



ILLINOIS BALLOT INTEGRITY PROJECT

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Recommendations to the DuPage County Election Commission

Revised - March 2007

Submitted by:

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DuPage County Chapter**



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INTRODUCTION

The Illinois Ballot Integrity Project is a not-for-profit, non-partisan civic organization dedicated to the correction of election system deficiencies and to ensuring fair, accurate, and completely transparent elections.

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 shall 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.

PURPOSE

The reports gathered by pollwatchers and election judges during the November 7, 2006 election in DuPage County raised concerns regarding the:

- Conduct of the election and the integrity of the vote
- Adherence to federal and state election law
- Reliability and the security of the election machines, and their memory cards
- Transparency of the election
- Chain of custody of election material

The purpose of this paper is to address these concerns, and make recommendations to the DuPage County Election Commission, (hereafter Commission) to develop procedures to enhance the transparency and integrity of the election process.

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I. SUMMARY

Given that: during the November 7, 2006 election pollwatchers observed over 50 poll locations throughout DuPage County and documented their findings; representatives from political parties observed the tabulation of the vote after the polls closed, noting that a reported 80 memory cards were initially left at polling locations, and also assisted with the retrieval of 25 memory cards that were left at the polling locations overnight; memory cards and the steel case (ESC) containing election materials were missing security seals; one memory card was missing and one memory could not be read; Diebold TSx machines were left out all night at polling places throughout the County; votes cast during early voting on the Diebold TSx were not subject to the random hand-counted retabulation mandated in the Illinois Election Code; votes cast during early voting were not subjected to the normal hand-counted audit in a recount, therefore not provided equal protection under the law as other ballots; numerous recurrent problems fail to be remedied and the overall lack of transparency in the process, there is little basis for confidence in the results of the November 7, 2006 election held in DuPage County. Therefore, the following recommendations from Illinois Ballot Integrity Project DuPage County Chapter are presented.

II. PRIOR TO THE ELECTION—Problems and Observations

- **Chain of custody and security**
- **Recurrent machine malfunction**
- **Delete Diebold online press release from Commission's website**
- **Judge's training closer to election day**
- **Have judge's training on the Commission's website**
- **Add materials to election day boxes and judges ensure alerted to its addition**
- **Make pollwatcher guides available on the Commission's website**
- **Update pollwatcher rights in Election Judge Manual on Commission's website and in printed hard copy**
- **Election machine bias**
- **Voters unable to access voter information on Commission's website**

Chain of custody information still is lacking

Central to securing the vote is the chain of custody for election materials — especially the people who have custody of the election machine memory cards before, during and after the election, and those who have administrative privileges to program these machines and/or memory cards. While this information has been sought through Freedom of Information Act (FOIA) requests, to date this information has either been absent or has been denied, in part or wholly due to the burdensome cost of copies.

Machine malfunctions are recurrent

Problems with the machines such as memory card failure, machine malfunction, and printer problems, are recurring in the same precincts and / or poll locations. (See Table 3). Voters must have confidence that the election machine they entrust with their vote captures it accurately, reliably, and kept free of tampering. According to Chuck Herrin, computer security expert, "System integrity is not just a factor in elections it is the factor."

Delete Diebold's press release from Commission's website

Delete the "Tests Find Diebold Touch-Screen Voting 100 Percent Accurate" under the News and Results tab. This is a press release by Diebold, and in no way reflects the errors, inaccuracy, and potential loss of vote occurring during the elections in DuPage County. Pre-selection of candidates occurred on touchscreens in more than one precinct. Printer problems with the Diebold AccuVote touchscreens (TSx) in the last election mutilated the paper tape ballot of many voters so they could not verify their ballot; machine printouts during close of the election were crumpled and unable to be read or posted. This has been a persistent problem with the Diebold TSx dating back to the first volume testing in California in July 2005, when nearly 21% of TSx printers failed. (The results of this test were brought to the attention of the Election Commission prior to the December 2005 vote.)

Further, a Diebold touchscreen was hacked during a security test of the machines by Princeton University. This resulted in altering the results of a test election. A Homeland Security Cyber Alert in September 2004 listed the Diebold GEMS program that runs these machines as having a security flaw with open backdoors to the program. To post this Diebold press release stating that these machines are 100% accurate, in light of the overwhelming evidence of the Diebold touchscreen machines' countless failures — county and nationwide, gives the false impression that voters can trust these machines to be error free, secure, and accurate. A listing of the machine problems occurring in precincts in past elections would be more appropriate, giving the voters more transparency in the election process.

Electronic voting makes implementing the election and counting, and tallying ballots unnecessarily complex

Optical scan and touch screen machines are unnecessarily complex for many judges to set up and deal with problems during an election. Even technical judges struggle with them. This is an obstacle to the enfranchisement of voters, and an impediment for the smooth running of elections. Complex equipment enables the few people with technical training, relies too heavily on the private vendor for the implementation of elections, while diminishing the role of judges who are not as technically savvy. Voting is an expression of inclusion, an invitation to embrace the democratic process for the candidates who seek to promote change, for the judges who run the election, and for the voters who whose ballot reflects their self-determination. Elections must not devolve to become the domain of private companies, nor be relegated only to the technically orientated for counting and tallying the vote.

Move judges' training closer to Election Day

Many judges have complained that training is too far in advance of the election. Judges' training should be conducted closer to the time of the election, so the information, especially technical instruction, can be easier to recollect. Retention of training material is compounded by the lengthy time between elections, since judges do not have the daily, repeated operation of a computer application or a routine procedure as an employee would have in an office.

Include judges' training online

Have judges training available online allowing the judges to revisit their training, recollect those aspects of training that may have been forgotten, and more confidently administer the management the election. Training could be subdivided into hour-long segments. An outline of what material is presented in each segment would allow the judges to navigate through the video to watch what training he or she may want to recollect, without having to watch the entire training. A mini-quiz after each segment could be made available so that the judges could test their knowledge and reinforce the learning process. This quiz could be updated from time to

time, to highlight aspects of the election that need remedy or attention, or to reinvigorate the learning process.

Add materials to Election Day boxes and ensure judges alerted to its addition

Several judges were unaware of, Ballot Entitlement for the General Election, the one-page sheet from the Illinois State Board of Elections to determine voter eligibility. Pollwatchers from Illinois Ballot Integrity Project had it available, finding that it was helpful for both judges and voters who needed quick guidance in determining eligibility, if voters had to go to a different polling location, and what type of ballot they should use. It had been part of the Election Day materials in past elections in DuPage. Judges had taped it on the table as a reference for voters.

Also missing from election materials were maps and addresses of the precinct area so that judges could redirect voters to a nearby poll. Several judges preferred the paper option of the maps and noted that not having them caused confusion.

