



ILLINOIS BALLOT INTEGRITY PROJECT

NEWS RELEASE

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DUPAGE VOTERS CAST BALLOTS ON UNTESTED MACHINES IN EARLY VOTING *County failed to perform required pre-election testing*

March 1, 2006. More than 700 voters went to the polls in the first two days of early voting in DuPage County according to Robert T. Saar, executive director of the County's Election Commissioners. Saar made public the number of early voters during a demonstration of early voting equipment at the Citizen Advocacy Center in Elmhurst Tuesday night. What Mr. Saar was less eager to talk about was that none of these early voters, who used the new Diebold AccuVote-TSX touch-screen machines, voted on equipment that was pre-tested by the as required by law.

The Illinois Election Code mandates that each election authority conduct a public test, known as "logic and accuracy" (L&A) testing," not less than five days before the election to determine that Direct Recording Electronic (touch-screen) voting devices will correctly detect voting errors, like overvotes, which occur when the voter selects too many candidates or otherwise votes more times than he or she is entitled to for a given race or proposition. The procedures also includes testing for accuracy to determine that votes are properly counted. The tests are conducted by entering a pre-determined number of valid and invalid ballots to see if the voting machine properly rejects the invalid entries. In response to a question from the audience, Mr. Saar conceded that the L&A testing had not been done on the Diebold AccuVote-TSX touch-screen voting machines currently being used by DuPage voters.

"Logic and accuracy testing is required by law as a part of the election process," said Jean Kaczmarek, cochair of the DuPage Chapter of the Illinois Ballot Integrity Project. "We fail to understand why the Election Commissioners didn't perform testing as the Code mandates," she added.

Accuracy is an issue with yet another component of the Diebold system. The Illinois State Board of Elections met last Friday to consider granting the Diebold AccuVote-OS optical scanner a waiver from the requirements of the Help America Vote Act of 2002 (HAVA) Voting Systems Standards (VSS). The Diebold optical scanner, which DuPage election officials plan to use on election day, March 21st, doesn't comply with the standards because it exceeds the maximum allowable error rate when counting votes.

Instead of a granting a waiver, however, the State Board agreed to let Diebold resubmit the AccuVote-OS to the Independent Testing Authority (ITA) for further testing. Saar stated he was confident that successful testing and recertification by the State Board of Elections would be accomplished prior to March 21st.

ITA laboratories are a hold-over from certification of voting equipment by the National Association of State Election Directors (NASED), a function which the U.S. Election Assistance Commission (EAC) took over in late 2005. Voting activists have long criticized the NASED/EAC certification process, questioning the so-called "independence" of the ITAs because they are largely funded by the voting machine companies.

Also, ITA reports are supposedly confidential and the State Board of Elections has refused to release them in response to Freedom of Information Act Requests (FOIA) even though the Illinois Election Code states that "all test plans, test results, documentation and other records . . . including all material prepared by or used by independent testing authorities or other third parties, shall be made a part of the public record and shall be freely available via the internet and paper copy to anyone."

Nationally and in Illinois, the rush to touch-screen voting has been triggered by the nearly \$4 billion in federal funds appropriated under HAVA. Diebold is headquartered in Ohio, as is Representative Bob Ney, a leading co-sponsor of HAVA, which was largely written by K Street lobbyists. Ney has been linked by prosecutors to Jack Abramoff, who pleaded guilty to charges that include mail fraud, tax evasion and conspiracy to bribe public officials. Diebold paid as much as \$275,000 to Abramoff's former firm, Greenberg Traurig for lobbying work.

Diebold. has also paid at least \$180,000 to David DiStefano, Ney's former aid, and his partner, Roy C. Coffee, to lobby for the "Help America Vote Act" and other "election reform issues." In turn, Ney's former employee DiStefano and Coffee have given nearly \$20,000 to Bob Ney's campaigns dating back to 2002. A fellow Congressman, Jim McCrery (R-LA) said of Ney on Monday, "He'll probably be indicted."

"The Illinois State Board of Elections has helped local election officials tap the pot of gold created by HAVA by not exercising due diligence in the certification process," said Bob Wilson of the Illinois Ballot Integrity Project. "As a consequence, Diebold and other voting machine companies stand to reap tens of millions of dollars in sales of voting equipment in Illinois, and Illinois voters will pay the price on March 21st."

Similarly, DuPage County voters are hardly well served by their Election Commissioners when they fail to properly test voting equipment as required by law.

The **Illinois Ballot Integrity Project** is a not-for-profit, non-partisan civic organization dedicated to the correction of election system deficiencies and ensuring fair, accurate, and completely transparent elections. IBIP believes that fundamental to election integrity is the inscribing of all votes (whether by hand or by machine) on durable paper ballots which are easily handled and verified by the individual voter. The voter's paper ballot should be the only official ballot for purposes of casting, tallying, counting, audit and recount.

The **Mission** of the **Illinois Ballot Integrity Project** is to inform and educate the public, media and government officials about important election integrity issues and to promote the adoption of legislation and policies designed to secure the democratic process.

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