

PRESS RELEASE:

**Utah's New Election Audit and Recount Procedures
Found Lacking by Utah's Desert Greens Party and Utah Count Votes**

DATE: Thursday, October 26, 2006

RE: "Election Policy" Adopted October 17, 2006 by the Office of the Lt. Governor of Utah

See utahcountvotes.org/lsgov/ElectionXPolicy.pdf and utahcountvotes.org/lsgov/SummaryAudit.pdf

WHO: Utah's Desert Greens Party, www.GPUT.org and Utah Count Votes, UtahCountVotes.org

WHERE: Salt Lake City, UT

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The Utah's Desert Greens Party, the Utah affiliate of the Green Party of the United States (gp.org), and Utah Count Votes, an election integrity group, oppose Utah's new election procedures for vote count audits and recounts. After a careful review of Utah's new internal audit procedures for the upcoming November 7, 2006 general mid-term election, Utah Count Votes and the Desert Greens Party feel that Utah's newly adopted election policies weaken Utah's election processes and fail to ensure Utah's election integrity.

Their concerns include:

The uncertainty of using volatile invisible electronic ballots that computer experts have shown are open to vote fraud¹ and glitches makes manual audits important to give the public confidence in election results. Public comment was not solicited for Utah's new audit and recount procedures and no qualified mathematicians, degreed statisticians, or expert auditors were advisors to the Lt. Governor to develop these newly adopted election policies.

Major problems they identified with Utah's new audit and recount procedures include:

1. Not Verifiable by the Public

- No auditable report of election results (counts on each voting machine for each race or issue) is publicly released prior to selecting which counts will be audited, so the audit could be manipulated (by adjusting election results numbers to match aggregated vote totals, despite not matching detailed machine counts).
- The counts to audit may be randomly selected prior to poll closure and announcement of election results, and therefore the audit could be manipulated (by manipulating machine vote counts to alter election outcomes that are known will not be audited).
- Not publicly observable (the public is not permitted to observe either the random selection of the counts, or the manual audits).
- No public access to records needed to verify audits.
- Results of the audit are not required to be publicly released

¹ See <http://UtahCountVotes.org> or <http://BlackBoxVoting.org> or <http://itpolicy.princeton.edu/voting/>

2. Not Transparent

- Random selection process not is not publicly observable. Random selection process is not transparent random selection (Uses easily manipulated software and no measures for verifying the selection software are included – could be hacked to avoid certain voting machines.)
- Random selection method is not transparent.
- Audit procedures are not required to be publicly observable. The public and even the candidates themselves do not have access to observe any of the procedures (neither the audit, nor the random selections).
- Not verifiable by the public (see above)
- Results of the audit are not required to be publicly released

3. The Audit Results Could be Easily Undetectably Manipulated

- Auditors are not randomly selected and are not randomly assigned to specific counts
- Auditors are not independent – election officials are the auditors.
- Election Officials are free to manipulate the audit results without observation
- Lt. Governor's Office in particular and, depending on who the Lt. Governor's office tells which machines are to be audited during the election, others, could be free to manipulate un-audited vote counts not selected for audit prior to the end of the election (due to possibly selecting which vote counts will be audited prior to the end of the election by the Lt. Governor, and before the announcement of election results and without any public auditable report that the public could use to verify the audit.)
- Early voting machines and voting machines used in multi-precinct polling locations have a higher probability of being selected. Absentee ballots and paper optical scan ballots (which are trivially easy to tamper with) have a much lower probability of being selected for audit, so could be targeted for vote fraud.

4. Not Independent – i.e. not conducted by independent auditors

5. Mathematically Insufficient for Ensuring Election Outcome Integrity

- 1% is insufficient in any close contests or contests with a small number of vote counts
- Differing probabilities of selecting machines –
 - lower probability of selecting machines w/ single precincts
 - lower probability of selecting optical scan counts with multiple precincts – procedure slightly unclear – but unit sizes varied
- Probability of detecting outcome-altering miscount is hopelessly low in recounts required under Utah law for races with margins under 1%
- Early voting machines and voting machines used in multi-precinct polling locations have a higher probability of being selected. Absentee ballots and paper optical scan ballots have a much lower probability of being selected for audit, so miscounts in these types would be more likely to be missed.