Judges also stated that a more clearly defined checklist needs to be written for items which need to be brought to the Commission for tabulation. Such a checklist would greatly assist in closing the election.

Discourage election machine bias by judges

Voters and pollwatchers complained that judges were heavily promoting the touch screen machines over the optical scan machines. In many circumstances, the judges were “selling” the TSx machines, asking the voter for example, “don’t you want to try something new?” This puts a bias on one machine over the other, insinuates that the voter, by using the optical scan instead of the TSx, does not want to try the something “new.” Further, it was discovered that judges had been told by trainers to promote the touchscreen machines since these machines were going to be used exclusively in future elections and that optical scan machines were going to be phased out of DuPage elections.

Make complete pollwatcher guides available on the Commission’s website

Pollwatchers, organizations, voters, and judges need adequate access to pollwatching information. Pollwatcher guides from other election jurisdictions such as Lake County, and city of Chicago are available online. DuPage County should do no less.

Update pollwatcher rights in Election Judge Manual on the Commission’s website and in printed hard copy

The current online election judge manual does not outline all of the pollwatcher rights. It merely states, “pollwatchers may observe only” which diminishes the role of the pollwatcher in observing the election.

Correct the information on page 34 of the manual highlighted below the chart which reads: “If two pollwatchers are present in the Polling Place at the same time, one must be a registered voter for that particular precinct.” According to state statute, pollwatchers must only be a registered voter in the state of Illinois; they are not bound only to pollwatch their precinct.

Revisit the language in 10 ILCS 5 / 17-23) (from Ch.46, par17-23). From reading the manual, a judge may get the impression that pollwatchers cannot aid a voter if he or she asks for assistance, go behind the judge’s table to look at the voter application books, or look at the tallied list of those voters associated with a political party. The manual also does not mention that a pollwatcher “may call to the attention of the judges of election any incorrect procedure or

apparent violations of (the election) code." Further, a pollwatcher may challenge a voter. None of this is mentioned in the current judge's manual on the Commission website. Uninformed judges did not allow the pollwatchers to view the voter application books, objected both to their presence behind the judge's table, and aiding a disabled voter per their request.

Update voting information

Voters tried to get information about their eligibility or poll location on the Commission's website. Many could not access their voter information on the Commission's website. A complete, and current list of poll locations, address, and maps of precincts must be available on the Commission's website.

RECOMMENDATIONS:

- 1) A written, express chain of custody.
- 2) A written list of those who have administrative privileges to the programming of the election machines or their memory cards prior to, during, and after the election.
- 3) Background checks of those individuals should be mandatory to rule out past convictions of fraud or tampering with an election.
- 4) Election machines that have a history of recurrent problems and particularly those that are assigned to the same precinct or poll location should be serviced or replaced entirely.
- 5) Delete the "Tests Find Diebold Touch-Screen Voting 100 Percent Accurate" under the News and Results tab on the Commission's website.
- 6) Electronic voting makes implementing the election and counting, and tallying ballots unnecessarily complex.
- 7) Judges' training should be conducted closer to the time of the election, so that the information, especially technical instructions, can be easier to recollect.
- 8) Judges should be instructed during training that they should not promote the touchscreen voting machines over the optical scan machines.
- 9) Complete pollwatcher guides should be made available on the Commission's website.
- 10) Update pollwatcher rights in Election Judge Manual on the Commission's website and in printed hard copy.
- 11) Add at least three copies, of Ballot Entitlement for the General Election to the materials contained in the blue steel case or ESC. One each front and back to be displayed on the judge's table, and one extra copy for the judge's reference. It can be found online here: <http://elections.il.gov/Downloads/ElectionInformation/PDF/BallotEnt2006.pdf>
- 12) Link the above on the DuPage County Election Commission website, so that voters can determine eligibility before the election.
- 13) Add the maps of the precincts and nearby precincts to election material. Inform the judges during training that maps will be once again available.
- 14) Make a clearly defined checklist of materials that need to be brought to the Commission for tabulation.
- 15) Update online information about voter eligibility and poll locations.
- 16) *Any suggestions regarding the judges or alerting them to a particular concern in subsequent sections of this report should be addressed during future judges' training will be designated with an asterisk. *
- 17) *Judges and voters should be made aware that machines used in early voting do not undergo public Logic and Accuracy Testing (LAT). Early voting ballots do not undergo the 5% retabulation of the vote after the election, nor are they currently counted in the event of a discovery recount or contested election. Judges, who are the authority in charge of the election at the poll location, should know all pertinent information about the

process of the election, and must be able to respond to a voter's questions, especially if they oversee early voting.

III. EARLY VOTING

- **Publicly test Diebold touchscreen voting machines prior to Early Voting**
- **Make absentee ballots available to voters for Early Voting**
- **Instruct judges on early voting ballot status during the election process**
- **Ban the use of laptops and AskEd devices used in Early Voting**

Public Testing of the Diebold Touch Screens Prior to Early Voting

According to state statute 10 ILCS / 5 24C-9 the Direct Record Electronic voting machines, DREs, must undergo a public logic and accuracy test 5 days prior to election day. Early Voting, however, commences 22 days prior to the election and ends five days prior to election day. The result is that DREs are not tested for early voting. The interpretation of "election day" must be broadened to include early voting, providing equal protection of all ballots. If no public logic and accuracy test of machines is conducted prior to early voting, all promotions for early voting should include this information so that the public can make an informed decision about their method of voting.

Paper Ballots Made Available for Early Voting

According to 10 ILCS / 5, 19A-75, the voter has the option of voting on a standard paper ballot during early voting rather than voting on a DRE machine. Adequate numbers of standard paper ballots and ballot styles must be made available to the voter during early voting.

Judges instructed on early voting ballot status in an election

Ballots cast during early voting must be included in 5% random retabulation as mandated by the Illinois Election Code. If the Commission chooses not to comply with this law, the public, the press, and judges should be instructed that the ballots cast during early voting ballots are not counted in the 5% retabulation of the vote, nor are they counted in the event of a discovery recount or a contested election in DuPage County, therefore not provided equal protection under the law. All promotions for early voting should include this information so that the public can make an informed decision about their method of voting.

Ban the use of laptops and AskED devices used in early voting

No less than seven reports regard the current state of electronic voting insecure. The two latest reports, one from the Brennan Center, and the other from the National Institutes for Standards and Technology (NIST) state that wireless laptops, and handheld personal data assistant (PDA) devices pose a serious threat in the polling place: they can beam malicious software to voting machines, altering the outcome of an election. Also, such wireless electronic databases at the poll can be compromised, with the addition of fictitious voters to the database, the deletion of eligible voters, or changing voting information such as the name, voting status or address. Sensitive voter information can be accessed, including social security and drivers' license numbers. The laptops and handheld devices also must be securely stored, accounted for, and inventoried to ensure that this information remains private.

