

## PUBLIC ANNOUNCEMENT – December 14, 2005

The Forsyth County Board of Elections has unanimously agreed to the following recommendations to the County Commissioners regarding the selection of new voting equipment for the County.

We recommend the purchase of an optical scan voting system, supplemented by the assistance of direct-record-electronic ("DRE," or "computer") units which should be used for the federally-required handicapped-accessible voting stations. We also request the Director of Elections to order sufficient DRE equipment and peripherals for use in early voting. We have taken into account the concerns expressed by the public about voting systems and manufacturers, and we have noted the growing use and comfort of voters with computer-assisted early voting in recent Forsyth elections. In light of the State's recent legislation to require all DRE units be equipped with voter-verifiable paper trails – a change this Board publicly advocated – the Board affirms again its own confidence in the auditability of DREs, but acknowledges that a not insignificant number of voters are unfamiliar with improvements that have been made in their design and use.

This Board no longer has a binding recommendation as to manufacturer, but states its preference among the two remaining State-certified vendors to be Election Systems and Software. We would ask the commissioners and others to lobby for changes in the State law to enable more vendors to qualify for the use in the State. We notice the helpful changes that have occurred in voting equipment in recent months as a result of a competitive marketplace. We regret that the impetus for further innovation in election administration may be greatly diminished in the future.

Mrs. Charles A. Cardwell, Jr.  
Chairman, Forsyth County Board of Elections

J. Eric Elliott  
Secretary

John A. Redding  
Member

**SUMMARY STATEMENTS on FORSYTH VOTING SYSTEMS.**

**Eric Elliott, FCBOE Secretary, 12/22/05**

(with supplementary information following)

**DRE vs Optical Scan**

**There has been in our staff a momentum to move our county solely to DRE machines for a long time now, pre-dating the 2000 election mess, and that momentum has persisted despite a changing technology and legislative environment.**

**The prospect of less paperwork for staff before and after an election, of easier and faster reporting, and convenience to the visually impaired voter were for me, and remain, primary reasons to recommend DREs.**

**Most DRE manufacturers did not in 2004 take seriously the complaints about security and reliability, and most DRE supporters in the elections administration field thought the complaints were attacks on their integrity and abilities.**

**Among my primary concerns as a BOE member is the transparency and “audit-ability” of our voting systems to safeguard against the loss or manipulation of votes, by accident or intention, and the confidence of the public in those safeguards.**

**In March 2004 our Board voted to suspend our RFP process until we could get permission from the state to purchase a DRE with a voter-verifiable paper trail or an optical scan system.**

**At the spring 2004 state BOE meeting, I was told that if we purchased DREs in 2004, any paper trail improvements could be added later as standards were set and the upgrade cost be included in the RFP.**

**In fact, had Forsyth’s BOE purchased DREs in 2004, Forsyth citizens may well have bought a \$4 million system that would have been good for two election cycles only and would now be unable to be retrofitted for paper trails.**

**The federal standards for a paper trail are not even set at this date. Temporary standards for 2006 were only issued on December 13.**

**I am not comfortable that the DRE paper trail solution is ready for purchase as an exclusive voting system for the county yet.**

**So why recommend any DRE units at all? Because I am confident in our staff recommendations about their necessity in handicapped voting and their value in early voting, and I am confident that we can identify when errors have occurred in the extra safeguards of early voting, even if troubles occur with the paper trail.**



### Diebold vs. ES&S

My decision on supporting a vendor is a tighter call than on recommending a system at this time. There is no appreciable difference for me between their optical scan systems.

I can say I have seen real improvements in the Diebold DRE unit.

The ES&S DRE printer seems better integrated into the housing of the machine, however, less of an "add-on" protruding from the machine; and I like the larger display screen of the ES&S print tape.

Both Diebold and ES&S have long "paper trails" of error incidents because they are big names in the field.

But it is telling that in 2 ½ years, Diebold is the company that has most consistently been complained about before our group and in the national media.

I can't rehabilitate Diebold's reputation sufficiently in a 3-hour showroom exposure to justify a recommended preference for it as a vendor.

I would hope the commissioners would choose what we recommend for the reasons we have here and elsewhere stated.

