to be on preventing illegal votes rather than on vote count accuracy because the panel he was on was about "voter registration information".

My Notes: I thought there were 33,000 election districts. Ask him what he means. Why didn't NASED have a panel on "vote fraud" as well as "voter fraud"?

Military voting was discussed by **Scott Wiedmann** See fvap.gov

Tova Wang - of the Century Foundation said that exhaustive studies of several states found zero or at most six voters in states who had voted twice so that solving the problem of "voter fraud" is solving a non-existent problem and that the solutions could involve disenfranchising hundreds of voters in order to remove a small handful of illegal voters. Found 6 cases of state-wide voter fraud in WA - felons who'd voted. only 4 cases state-wide in OH. Kathy Cox's photo ID to eliminate voter fraud will disenfranchise voters. In WI, 23% of some voter groups had no photo ID or license. 43% of Hispanics and 85% of whites in some cities had licenses. 6 - 10% statewide had no state ID or license. Blacks are 4x as likely not to have a photo ID as whites. Provisional ballots are not being counted. Out-of-precinct provisional ballots should be counted, especially if done at the correct polling location. Protocols for dealing w/ errors in state voter registration databases need development. SS# 2 numbers transposed, Asian names reversed, substantial matches name & data of birth should not disqualify. Insufficient number of voting machines deployed - tantamount to disenfranchisement - based on registration, voter turnout, new registration... States must accept the federal voter registration form.

John Lindback - OR Election Director moderated. Lindback did not like that the Carter/Baker Commission does not having current election officials on it.

Brad Clark - Assistant SOS in CA. Sued by CA's AG. Spoke about the interesting mayoral race in San Diego w/ Donna Fry, the write-in candidate. Voters wrote her name but forgot to check box so she lost when she would have won. Then winner resigned, so another election coming up for Donna Fry.

Nick Handy - WA described WA's Gubernatorial race - the longest election in America which concluded in the Spring, and said that it was between 99.99 and 99.9999% accurate. i.e. the recount showed so few votes switching and all those which switched were due to voter factors. Republicans developed a new theory for subtracting illegal votes that were found in the same proportion as voters had voted in the county. So Republicans searched for illegal votes in Democratic counties and Democrats searched for illegal votes in Republican counties. In the category of deceased, double, or alien voting zero illegal votes were found. A few provisional ballots were put through in error and 4 felons had voted who were not supposed to. The Democrats got the felons to swear affidavits that they had voted for Republicans, so 4 votes were subtracted from the Republican count. The judge ruled that once a provisional ballot is cast in error, it is counted as a legal vote. The Democratic candidate won by 261 votes out of 2.8 million.

Richard Weghorst, Atty from OH spoke about some of the resolved cases in the 2004 election. When I asked about the recount where allegedly the precincts were not randomly selected and the voting machine vendor allegedly told the election officials what the hand-counts should equal and tampered with the voting equipment, Weghorst said that he could not speak about ongoing suits. *OR Election official John Lindeback tried to stop me from asking my question on the recount by saying that only "legal" questions were allowed.*

Professor Dan Lowenstein, Atty - first election law professor in America. He called Connie McCormick an "outstanding registrar of voters". He spoke about problems caused for election administration when court cases decide that last-minute redistricting or other measures must be taken. He favors current political redistricting schemes and asked why one would feel that political redistricting was unfair. An election official from IA spoke up and said that IA has a non-political redistricting procedure that works well, but I missed the details. When questioned by Bob Pastor of the Carter/Baker commission, Lowenstein said that the outcome of Bush v Gore 2000 is probably that all evidence and all ballot types must be counted in the same way in the entire state for a single court proceeding. (FL was only counting some ballot types in some counties in Bush v Gore.)

My Thoughts: Political redistricting disenfranchises voters w/ particular political, religious, or moral beliefs and nonpolitical redistricting could be accomplished by making equal population districts that have a minimum sum of perimeters to make them compact.

Brad Bryant of KS had a good method of providing counties what they need for disabled voters and signing off all poll locations for disability access.

Bob Pastor Carter/Baker Commission Director - Quoted Dan Quayle who said "The trend is towards democratization, but that could change." Pastor said "Voter Confidence levels in America are very low". Carter felt that inquiries were not answered regarding the 2004 election and was concerned with provisional ballot handling, identification requirements and other issues. Carter felt that Baker could mobilize to solve problems. Hearings were held on Apr 18 and June 18th. On the Commission were 7 Dems, 7 Repubs, and 2 retired Secretaries of State, Ralph Monroe of WA and Sharon Priest of AR. U.S. ranks third behind Canada and Mexico for having a model electoral system in No. America. Elections need both access and integrity. The basics:

1. Good voter registration database - interoperability
2. identify voters w/out being an obstacle - 22 states require ID cards. should have free state ID cards for those w/out licenses - or becomes a poll tax
3. voting technology - security, malfunctions - always, verifiability of recounts
4. election administration - perception as important as reality. in MX poll worker duty like jury duty. No state election officials running campaigns.

The OR election official got up and complained that no current election officials were on the C/B commission.

September 19th is when the Carter/Baker Report Due Out.

ITA Updates:

Tom Wilkey, EAC Director Voting System conformity Assessment System - Steve Burger under contract from IEEE

Brian Hancock, voting systems Board, USEAC, In the future, full ITA test code reports will be publicly released w/ only source code & schematics redacted. The testing & certification docs will be available. *This is good news.* He mentioned the ISA900 process and pulling units at random for testing to be sure that the same systems tested by the ITAs are being used in elections. He also spoke of the Technical Reviewers that will help determine whether or not voting machines are certified by the USEAC. Current Technical Reviewers include Paul Kraft, Britt Williams, Steve Burger, and Steve Freeman. He spoke of the need for "acceptance testing" when units are delivered.