Laptop computers are used during early voting. The AskED devices, which are to determine voter eligibility, are used during early voting and on election day. Further, neither the laptop nor the AskED device are certified for use in an election — voters must go on faith alone that they

do not have wireless components, nor are they interfaced with the wireless components of the touchscreen machines.

Following training in October 2006, a number of AskED devices went missing. This is unacceptable, given that the devices hold voters' private information, their voting status, and voting history.

It is unknown if these devices were ever retrieved, if the database was compromised, voting information changed, or unauthorized access given to the election process. This is a further example of complexification of the election process:

- a) Usage of the AskED devices now warrants security that was previously unnecessary;
- b) It also creates further burden on chain of custody issues as to who has access to voter information.

It is unknown what expense the voters of DuPage County must incur (in cost and security) for a device that reports recommend should be banned from the election process.

RECOMMENDATIONS

- 1) While the election code currently mandates testing for election day, we recommend that public testing of the Direct Record Electronic (DRE) voting machines used for early voting in DuPage be conducted at least 5 days prior to the start of the early voting period.
- 2) *Make standard paper ballots available in adequate quantities for those voters who want to vote early, but do not wish to use a DRE voting machine.
- 3) Provide private voting booths for voters casting standard paper ballots.
- 4) *Include the following professionally produced signs with election materials to be prominently posted at each early voting poll location, until the Commission changes it's policy towards the following:
 - a) The DRE machines are not currently tested for early voting
 - b) Ballots cast for early voting are not counted in the 5% retabulation of the vote
 - c) Ballots cast during early voting are not counted in the event of a discovery recount or contested election
- 5) All promotions for early voting should also include that election machines are not publicly tested prior to early voting, nor are any early voting ballots included in the event of a discovery recount or a contested election.
- 6) Ban the use of laptop computers and AskED immediately.

IV. DURING THE ELECTION

Several problems are recurrent in the elections of DuPage County. Since 2004, pollwatchers' observations have been instrumental in gaining better insight with what problems arose and where they occurred, and formulating suggestions to ensure that future elections are less problematic.

- **Procedures for election day**
- **Security of touchscreen and optical scan machines**
- **Touchscreen malfunctions**

- Optical scan malfunctions
- Recurrent problems in the same precinct and / or poll locations
- Inadequate notification of poll location or change of poll location
- Voter registration
- Background checks on technicians and couriers of election material
- Judges to allow pollwatchers to oversee election
- Recurrent problems in precincts since 2004

Security procedures for Election Day are lacking

Diebold AccuVote touchscreens, (TSx) machines were set up the night before the election, many in unlocked rooms. According to a study by Princeton University, the Diebold touchscreen machines can be corrupted by inserting a rogue memory card infected with a virus which can alter the results of an election. This process takes less than one minute. It can be viewed here: <http://itpolicy.princeton.edu/voting/>

Security of touchscreen and optical scan machines is lacking

Since the TSx machines used in DuPage County only have an adhesive seal on the lock of the machine, and not a permanent type seal, the security of the machines and the memory cards is questionable. Additionally, the lock of the machines can be easily accessed with a mini-bar key, or can be picked in less than one minute. See the above reference.

Both optical scan machines and DRE machines had various problems during the election. See Tables 1 and 2 in the Appendix.

Touchscreen machine malfunctions

General malfunctions

DRE machines did not work initially, were slow to set up, or did not become fully operational after the 6:00 AM opening of polls, due in part to installation of the print cartridge or the lack of paper tape and the failure of access codes. There were many reports of machines which malfunctioned, and memory cards which failed or could not be read. Machines failed to be operational for several hours, sporadically, or for the entire election day. Printers failed — they mutilated the paper of voters' ballots, and print outs of the poll tapes at the conclusion of the election.

Activator and activator cards

Activators and activator cards malfunctioned. Voters received incorrect ballot for precincts, especially in poll locations that had many precincts.

Candidate pre-selection

Pre-selection of one candidate — (R) Judy Baar Topinka was pre-selected for the gubernatorial race at Naperville township precinct 27. This particular precinct was plagued with problems during Election Day.

Vote for only one race

In more than one precinct, voters could only vote for one race. This occurred at the Calvary United Methodist Church, York Township, precincts 20, 24, 25, where only the gubernatorial race could be accessed.

Printers malfunctioned

Printers were difficult to install before election, delaying the opening of precincts or the use of the touchscreens for hours or for the entire election. Adequate poll tape also appeared to be an issue. During the election ballots failed to print correctly and consequently, the voters were unable to verify their ballot. It is unknown if the touchscreen accurately tallied the vote for a designated candidate. Touchscreen printers failed at the close of the election resulting in unreadable tapes or machines that were unable to be correctly shut down and end the election. Thus, poll tapes from the touchscreens could not be posted.

Optical scan machine malfunctions

Lack of adequate marking pens

In one precinct, ballpoint pens were used for marking the optical scan ballots rather than the correct felt tipped markers. The election judge was asked if these ballots would be correctly read and replied that the machines would read anything except red ink. Correct pens did not arrive until 3:30 PM. It is unknown if these ballots were correctly read by the optical scan machine.

Ballots jamming

Ballots jammed in machines in several poll locations. In some poll locations judges tilted the ballot boxes, to dislodge the ballots, and subsequent ballots could then be scanned. In other locations, the problem was not resolved and ballots were stored in a separate compartment of the ballot box, rather than scanned at the poll.

Machines not accepting ballots

This occurred in more than one location, where the optical scan machine was not accepting ballots and there was no jam associated with the malfunction. The ballots were collected in the manual compartment of the ballot box.

Low battery

Around 8:05 AM at Milton Township precinct 18 the optical machine stopped scanning due to low battery problems.

Optical reader not working

The optical reader was not working in a poll location. It is unknown how this malfunction was resolved, though the incident report indicates that the machine was reset.

Recurrent problems in poll locations:

Unfortunately, machine malfunctions have been ongoing for some precincts, since the Diebold machines were purchased. This is unacceptable. Recurrent problems could indicate the negligence to repair the machines or the inaction to retire faulty machines from service if they continue to be error prone. Voters should not need to assume that their precinct is thus a target for malfunctioning machines due to past machine failures nor should they have to question the enfranchisement of their vote. If such precincts continue to be plagued with this problem, then it may be construed as a potential violation of the 1965 Voting Rights Act. Recurrent problems with the machines can be seen in Table 3.

Inadequate notification of poll location or change of poll location

In particular two problems resounded with voters in the November 7, 2006 election—an unannounced change in poll location, or that notification of their current poll location was not mailed to them. While a glossy mailer promoting early voting did have the polling place printed

near the address of the voter, those who did not want to vote early may have dismissed this mailer, and thus the information of poll location. In past elections, a distinct postcard with poll location had been mailed to registered voters.