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### A Fuller Statement Of Some Of The Issues

Some have wondered this week how this Board could disagree with the strongly held recommendations of its Director and its senior staff in the selection of voting equipment. Last week in our recommendation I briefly listed a few baskets of concerns and experiences from voters that factored into the decision of the board. Voters and advocacy groups have come forward with particular concerns about vendors and about technologies. But each of us on the local board has different emphases for our decision. **So let me share with you a few observations from my own personal experience, since we have been requested "to be sure" in our recommendation today.** I hate that some think that our failure to agree with the staff - or some of the public - means we haven't listened to each other. Especially in this particular season, I believe that people of goodwill can have differing opinions on a set of facts. I know that some election administrators advocate DREs, some optical scan systems. I would trust that people could disagree without being thought of as disagreeable.

### DRE vs Optical Scan

There has been in our staff a momentum to move our county solely to DRE machines for a longtime now, pre-dating the 2000 election mess, and that momentum has persisted despite a changing technology and legislative environment.

I joined the Board of Elections in July 2003. From that time until now a main concern of the Board has been replacing voting equipment. We were required by the federal law both to replace our punchcard machines and to have a handicapped accessible machine in each precinct by Jan 1, 2006. The federal law requirement piggybacked on the already-existing desire and efforts of our Director to replace increasingly worn-out punch-card equipment, which had served us well for many years. Before I came on board the decision had already been made to go with "DRE" or touchscreen voting as our replacement; indeed, the State BOE was a zealous advocate for DRE systems and that choice might have then been argued as reflecting "best practices" for elections. **The prospect of less paperwork for staff before and after an election, of easier and faster reporting, and convenience to the visually impaired voter were for me, and remain, primary reasons to recommend DREs.** The choice was only to choose which vendor, and by early 2004 we had four vendors we were considering. But that winter we as a Board had been increasingly troubled by press reports and citizen complaints of trouble with DRE machines and an inability to audit them properly to find the source of errors. In my own study of voting system vendors, I read that computer experts began calling for retrofitting the machines with a paper trail that voters could verify as an external check on the machine - or until such time, the use of optical scan systems which created their own external paper trail to double check against any machine count. **Most DRE manufacturers did not in 2004 take seriously the complaints about security and reliability, and most DRE supporters in the elections administration field thought the complaints were attacks on their integrity and abilities.** But the issues that experts, advocacy groups and citizen voters have raised before us the last few years are not about the intelligence of the voters, or precinct workers, or elections staff. I'm sure that election folks were competent sitting in those precincts in Carteret County in Fall 2004, too - they just had a faulty-programmed machine which unbeknownst to them lost 4000 votes in front of their faces. **Among my primary concerns as a BOE member is about the transparency and "audit-ability" of our voting systems to safeguard against the loss or manipulation of votes, by accident or intention, and the confidence of the public in those safeguards.** Indeed, only in this year, spurred on by the actual, not theoretical problems with the DRE errors in 2004, as thirty-plus states have passed DRE-paper trail requirements, has there been any serious innovation and creativity in the creation of a paper trail solution. Rather than fixing an existing problem with the technology driving the solution, the creation of a market for a paper trail product drove the effort. So to our staff who disagree with us please know that to question voting systems is not to question the integrity or intelligence of those who run them.

In the winter of 2004, I, as a person whose primary task is to make sure the totals we advertise as final were in fact the totals voted, knew that a second copy of a DRE printout told me nothing about the reliability of the machine's count. **In March 2004 our Board voted to suspend our RFP process until we could get permission from the state to purchase a DRE with a voter-verifiable paper trail or an optical scan system.** At my first SBOE meeting in New Bern in spring 2004, the state suspended the certification of new systems pending the setting of federal study of a paper trail, among other things. Yet even at that meeting, I was pulled out of a session and encouraged to go ahead and buy a DRE system. **I was told that if we purchased DREs in 2004, any paper trail**



**improvements could be added later as standards were set and the upgrade cost be included in the RFP.** I was not convinced then that we needed to buy DREs with paper trails before the standards were set. The deadline was still 20 months away then. Just this week, Catawba County is suing the State BOE because they agreed to such a deal then, and bought a DRE system before the new state standards were set for paper trails this year. They want to retrofit those machines with paper trails. But the state has now refused to allow any retrofits. **Had Forsyth's BOE purchased DREs in 2004, Forsyth citizens may well have bought a \$4 million system that would have been good for two election cycles only and would now be unable to be retrofitted for paper trails.**

The fact is, the State only decided the "state-qualified" machines for our use on Dec. 1 – thirty days before our deadline for purchase, after which we lose a chunk of federal HAVA money for voting systems. And we as a county have to pick something from that list in the next ten days. But if the state is pushing it in waiting til the last minute, the federal standards are even slower to emerge. **The federal standards for a paper trail are not even set at this date. Temporary standards for 2006 were only issued on December 13.** The preferred paper trail solution among many computer professionals, which may easily become federal law, may be not the paper trail roll we have now in NC, but a cut and drop receipt that both records and randomizes the paper trail record. Part of the reason for lack of choices in paper-trail systems is the failure to have set federal standards yet – companies have been hesitant to build a prototype without knowing to what specs. Thus after 2007, when federal standards will supposedly be in place now, all of NC's paper trail systems may have to be replaced – or with new wisdom, retrofitted.