My Notes: The EAC does not seem to have an adequate formal process for selecting new technical reviewers (as they would need to ensure that the technical reviewers represent the mainstream science community). They did seem to say that they will be adding several new technical reviewers and replacing some of the existing ones. I asked re. the appearance of impropriety that exists with current ITA certification process (Systest, Cyber, and Wiley are current ITAs) and after some irritated reactions by Tom Wilkey and Britt Williams, I received an answer from Brian that the Chief financial officer of the ITAs must certify that they have no conflict of interest and that this process meets ISO17025 National Accreditation for Labs and is used in other industries.

Bob Pastor of the Carter/Baker Commission stood up and said, among other things, that I was right to be concerned because the ITA process has certified voting machines like Diebold's which were later found not to meet the standards.

A Few of the Attendees I met:

John Whack, NIST wants standards for voting systems, and wanted to be put in touch with computer scientists who are voting system experts like the Open Voting Consortium. I told him I would put him in touch with Alan Dechert.

CO Patti Frederick Election official. She wants disability comments on AutoMARK/OpScan because she said her local disability community is pushing for DREs.

GA SOS wants to see research on how the #precincts/polling place increases the rate of undervotes/voter disenfranchisement. (I think that she supports voting centers and does not believe that multi-precincts/polling location causes problems.)

PA Commissioner of Bureau of Elections & Legislation, Harry VanSickle helped me find my rental car when I lost it in the parking lot and was interested in implementing independent audits and in election data monitoring for PA.

LA Assistant AG LA DOJ William "Bill" Bryan III

Says "Ernie Roberson, the Registrar of Voters for Caddo Parish, Louisiana, in the Northwest part of the State, the parish where Shreveport is located, a major metropolitan area has had some recount concerns so is interested in talking with US Count Votes." Bill Bryan asked to be on USCV's email press list.

Steven Hertzburg of ESI.org said that he would like to see NEDA's analysis of the blurred OH precinct-level exit poll data which differs markedly from ESI's analysis of the same data. He would like to see our analysis of OH's exit poll data prior to our releasing it to the press and public if possible.

CT Election Enforcement Commission Counsel Jeff Garfield - said that CT just passed an election audit bill see www.cga.ct.gov/act/Pa/2005PA-00188-R00SB-00055-PA.htm CT audits occur w/in 5 biz days of a primary election, machines are selected in a random drawing open to public - each machine having an equal chance of being selected. SOS shall determine & publicly announce method of random drawing, manual tabulation of voter-verifiable paper records & compare w/ electronic count for each selected machine (not req'd if a recanvass has been/will be done on that machine) If VVPAT has been damaged, then they substitute the vote machine generated record! If does not reconcile, SOS will conduct investigation.

My Note: Good start but some flaws. Audits should be done before ballots are removed from the precincts, and trigger a county-wide recount if there are significant miscounts. Machine printouts should never be substituted for voter verifiable paper records.

Kimball Bruce re exit poll data 193,000 precincts... *Note: Call him re. Election Data Services. They make election data databases for some states already, but unique by state.*

Stephen MacDonald - UT Deputy Election Director I asked and he told me that ES&S had not applied for certification in the state of Utah for its AutoMARK/OpScan system that some counties want to use, and that it is just a matter of ES&S filling out the paperwork.

Important Things I learned that Concern Me:

The U.S. E.A.C. is planning a national certification for voting machines that involves "Technical Reviewers". Thus far, the technical reviewers have been Britt Williams, Steve Burger, Steve Freeman (CA), and Paul Kraft (Paul representing the National Association of State Election Directors. Since 1991, he has been Chief of the Bureau of Voting Systems Certification for the state of Florida.) Craig Burkhart - the chief legal counsel on technology matters for the U.S. Department of Commerce who said "I am here first of all to welcome everybody here on behalf of the president and on behalf of Don Evans who is the Secretary of Commerce."

There does not seem to be any formal process for appointing persons to the EAC's technical reviewers group, and it seems likely that a formal process for appointing technical reviewers would be needed to ensure a balanced team of technical reviewers that best represented the mainstream opinions of the computer science community rather than a one-sided approach. I urge everyone to write the EAC to suggest forming an actual formal process for appointing technical reviewers which involves obtaining the advice of major university computer science departments to ensure that the technical review committee is well-rounded. The technical reviewers will have key impact in the new national certification of voting machines. Send comments to voting@nist.gov or to HAVAinfo@eac.gov

Research shows that voter fraud is a non-problem except in Washington DC, where voters lack representation. There have not been more than a handful of voters discovered illegally voting in the states where the Century Foundation researched. Exhaustive searches for illegal voters in some states have turned up from zero to six illegal voters per state. Measures to purge voter rolls may end up disenfranchising hundreds more legal voters than the number of illegal voters they prevent from voting.

My Take on NASED

NASED is overly concerned with "voter" fraud or illegal voters voting and seemingly unconcerned and dismissive of election integrity issues. Its current leadership seems hostile towards election activists and is censoring information being given out to NASED members. A majority of speakers at the summer conference seemed to favor paperless e-voting and erroneously imagine that the threat to election systems is from outsiders or voters. More election activists need to attend the conferences of this important group!