Voter Registration

Judges in general provided assistance with voter registration issues and resolved many of them. However, voters who had been registered at the same address for many years reported that they were no longer in the ballot application book. Every attempt should be made to allow those who are eligible to vote by keeping the voter database accurate and up to date.

Background checks on technicians and couriers of election material

The Commission sends technicians to resolve a machine malfunction or problem occurring in a poll on election day. It is currently unknown, what, if any, background checks are done on those technicians or couriers, who have access to election machines, memory cards, and their programming, though this information has been sought through public records requests and has been denied. The voter should be given every assurance that the vote is not altered in any way by any repair or maintenance during the election and that those individuals who have custody of election materials have not been convicted of fraud, burglary, or tampering with an election in the past.

Judges to allow pollwatchers to observe the election

In general, most pollwatchers had a positive experience with the election judges, interacting with judges well, observing the election, and talking to voters when assistance was asked of them. However, in some polls this was not the case — judges did not support the presence of the pollwatchers, and in more than one poll location did not allow the oversight that is granted by state statute. From incident reports, it was observed that some of the judges did not allow pollwatchers to look at poll books, or go behind the judge's table, or even talk to voters, though this is allowed by 10 ILCS 5 /17-23 (from Ch.46, par.17-23).

It should be noted that the pollwatchers are instructed to be respectful of the judges at all times throughout the election.

Technical judges

Judges from multiple political parties should be trained as technical judges. In many locations, technical judges from one political party predominated.

Judges need a shorter day for the election

More judges need to be added to the election process. Election day is long, lasting from 13 to 16 hours or more, and is physically arduous and demanding, especially for the senior citizens who are judges. Job-sharing or shift splitting is recommended, so that a judge should not have to work more than an eight-hour shift. One set of bi-partisan judges could open the election, working from 6 AM to 2 PM. Another set could work from 2 PM until 10 PM. During the November 7, 2006 election, many judges dropped off election materials late in the evening, due to errors in closing the DRE machines, and the additional time required to retrieve memory cards forgotten at the polls. Tabulation of the results of the November 7, 2006 election was ongoing until at least the next day, November 8, 2006.

RECOMMENDATIONS:

- 1) Touchscreens should be in secured locked rooms. Secure all voting machines.

It should be noted that this is little consolation to the overall security of the Diebold AccuVote TSx and Optical Scan machines. While a locked room and security seals may give the impression of the physical security or perimeter defense of the machines, it cannot secure the machines from an insider tampering with the programming of the machines, nor can it combat wireless tampering of the Diebold machines with a handheld personal data assistant (PDA) type device or even a cell phone with wireless capability. (Diebold has admitted that the default for the TSx machines is the wireless mode, and the optical scans do have a modem that is hard wired in the machines.)

Acceptance testing of the TSx machines in DuPage included modem testing. Machines failed testing due to modem failure. Repair and maintenance of the Diebold optical scan machines included replacing a failed “int. modem”. Responses from the Commission to whether these modems have wireless capability or are activated during an election have gone unanswered.

Both the Diebold optical scan and DRE machines have been hacked during security testing. Reports by Governmental Accountability Office, National Institute of Standards and Technology, the Brennan Center Report, and the Princeton Report have stated that electronic voting in its current form is not secure.

It is currently unknown if the laptops and AskED devices have wireless capability. It is currently unknown if all of the AskED devices that were reported missing have been found and are now secured.

- 2) Written chains of custody for election day should be available for all personnel, excluding judges, who have access to programming, repair and maintenance of the election machines, and memory cards.
- 3) List technicians who service the machines on Election Day.
- 4) List all couriers other than election judges on Election Day.
- 5) Background checks for technicians and couriers of election materials and their components.
- 6) Adequate supplies — ballpoint pens were used in one precinct rather than the felt-tipped pens.
- 7) Adequately repair and maintain functioning election machines for all precincts. Recurrent problems with machines within the same precinct or poll location are unacceptable, suggesting maintenance is insufficient.
- 8) *Revisit 10 ILCS 5 /17-23 (from Ch.46, par.17-23). Judges should allow pollwatchers to view the ballot applications and go behind the judge's table to do so, as long as the pollwatcher does not touch election material or interfere with the judge's conduct of the election.
*Correct the current judge online manual which currently minimizes the role of the pollwatcher to a tacit observer of an election.
- 9) Technical judges should be multi-partisan at each poll location.
- 10) More judges should be recruited for Election Day with split shifts and / or job sharing available for eight-hour shifts during Election Day, rather than one 12-16 hour day. The Commission has paid tens of thousands of dollars to public relations companies, such as

Hodge Communications, to promote early voting. Instead, the Commission should apportion this money to actively recruit election judges.

- 11) *More comprehensive training for judges especially opening and closing the election.
- 12) *Make pollwatcher guides available online — pollwatcher guides from other counties, such as Lake and Cook County are available online.
- 13) *Polls to open on time.

V. TABULATION OF THE VOTE:

- **Allow more than one representative from a political party to be present during the tabulation of the vote**
- **Alleged non-compliance with state mandated procedures for missing items during an election**
- **Alleged non-compliance with swearing in judges during the entire election process, including those retrieving missing memory cards or other election material after election day**

Allow more than one representative from a political party to be present during the tabulation of the vote

During the November 7, 2006 election, the tabulation of the vote proceeded into the next day. Having only one member from each political party to oversee all of the election materials being dropped off is unrealistic. It does not allow for the representative to trade off for breaks or shifts. More oversight is needed.

According to (10 ILCS 5/24A-13) (from Ch. 46, par. 24A-13), “A reasonable number of pollwatchers shall be admitted to the counting location. Persons may observe the tabulating process at the discretion of the election authority; however, at least one representative of each established political party and authorized agents of the State Board of Elections shall be permitted to observe this process at all times. No persons except those employed and authorized for the purpose shall touch any ballot, ballot box, return, or equipment.”

Alleged non-compliance with state mandated procedures for missing items during an election

After the polls closed, a bipartisan team of the judges delivered the election material to the DuPage Election Commission. According to 10 ILCS 5/24A-10.1) (from Ch. 46, par. 24A-10.1) these materials are to be signed off by the judges; and all election materials which are missing must, once found, be signed off by the election judge. Failure to follow this procedure invalidates the election material.