**I am not comfortable that the DRE paper trail solution is ready for purchase as an exclusive voting system for the county yet.** I wanted to give paper-trail DREs a wider opportunity for use at this moment. I requested in August that the State allow us to test the paper-trail DREs they were considering this fall. Not possible. I have seen the approved paper-trail solutions I am to pick from for about three hours of my life now after 2 ½ years of research and voter testing. I have not done an actual test of the system in the county, as has been our previous requirement and important prerequisite – a voting system needs to work in fact not just in the showroom. No paper-trail DRE from either manufacturer has run in this state, or state-wide anywhere else to my knowledge (Sequoia ran the first statewide VVPAT DRE election in Nevada last year). **So why recommend any DRE units at all? Because I am confident in our staff recommendations about their necessity in handicapped voting and their value in early voting, and I am confident that we can identify when errors have occurred in the extra safeguards of early voting, even if troubles occur with the paper trail.** We track all early voters anonymously with an ID number until their vote is counted; and we can discover, if votes are lost, whose votes were. Those same safeguards let me be confident enough in DRE use at one-stops to recommend we use them without a paper-trail these last few years on a lease basis, as early voting interest has expanded. And I think in committing to their limited introduction, our staff has the professional skill to make valuable suggestions to the establishment and improvement of paper trail standards. Director Cooper already serves on one of the national Election Advisory Commission's standards boards. I just am not personally ready to invest fully in this still-developing and still-heavily questioned



technology. I once bought a fifty-pound Kaypro computer in 1987 – the charm of being “cutting edge” was soon lost.

### Diebold vs. ES&S

**My decision on supporting a vendor is a tighter call than on recommending a system at this time. There is no appreciable difference for me between their optical scan systems.** I prefer the Diebold plastic bin to the metal, though I prefer the ES&S display. In DRE systems, the Diebold certainly makes a better aesthetic first impression. And since it is one of two vendors for whom I have seen two versions of a paper trail DRE (the other being Sequoia, whose machines were forced out by delays a week after they were conditionally approved December 1), **I can say I have seen real improvements in the Diebold DRE unit.** I like the security canister for the paper roll, and the interaction of the summary screen and the paper trail in the review of a voter's vote. I prefer the printing of the paper trail receipt at summary screen the close of the vote rather than coincident with each of the voter's choices as in the current ES&S set-up, though I understand the ES&S can be toggled to display the same way. **The ES&S DRE printer seems better integrated into the housing of the machine, however, less of an “add-on” protruding from the machine; and I like the larger display screen of the ES&S print tape.** The Diebold unit's script is just too small. Most of those discrepancies are minor, however. **Both Diebold and ES&S have long “paper trails” of error incidents because they are big names in the field.** And Diebold has unfairly been signaled out for possible code escrow problems with our state's new laws, when in fact all electronic voting system manufacturers, including ES&S, have similar third-party software issues. **But it is telling that in 2 ½ years, Diebold is the company that has most consistently been complained about before our group and in the national media.** Part of that I have filtered out as just suspicion about ill-spoken comments about a desired election result by its former CEO. But part of it is due to its failure to acknowledge real problems in a timely fashion. I am encouraged to see its progress in the latest paper-trail DRE version. But it has a reputation of non-responsiveness to the very security issues most threatening to DRE integrity. Just this week its promising smart card system for machine activation was found to have potentially serious flaws, and its accompanying AccuBasic software has yet to be certified by an independent testing authority. **I can't rehabilitate Diebold's reputation sufficiently in a 3-hour showroom exposure to justify a recommended preference for it as a vendor.**

In my statement last week I said that we had no binding authority in our vendor recommendation. That is how I have understood the new law since its introduction in the summer. If that is in error because of my misunderstanding of the law, I want to correct it for the record today in our statement. **I would hope the commissioners would choose what we recommend for the reasons we have here and elsewhere stated.** But I also don't want to say we have binding authority over vendor choice if we don't. Whichever vendor's systems we as a county pick, we should acknowledge that whatever their shortcomings (and all systems have them – including pure paper ballots), we'll work through it together for the voter.

-JEE, 12/22/05