

Utah Count Votes

Utah Count Votes, P.O. Box 682556 Park City, UT 84068



Tuesday, August 02, 2005

Dear Utah Lt Governor Gary Herbert:

You have:

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 re -*
 - a. *the date HAVA compliance was due, saying January 1, 2006 when it is June 2006.*
 - b. *options & costs of new voting equip. You neglected to inform press re. the AutoMARK option and costs when you were interviewed.*
 - c. *said that Utah had to purchase DREs to meet HAVA requirements when we do not.*

You have *decided that Utah should purchase voting equipment*¹

1. *that does not meet HAVA law requirements that will be in place 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 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.*
 - c. *Diebold is built on an unnecessarily large, insecure operating system that needs constant updates to maintain its security.*

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

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 three times by CA*
- d. *has been thoroughly tested and found to have 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 was only detectable in its op-scan systems due to 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. *not yet fixed flaws that were found in its systems in early 2003!*

In Summit County we have recently had elections which were initially miscounted due to errors that were made in programming ballot definitions by our local election official. The only reason that we were able to recover accurate vote counts is because we had paper punch cards to re-run after the programming was fixed. Yet, you want us to buy a system that does electronic counts without providing any reasonable way to count the paper record of ballots or ensure that our vote counts are correct!

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 have 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 that has made by Utah's chief election official. The HAVA law may not permit the state of Utah to hold back HAVA funds from counties that chose to purchase HAVA compliant voting equipment over the Diebold touch-screens which are clearly not HAVA compliant. I recommend that Summit County test this in court if the state withholds funding for purchasing HAVA compliant voting systems.

Sincerely,

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

cc. Summit County Commissioners, Summit County Attorney, and Summit County Clerk

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)