Alleged non-compliance with swearing-in judges during the entire election process, including those retrieving missing memory cards or other election material after Election Day

During the drop-off of election materials and the tabulation of the vote, a reported 80 memory cards were missing from the judges' election materials. Of these, 25 cards could not be retrieved until the next day, since the poll locations were closed. According to Steve Alesch, pollwatcher for the Green Party, many of the cards were unsealed, and security was questionable. See Table 4 in the Appendix. Steve Alesch's comprehensive report can be viewed online at: <http://www.dupagegreens.org/elections.html>

Bipartisan teams were formed to retrieve the missing memory cards from poll locations the day after the election, November 8, 2006. According to 10 ILCS 5/24A-10.1) (from Ch. 46, par. 24A-10.1) only election judges are to gather missing material and sign off on them:

"Ballots returned to the office of the election authority which are not signed and sealed as required by law shall not be accepted by the election authority until the judges returning the same make and sign the necessary corrections. Upon acceptance of the ballots by the election authority, the judges returning the same shall take a receipt signed by the election authority and stamped with the time and date of such return. The election judges whose duty it is to return any ballots as herein provided shall, in the event such ballots cannot be found when needed, on proper request, produce the receipt which they are to take as above provided. (Source: P.A. 94-645, eff. 8-22-05; 94-1000, eff. 7-3-06.)

The bi-partisan members that retrieved the missing memory cards the on November 8, 2006 were not sworn in as bone fide election judges.

RECOMMENDATIONS;

Open the tabulation of the vote to more than one observer per political party, and a reasonable number of pollwatchers which is allowed by state election law, though in DuPage it is narrowly and unrealistically defined.

According to (10 ILCS 5/24A-13) (from Ch. 46, par. 24A-13),
"A reasonable number of pollwatchers shall be admitted to the counting location. Persons may observe the tabulating process at the discretion of the election authority; however, at least one representative of each established political party and authorized agents of the State Board of Elections shall be permitted to observe this process at all times. No persons except those employed and authorized for the purpose shall touch any ballot, ballot box, return, or equipment."

Comply with state mandated procedures and statutes when election materials, especially memory cards, are missing from those items being dropped off for the tabulation of the vote, 10 ILCS 5/24A-10.1) (from Ch. 46, par. 24A-10.1).

Comply with the state mandated procedures for swearing-in of all judges during the entire election process.

VI. RETABULATION:

Doreen Nelson, Assistant Director of the DuPage County Election Commission, stated that the Commission did not test the machines during retabulation, though (10 ILCS 5/24A-15) (from Ch. 46, par. 24A-15) states that:

"As part of such retabulation, the election authority shall test the computer program in the selected precincts. Such test shall be conducted by processing a pre-audited group of ballots so punched so as to record a predetermined number of valid votes for each candidate and on each public question, and shall include for each office one or more ballots which have votes in excess of the number allowed by law in order to test the ability of the equipment to reject such votes. If any error is detected, the cause therefore shall be ascertained and corrected and an errorless count shall be made prior to the official canvass and proclamation of election results."

A random 5% of the precincts was chosen a week in advance by the state board of elections to be retabulated. Ballots from these precincts are fed into optical scan machines, and the count is noted and compared to the results from election night. During the retabulation, the votes from the touchscreen machines are counted by hand and compared to the machine count on election night.

It was observed during the retabulation that an election judge did not initial 50 ballots from Downers Grove precinct 109.

RECOMMENDATION:

Validate Election Results by Conducting a 10% Election Day Audit of all votes cast for each designated race or proposition on Election Day.

A. Introduction

Section 24C-15 of the Code outlines the procedures for conducting an audit of the Direct Recording Electronic (DRE) voting devices in 5% of the precincts of the election jurisdiction. This methodology has three significant shortcomings:

- It is statistically inappropriate for testing the accuracy of the vote counts of the DRE voting devices used in the election jurisdiction. No inferences can be drawn for precincts other than those actually tested.
- It provides no methodology for mandatory testing of the results from voting devices other than DRE voting machines, for example the optical scan equipment used in DuPage County precincts by a majority of voters.
- The audits contemplated under Section 24C-15 are not required to be completed until after the period specified for demand for a discovery recount has expired and thus are of no probative value to candidates or proponents or opponents of issues as to the accuracy of the results.

We recommend that the DuPage County Election Commission implement the following procedures to provide for a meaningful audit of the results in a limited number of races.

B. Outline of procedures for the EDA – Election Day Audit

- 1) Scope of the audit: The 10% audit shall be conducted for all races or propositions that meet the following criteria:
 - a) All state-wide offices and propositions
 - b) All county-wide offices and propositions
 - c) All Federal races
 - d) Any municipal or other political sub-division or taxing entity where the number of registered voters eligible to vote on that race or proposition exceeds 50,000 voters.
- 2) Time and place of the audit: Such audits shall take place on election day as soon as practicable after the close of the polls and shall take place at the location where votes are originally counted, i.e. in-precinct for all votes cast on election day and at the central

counting location for Early Voters (in-person absentee) and mail-in absentee ballots, provided that the 10% hand count shall be subordinate to and not interfere with the reporting of election results

- 3) The Election Day Audit shall be conducted by election judges selected and appointed in the same manner as set forth in Sections 13-1, 13-2, 14-1, 14-2 and 14-3 of the Illinois Election Code. (10 ILCS 5/) The Commission may implement the appointment of part-time judges, job-sharing, split shifts or other methods of allocating election judge resources to ensure that sufficient judges are available to conduct the Election Day Audits in a timely and efficient manner.
- 4) Random Selection of Ballots to be Examined:
 - a) The election authority shall provide to each polling place, precinct or central counting location as appropriate one set of ten plastic disks, each imprinted on one or both sides with a number from 1 to 10. Each disk shall have one such number imprinted, with the same number on each side, and no two disks shall have the same number. In addition, a suitable opaque container shall be provided sufficient to contain the set.
 - b) After the close of the polls and prior to the commencement of the Election Day Audit, the election judges present shall select one of their number to place the numbered disk in the container and shake the container sufficiently so that the disks shall be in random order. The judges shall select another of their number to select one such disk from the container in such a manner that the selecting judge has no knowledge of which disk he or she is selecting. The disk drawn from the container shall be examined and the number of the disk chosen publicly announced. That result shall indicate which ballots are to be examined, e.g. a result of seven shall require that the seventh and every tenth ballot thereafter be examined (7, 17, 27, etc.). The result of the drawing shall be recorded on the summary report section set forth below in paragraph 5.
- 5) Ballots or Paper Records to be Examined:
 - a) The Commission shall provide to each polling place, precinct or central counting location as appropriate one self-inked consecutive numbering stamp capable of numbering from 1 to 999,999.
 - b) All paper ballots shall be placed in a single stack in a random order as retrieved from the ballot box(es) and each ballot shall be stamped with a consecutive number, starting with the number one (1) until all ballots have been numbered.
 - c) The starting number and tenth ballot thereafter shall be examined in accordance with the selection number resulting from the operation of paragraph 4) above.
 - d) For paper records printed by Direct Recording Electronic (DRE) voting machines, the paper records shall be examined in the order printed on the DRE produced paper records selecting each starting and tenth paper record thereafter in accordance with the selection number resulting from the operation of paragraph 4) above.
 - e) For paper records printed by Direct Recording Electronic (DRE) voting machines, only the human-readable portion of the paper record shall be used in the Election Day Audit. The use of bar codes or other human unreadable records of votes shall not be permitted.

