

Public comment re 'Top to Bottom Voting machine review'
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Sent: Thursday, April 05, 2007 3:03 PM

To: Voting Systems

Cc: Secretary of State Bowen

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Dear Secretary Bowen:

In reviewing the draft criteria for the 'top to bottom voting machine review I see several areas of concern that belies the idea of 'top to bottom'.

These areas of concern are based upon my experience, research, and knowledge. I also know from personal experience how local election officials will parse words and attempt to circumvent both the Election Code, the Procedures for Use, and conditions for use issued by the Secretary.

Please add the following to the criteria to be used for the 'top to bottom' testing.

1. Conformance to the accuracy specifications of the 2002 Voting Systems Standards. For instance, in San Diego County, which uses the Diebold Voting System(s), the voting system does NOT conform to Section 4.4.3 of the Volume 1 of the 2002 VSS (in-process audit records). Another example is the failure of the Diebold Voting System to meet the error rate specified by Section 9.4 of the Volume 1 of the 2002 VSS (Testing Scope). I know both of the examples given to be true as a result of records produced in response to public records requests I have made for both GEMS audit reports and precinct level machines. Hopefully the Secretary will conduct the review of the voting systems reliability and accuracy by established electronic industry standards.

It is more than unfortunate that the State of California has to redo what was supposed to occur by the 'Independent Testing Authorities'. Such malfeasance and negligence by the so-called 'Independent Testing Authorities' begs that the criteria used for the 'top to bottom' review include completeness of adherence to the 2002 VSS. Failure to include the 2002 VSS as part of the 'top to bottom' review will repudiate the hearings you held while a Senator and ignore the evidence that such Federal 'certification' was nothing but a scam foisted upon the citizens of this State and country.

2. That any electronic equipment used in holding an election that is not part of a Federal qualification must be tested to standards established by the Secretary of State's office and guidelines and procedures for usage of such equipment be created by the Secretary of State's office and publicly available. Examples of such equipment would be electronic poll books and signature comparison software.

roués' of voting systems per the preparation standards deemed by the vendors -and accepted by the Secretary of State's office- as necessary for proper logic and accuracy functioning. If a vendors requirements for proper logic and accuracy functioning preclude the ability to hold an election whereby voters can trust that their vote was counted accurately, such a voting system is -obviously-not 'useable'. For example, per the IT Director of San Diego County Registrar of Voters, he only used 6 of the 10,000+ touchscreens and 80 memory cards of the 10,000+ used in last Novembers election for logic and accuracy testing despite the Procedures for Usage specified that all machines and memory cards were to be tested. He indicated it took him 2 weeks just to test the 6 machines and 80 memory cards and he also didn't use the test script as specified by the Procedures for Usage. Simple extrapolation indicates it would take over a year to follow the MANUFACTURERS guidance for ensuring that voters votes were properly recorded and counted. Such a system is definitely not 'useable' from an election officials duties and responsibilities perspective.

4. Changing of the phrase ".... withdraw certification FROM THE VOTING SYSTEM..." used in II (3), III, and IV and such be replaced with ".... OF the voting system..."

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Voting systems are tested and approved as a whole. If any one component or feature fails to meet the requirements of a law, regulation, or standard then the "voting system" is not approved.

5. Since it is well known that most 'hacking/fraud' occurs from 'insiders', the voting systems review that addresses 'safe from fraud or manipulation', must place the onus for such safety on the election official's shoulders. Voting systems that must be distributed on a 'sleepover' basis cannot have ANY parts, equipment, or access points by which no one other than permanent employees of the election official can use/access.

This is especially necessary as NO background checks are made of poll workers. And that such voting systems will indicate any tampering efforts by means other than 'tape'.

6. That the "red team" exercise be conducted not only in a neutral test environment, but also with at least one deployed voting system of each model and version configured to interact with the system used by the Secretary of State's office for results reporting

7. That the following be struck from IV of the draft specifications: "in the absence of extraordinary circumstances."

The voting system should not be dependent on the vendor's assistance at an election or it's preparation for usage at all. If all equipment or power fails -an 'extraordinary circumstance'- paper ballots can be used to record voters votes.

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