6. Subverts the Intent of the Legislature and the Public regarding Recounts.
 - In races where margins between candidates are less than 1%, Utah’s new procedures call for a manual audit having a very low probability of detecting the small amount of outcome-altering vote miscount that could alter close races, rather than an entire hand recount.
 - A recount is merely a re-tabulation of DRE memory cards (which we saw in Cuyahoga County, OH were off in 10% of the total votes counted where 72% of the total vote counts were off by at least one vote; and here in Utah, officials denied access to investigate our primary election and did not warn voters to use absentee ballots like in Cuyahoga County, OH, MD, and elsewhere).
7. Lack of Consequences - No Teeth
 - No provision or process is provided for expanding the audit when discrepancies are found, and
 - No provision for correcting election results when discrepancies are found

Utah’s Desert Greens Party and Utah Count Votes believe that the Utah’s Election Policy could be improved by taking the following steps:

1. Audits should be conducted by independent auditors.
2. The public should be allowed to observe all audit procedures, including selection and manual vote counts.
3. A sufficient number of vote counts should be audited calculated to assure that any outcome-altering vote miscount would be detected.²
4. Any recount should have a 100% manual audit, as per the public and the Utah Legislature’s intentions.
5. Diebold optical scan (OS) system counts should be audited separately from touch-screen (TS) counts.
6. Random assignment of auditors and auditors to counts as per the Brennan Center’s recommendations³ should be used.
7. Recounts and audits should be publicly verifiable which necessitates that a public report of votes counted on each machine should be publicly released prior to randomly selecting the counts to be audited.

Utah’s new audit procedures are an internal audit, conducted without permitting public observation or verification, by the same election officials who count the votes and handle the ballots.

Is there any other industry that permits industry insiders to conduct its own audits, yet determines who controls such large budgets?

Since Utah’s new audit procedures allow the Lt. Governor’s office to select the voting machines that will be audited during Election Day, before the election is over, this information could be used by

² See “The Election Integrity Audit” by Dopp and Stenger

<http://electionarchive.org/ucvAnalysis/US/paper-audits/ElectionIntegrityAudit.pdf>

³ See “The Machinery of Democracy: Voting System Security, Accessibility, Usability, and Cost”

http://www.brennancenter.org/programs/dem_vr_hava_machineryofdemocracy.html

unscrupulous individuals within the Lt. Governor's office to manipulate the vote counts on unselected voting machines.

Utah Count Votes and the Utah's Desert Greens Party believe that auditing of the voting machines should be publicly observable and transparent, and that the determination as to which machines are audited be made after polls are closed and a detailed auditable report of each machines vote counts is publicly released.

Kathy Dopp, Founder and President of Utah-based National Election Data Archive, and Joycelynn Straight of Utah Clear have developed an alternative election audit proposal and are seeking sponsors in the Utah legislature for independent election audit legislation that meets the transparency, verifiability, and sufficiency conditions.⁴

Utah's election officials reiterated in their October 17, 2006 "Election Policy" their plan to keep secret all the detailed election records, including the two electronic and the two paper records of Diebold vote counts and then destroy them after 22 months. Without access to these records, Utah election officials will not be able to do their job of ensuring that Utah election results are accurate and the public will not have access to all the detailed election records needed to conduct a thorough investigative audit.⁵ Utah Count Votes has an appeal scheduled on November 9th at 1:30 p.m. before the Utah State Archives and Records Service to try to gain public access to these election records needed to evaluate Utah election integrity.

This detailed response by the Utah's Desert Greens Party and Utah Count Votes to the Election Policies implemented on October 17, 2006 by the Office of the Utah Lt. Governor can be found at <http://utahcountvotes.org/ltgov/Response2LtGov-Audit-Recount.pdf>

⁴ See <http://electionarchive.org/ucvAnalysis/US/paper-audits/VoteCountAudit-UT.pdf>

⁵ Eg. A thorough audit of Diebold TSx was conducted in Cuyahogo County, OH and 10% of the total votes counted differed between paper ballot records and electronic vote records. http://boecc.cuyahogacounty.us/GSC/pdf/esi_cuyahoga_final.pdf
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