6) Reports:

- (a) Prior to Election Day, the appropriate election authority shall cause to be created and printed an audit summary form which shall state the races and propositions to be audited in accordance with paragraph 1 above and shall have pre-printed spaces and/or boxes in which the results of the Election Day Audit shall be recorded. This form shall also include a reconciliation of all ballots counted by category, i.e. provisional, Federal only, standard, etc. and shall be provided in sufficient number to all auditing locations to facilitate the distribution set forth in paragraph 6 b) below.
- (b) Upon completion of the audit, six copies of the Election Day Audit Summary shall be signed by all the judges participating in the Election Day Audit and shall be distributed as follows:
 - (1) One copy shall be posted in the polling or counting location in a manner that such Election Day Audit Summary is clearly visible and available for public inspection for a period of not less than one hour.
 - (2) Two copies shall be placed in the ballot box or designated envelope(s) and transported to the election authority in the same manner as ballots.
 - (3) Three copies shall be made available on request to pollwatchers or members of the public in that order of preference.
 - (4) Poll watchers and other observers in the polls may take photographs of the posted copies without restriction.
- (c) Consolidation: The audit reports from all in-precinct and central counting locations shall be received by the Commission and a consolidated report shall be prepared. Such consolidated reports shall be published by the Commission within 24 hours of the closing of the polls and the Commission shall certify the Election Day Audit results and maintain both consolidated and individual location reports in the same manner and for the same period of time as ballots, except that copies of such consolidated and individual location reports shall be available to the public upon request. Such copies shall also be made freely available to the public via the Internet for a period of not less than 60 days.
- (d) The certified Consolidated and individual location reports shall be deemed admissible as evidence to the extent permitted by law in any action for discovery or other recount.

VII.

VOSICKY DISCOVERY RECOUNT:

- **Problems with transparency**
- **Cost of duplication is prohibitive**
- **Cost of conducting a discovery recount is excessive**

Problems with transparency

Problems of transparency arose when multiple precincts were combined at one poll location. It was difficult to determine the number of voters in one precinct from the ballot application book when all precincts are combined together in one large, consolidated book. Therefore, all papers from an election, including but not limited to the ballot applications, should be kept separated on a precinct-by-precinct basis.

Cost of duplication is prohibitive

Cost of duplication should not include the cost of time searching for these items, which may be reflective of a problem of keeping and storing public records, and organization on the part of the election authority, and not on those requesting material. Cost in excess of those as mandated by state law are a means of denying information, due to the burdensome cost of information sought. The cost of requested information should be waived if it is to be disseminated for the welfare of the general public and is not for the principal purpose of personal or commercial benefit.

Cost of conducting a discovery recount

Cost of conducting the discovery recount is excessive, and undermines the transparency of the election. DuPage charges \$350 per hour for a discovery recount as compared to Cook County which has no charge associated with a recount. Cook County also furnishes requested election materials at no charge, without a lengthy public records request process. Such requests In DuPage County can take up to a month to complete.

RECOMMENDATIONS:

- 1) All papers from an election, including but not limited to the ballot applications should be kept separated on a precinct-by-precinct basis.
- 2) Cost of duplication should be at no cost, or the cost of duplication only for paper and electronic copies.
- 3) Charge of discovery recount should be reduced substantially. The high cost of the discovery recount (in comparison to the larger jurisdiction of Cook County which is at no charge) undermines the transparency of the election, and is an obstacle to determining the potential outcome of an election.

VIII. ADHERENCE TO FEDERAL AND STATE LAW

- **The Commission has allegedly not complied with federal election law:**
42 US 1974 retention of all papers and electronic data from a federal election.
The Commission retained election materials for 60 days after the November 2, 2004 general election. Federal law states that all records and papers from a national election must be retained for 22 months.

Following the November 7, 2006 election, an observer in the central tabulation room reported the reformatting of memory cards on election night. The Illinois Local Records Commission includes all electronic media in their definition of public record.

- **The Commission may not have been compliant with state election laws:**
(10 ILCS 5/24A-15) (from Ch. 46, par. 24A-15)
(10 ILCS 5/24A-10.1) (from Ch. 46, par. 24A-10.1)
during the last election for swearing in of judges for an election and the signing off of missing election materials by an election judge.
- **The Commission has allegedly violated the Illinois Freedom of Information Act**
5 ILCS 140/ 6 **by charging more than the actual cost of duplication for paper and electronic information requested.**

The Commission has allegedly failed to comply with provision 6(b) to waive or reduce fees for records that are in the public interest as defined by the Act in that the purpose of the organization or individuals requesting such information is clearly to disseminate information regarding the legal rights of the general public and is not for the principal purpose of personal or commercial benefit. A letter to the Commission by the Illinois Attorney General addressing this concern was unanswered.

- **The Commission has not filed for a certificate of destruction with the Secretary of State for any public records to date an alleged violation of:
50 ILCS 205/3, the Illinois Local Records Act.**

For the election process to be transparent, the Commission is advised to fully comply with:

- Illinois Local Records Act, to get permission prior to the destruction of public records
- Federal election law for the proper retention of election materials
- State election law for the procedures during the election
- The Illinois Freedom of Information Act, information sought by the Act should not exceed the actual cost of reproduction, or should be waived entirely.

RECOMMENDATIONS:

The DuPage County Election Commission must obey all the laws governing an election authority, namely first and foremost, federal election law, and secondly state election law. Other election authorities across the state, including the largest jurisdictions of Cook County and the city of Chicago, comply with the Illinois Local Records Act by applying for a certificate of destruction for records that are to be disposed. The DuPage Election Commission has boasted that DuPage County is a model for conducting elections, yet it appears DuPage is lacking in the compliance of the laws which govern the election process. Perhaps the Commission should seek new legal counsel, if such counsel has misinterpreted or dismissed election law.

Conclusions:

Pollwatchers and judges have contributed greatly to the oversight of the election process and have enhanced the transparency of the elections in DuPage. The process needs more transparency to ensure that the voters are confident that state and federal guidelines and procedures are enforced, that voters are encouraged to fully participate in the election, as a registered voter, as a judge or pollwatcher overseeing the election, and that judges are recruited to engage in a 10% audit of the vote on election day.

Careful consideration must be made of reports that suggest the current state of electronic voting is lacking security.

Voting security in DuPage County is further compounded by several problems:

- 1) Use of Diebold voting machines and the GEMS program
- 2) The lack of a cohesive written chain of custody including administrative privileges to the machines, the memory cards, and their programming
- 3) Use of laptops and AskED devices in early voting
- 4) No public testing of DRE machines for early voting
- 5) Early voting

Transparency in the election process in DuPage County is obstructed by:

- 1) Alleged non-compliance with federal and state election law, including the retention of election materials
- 2) Alleged non-compliance with the Local Records Act
- 3) High cost of duplication for materials requested by FOIA
- 4) Lack of information on website:
 - a) Ballots from early voting are currently not counted in a discovery recount or a contested election—important for determining the choice of the method of voting
 - b) Poll locations
 - c) Judges training
 - d) Pollwatcher information
- 5) Discovery recount costs are excessive in comparison to other counties
- 6) Election papers are consolidated from multiple precincts rather than keeping the information separated on a precinct-by-precinct basis

Given that several reports have stated that the current state of electronic voting is insecure, inaccurate, and expensive, this Commission can recommend to the Illinois State Board of Elections that they adopt a different secure, simplified, and accurate method of voting which promotes openness and transparency.

The Illinois Ballot Integrity Project (IBIP) is a not-for-profit, non-partisan civic organization dedicated to the correction of election system deficiencies and to ensuring fair, accurate, and completely transparent elections. The DuPage Chapter of IBIP has provided this information to the Commission so that it may analyze the reported deficiencies of the election process and be responsive to the recommendations given. A written response as to how these problems will be addressed and what measures will be taken to ensure the integrity of the elections in DuPage is advised.

Furthermore, we are available to answer questions, clarify any points in the recommendations and provide documentation to substantiate our points.

Sincerely,

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Bob Wilson and Larry Quick collaborated to write the *Outline of procedures for the EDA – Election Day Audit*, in the Retabulation section of this paper.

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| Table 1 | | | | |
|--|---------------|------------|--------------|--|
| Touchscreen Malfunction November 7, 2006 | | | | |
| ID Number | Township | Precinct | Time | Problem |
| 255 | Addison | 3, 62 | Unknown | Touchscreen was not working for 1.5 hours. Commission called, but no one has come. |
| 377 | Addison | 1, 28 | Unknown | Printer failed to work. Started election late due to printer failure |
| 334 | Addison | 10, 19, 31 | 8:25 PM | Touchscreen was not tabulating. Two judges--one Democratic & one Republican drove machine to Wheaton for tabulation |
| 334 | Addison | 10, 19, 31 | Unknown | Toouchscreen with 107 ballots failed to print |
| 604 | Addison | 33, 9 | Unknown | Touchscreen wouldn't print 28 ballots. |
| 22 | Addison | 37, 41, 49 | Unknown | Voter unable to finish voting on TSx |
| 303 | Bloomingdale | 18, 58 | Unknown | Touchscreen poll tape didn't print. Transporting machine to counting center. Judges are following car and so is pollwatcher. |
| 195 | Bloomingdale | 22, 63 | Unknown | Diebold machine is running 10 minutes fast |
| 195 | Bloomingdale | 22, 63 | Unknown | Voters from precinct 23 redirecting to different poll |
| 292 | Bloomingdale | 40, 67 | Unknown | Touchscreen is not working |
| 114 | Downers Grove | 50, 65 | Unknown | Touchscreen was not working all day. Election Commission will not dispatch for repair |
| 251 | Downers Grove | 54, 80 | 6:00-9:00 AM | Couldn't get machine to start |
| 162 | Downers Grove | 8, 20 | Unknown | Voter card problem |
| 230 | Downers Grove | 82, 83, 44 | Unknown | Touchscreen not working |
| 394 | Lisle | 39, 27 | 10:45 PM | Touchscreen difficulty assembling and no access code--operational from 10:45 to 7PM. Card for touchscreen ruined, preventing print out until 9PM. Spoiled ballots--55. |

| Table 1 | | | | |
|--|------------|------------|---------------------|---|
| Touchscreen Malfunction November 7, 2006 | | | | |
| ID Number | Township | Precinct | Time | Problem |
| 73 | Milton | 39, 90 | 12:11 PM | Touchscreen failing to work. Called Commission. |
| 531 | Milton | 63. 98 | 6:10 AM | Touchscreen was not ready until 6:15 AM. Polls did not open on time. Voters were waiting and getting frustrated. Judges were very disorganized in finding names and letting people know which machine to turn their ballot in. |
| 628 | Naperville | 22 | Unknown | Touchscreen failed to work. Called Commission. Pollwatcher still waiting after two hours. |
| 642 | Naperville | 27 | 8:20 AM | Vote pre-selection for (R) Judy Baar Topinka for governor. |
| 642 | Naperville | 27 | Unknown | Republican election judge pushing the touchscreen machines. High vote count on touchscreen. |
| 101 | Naperville | 10, 16 | Unknown | Touchscreen failed to work. Called Commission. Pollwatcher still waiting after two hours. |
| 101 | Naperville | 10, 16, 22 | Unknown | Absence of precinct maps caused delay and inconvenience |
| 400 | Naperville | 17, 19 | 7:00PM | Judge, Tom Hughes, failed to print out any poll tapes for the poll watchers, though few were requested. Judge said he phoned the commission and Bob Saar told him to print none for the pollwatcher, Stephanie Downs Hughes, who requested first. |
| 628 | Naperville | 22 | 6-9:00 AM | Judges were unable to initialize electronic voter cards. Election Commission walked judge through procedure. |
| 628 | Naperville | 22 | 6:00AM to Afternoon | Judges improperly fed the paper tape and machines were unable to operated. |

| Table 1 | | | | |
|--|------------|-------------|---------|---|
| Touchscreen Malfunction November 7, 2006 | | | | |
| ID Number | Township | Precinct | Time | Problem |
| 344 | Naperville | 1, 2, 11 | Unknown | The election judge helped an elderly voter who could not see well. The elderly woman asked what the Forest Preserve initiative was--that she had trouble reading. Judge, Joe Devine, responded to the effect of "Vote that to raise your taxes" and did not read the actual wording to her. |
| 382 | Winfield | 3, 32 | Unknown | Touchscreen machine gives error message--out of paper |
| 192 | York | 107 | Unknown | Man & woman have voted in this precinct in the past. The woman is allowed to vote, and he is not. |
| 129 | York | 1, 2, 15 | 12:00PM | Touchscreen left out in unlocked room. Republican judge, Janice DuBois pushing voters to use the touchscreens |
| 129 | York | 1, 2, 15 | 1:13 PM | Voter not listed in ballot application book. Moved from Chicago, registered to vote in April. Not able to vote. |
| 354 | York | 124, 125 | Unknown | Couldn't get touch screen numbers, because card accidentally locked in box |
| 208 | York | 14, 33, 55 | Unknown | Touchscreen not working until 6:20 AM |
| 62 | York | 20, 24, 25 | Unknown | Touchscreen failed. Voter only able to vote for governor |
| 62 | York | 20, 24, 25 | 7:30 PM | Touchscreen machine was not able to function until about 7:30 AM |
| 62 | York | 20, 24, 25, | Unknown | Republican judge was very rude and shouted at pollwatcher because they stood behind judge table and helped a disabled woman walk who asked (pollwatcher) to do so |

Table 2

| Optical Scan Machine--November 7, 2006 | | | | |
|--|--------------|------------|-----------------------|--|
| ID Number | Township | Precinct | Time | Problem |
| 255 | Addison | 3, 62 | 7:00 AM | Machine not working |
| 604 | Addison | 33. 9 | Unknown | Only one person to take memory card, materials back to Wheaton |
| 10 | Addison | 37, 41, 49 | Opening-until 3:30 PM | Ballpoint pens used for ballot marking, rather than felt tipped pen |
| 10 | Addison | 37, 41, 49 | Unknown | Ballots jammed |
| 303 | Bloomingdale | 18, 58 | 6:15 PM | Voter's ballot rejected. Voted again. Counter did not go up. |
| 42 | Bloomingdale | 42, 50 | Unknown | Ballots jammed |
| 67 | Bloomingdale | 60 | 7:40 AM | Not accepting ballots. As of 7:40, the technician still has not arrived. |
| 420 | Milton | 27, 53 | Unknown | Receptacle box jammed |
| 641 | Milton | 18 | 8:05 AM | Machine stopped scanning at 101 ballots. Subsequent ballots stored in box manually |
| 190 | Milton | 68, 69, 94 | 7:00 AM | Optical reader not working. Machine reset. |
| 101 | Naperville | 22 | 3:05-3:20 PM | Ballots repeatedly jammed, after being read. Judges tried different methods to no avail. Called Commission--instructed to open rear cover, and dislodge jam. Jam continued with each 4-5 ballots scanned. Eventually scanner resumed normal operation. |
| 291 | Wayne | 1 | 9:30 AM | Machine not working |

Table 3—Precincts with Recurrent Problems

| Township | Precinct |
|---------------|----------|
| Wayne | 1 |
| Wayne | 11 |
| Bloomingdale | 18 |
| Bloomingdale | 20 |
| Bloomingdale | 58 |
| Bloomingdale | 60 |
| Bloomingdale | 63 |
| Addison | 1 |
| Addison | 10 |
| Addison | 33 |
| Addison | 34 |
| Winfield | 32 |
| Milton | 33 |
| Milton | 53 |
| Milton | 98 |
| York | 1 |
| York | 14 |
| York | 50 |
| York | 77 |
| York | 82 |
| York | 118 |
| York | 130 |
| Naperville | 2 |
| Naperville | 17 |
| Naperville | 33 |
| Lisle | 93 |
| Downers Grove | 1 |
| Downers Grove | 11 |
| Downers Grove | 44 |
| Downers Grove | 50 |
| Downers Grove | 80 |
| Downers Grove | 82 |
| Downers Grove | 107 |

Table 4

The following table summarizes the procedural non-compliances found at the other 17 polling places:

| Polling Place ID | No Seal on ESC | ESC not locked | No Seal on TSX or OS Card | Card Missing | ESC Already Moved by Movers | Comments |
|------------------|----------------|----------------|---------------------------|--------------|-----------------------------|--|
| 389 | Y | | | | | Wayne 13, 29 |
| 292 | | Y | Y | | | Bloom 40, 67 |
| 22 | | | Y | | | Bloom 37, 41, 49 |
| 43 | | | Y | | | Milton 33, 88 |
| 83 | | | | | Y | DG 11, 85 |
| 203 | Y | | Y | | | DG 35, 116 |
| 169 | | | | | Y | Addison 11, 35, 56 |
| 252 | | | Y | | | DG 46, 107 |
| 264 | Y | | Y | | | Lisle 74, 93 |
| 448 | Y | | Y | | | Lisle 44, 56 |
| 507 | Y | | Y (OS) | Y (TSX) | | Bloom 41, 61 |
| 131 | | | | | Y | York 16, 50 |
| 130 | | | Y | | | York 4, 118 |
| 230 | Y | | | | | DG 44, 82, 83 |
| 57 | Y | | | | | York 82, 110, 123 |
| 115 | Y | | | | | Addison 24, 47, 51 |
| 213 | Y | Y | Y (OS and TSX) | | | Found unsealed OS and TSX cards in an unsealed blue envelope Bloom 19, 29, 31 |
| Totals: | 9 | 2 | 11 | 1 | 3 | |

Table 1 – Procedural Non-Compliances Discovered during Memory Card Retrieval Concerns, Issues, and Recommendations for Improvement

- 1) About 80 memory cards were left at the polling places by the multi-partisan election judges and not delivered to the DCEC, after the polls were closed. The multi-partisan election judge teams and a policeman were sent back to these polling places and as of 1:30AM memory cards still had not been retrieved from 25 polling places.

This is alarming, as this is quite a large number of memory cards, containing tens of thousands of votes, that were left behind at the polling places, no longer under the watchful eye of the multipartisan election judges. Why did this happen?

- 2) Table 1 – Procedural Non-Compliances Discovered during Memory Card Retrieval], when the multi-partisan election judge teams went to 22 polling places the day after the election, to retrieve memory cards that were not delivered to the DCEC the night of the election, **proper procedures to insure the integrity of the election were found to not have been followed by pollworkers at 77% (17 out of 22) of the polling places**. Here's a summary of those security violations:
- a) **The blue steel locker used to secure the voting materials (the ESC) was not sealed at nine polling places.**
 - b) **The blue steel locker used to secure the voting materials was not locked at two polling places.**
 - c) **11 OS or TSX memory cards were found unsealed.**
 - d) **One TSX card was found missing and could not be retrieved.**
 - e) **At three polling places the blue steel locker used to secure the voting materials had already been picked up by movers and was in transit to a DCEC warehouse, so the memory cards could not be retrieved.**
 - f) The polling place that was found to be the poster child for not following proper procedures to insure the integrity of the election was polling place 213, located at Hanmee Presbyterian Church, 1149 W. Bloomingdale Rd., Itasca, IL. **At polling place 213 the blue steel locker used to secure the voting materials was found unlocked and unsealed and both the OS and TSX card were unsealed and were found inside an unsealed blue envelope.**

22 polling places on election night could not be entered to retrieve the memory cards, containing tens of thousands of votes, after proper procedures were not followed and the memory cards were not delivered to the DCEC when the polls closed.