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***A Call to Defend Our Votes and STOP DIEBOLD COLD, from California Election Protection Network (CEPN)***

**Fellow Californians:**

**Between now and Monday, Nov. 28, we need 1000 Californians to dedicate an hour to preserving the integrity of our elections.**

Why a Thanksgiving weekend call to action? Secretary of State Bruce McPherson, ever the populist, has given all California citizens only through Monday to submit testimony regarding his proposed certification of Diebold voting equipment.

We have precious little time to stop Diebold from taking over our elections in California. On this Thanksgiving weekend, let's give thanks that it's not too late, that we haven't lost it all -- like Ohio -- YET. (This November, Ohio couldn't get badly-needed election reform propositions passed because Diebold now controls the vote in 44 of 88 counties. Polls showing a reform victory, once again, were called "erroneous.")

In California, however, there is cause for thanks. As you know...

On 11/21 in Sacramento, more than 125 Election Activists stood up for our right to vote and have our votes counted...accurately.  
(Read the report below this action alert - it will make you proud and very angry.)

We are battling Goliath. We must demonstrate that we are many Davids, and we will leave no stone unturned, or unhurled. And of course, we now have the overwhelming confirmation of the GAO report. (see below)

**ACTION #1 : The "right thing to do." It just takes a minute.**

The California Secretary of State's office will "accept" public comment on the certification of the Diebold TSx touchscreen voting machine only until Monday, November 28th.

**Tell Bruce McPherson we demand an extension of the HAVA Deadlines and a rejection of Diebold equipment.** Send him the CEPN "Seven Reasons" to reject Diebold. (see below) Cite the letter written to Congress by the National Association of Counties (see below).

Least effective: email your comments to [elections@ss.ca.gov](mailto:elections@ss.ca.gov)

Better: call (916) 653-6814 - press 6, then 3.....

**Recommended:** FAX: 916 653-3214 Paper gets a LOT more attention.

WE CANNOT STOP THERE. WE ARE FIGHTING FOR THE LIFE OF OUR DEMOCRACY.

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**ACTION #2 : CONTACT Your Local, State and DC Representative, Registrar of Voters/ County Clerk, and County Supervisors.**

Tell them you require their attention to this situation, or WE ALL LOSE.

If you don't know your assemblyperson or California Senate Representative, look them up at:

<http://www.assembly.ca.gov/acs/acsframeset9text.htm>

Put in your zip code to find specific info.

**Contact your local county supervisor.** Look them up in the White Pages of your telephone directory, or just "google" your county and "board of supervisors." If your county's registrar of voters is appointed, s/he is responsible to the County Board of Supervisors. And they are responsible to you.

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**ACTION #3 : Contact EVERY media outlet you can, DEMAND coverage of McPherson's machinations. BE OUTRAGED!! BE OUTRAGEOUS!**

<http://www.congress.org/congressorg/dbq/media/>

Tell them they have a responsibility as journalists. Challenge them to live up to their mission. It's not too late to have the courage to make a difference.

Remind them that a major reason they are *losing readers and viewers* is because they DON'T report the news!

Bring to their attention Thursday's piece by Bob Koehler:

<http://commonwonders.com/archives/col321.htm>

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**ACTION #4 : Activate the grassroots and netroots: Tell your family, friends, and neighbors**

Expand your circle of influence: inform and arm [ten of your fellow citizens](#) with the information and tools provided here.

Enlist their aid in protecting California election security.

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## **A Report from the CALIFORNIA ELECTION PROTECTION NETWORK**

*A nonpartisan organization of more than 25 groups across California coming together to achieve our mutual election integrity goals*

**Background and talking points: (it's all summarized here, plenty to choose from, no waiting)**

Posted at <http://www.califelectprotect.net/home.html>

### **Diebold in CA: Machinations Behind Closed Doors**

Monday, November 21, 2005.

Sacramento. Today was an exhilarating day. Deja vu of the last Diebold hearing, this new attempt to certify Diebold wares once again raised the near-unanimous ire of concerned citizens. The passion and dedication of the people in attendance was palpable. To witness more than 125 citizens, journeying great distances--on short notice and on a short holiday week--who all came together to defend the integrity of our democratic processes, was to witness the real "Patriot Act."

Without the dedication and vigilance of these activists, other concerned citizens would never have known that behind closed doors, the machinery of the Secretary of State's office was in high gear ready to certify Diebold.

#### **Testing Diebold**

Diebold suffered some setbacks earlier this year trying to meet the new state requirement for a voter verified paper audit trail. In its initial test this summer, the AccuView printer attachment to the TSx model touchscreen voting machine had a staggering 30% performance failure rate. Diebold made adjustments, resubmitted, and reportedly passed a second test in September, clearing the way for re-certifying the TSX machines in four counties where they've been suspended since spring 2004.

#### **Test Results: Passing With a Weak Thumb's Up**

California's official voting equipment certification tester, Steve Freeman, issued a slightly qualified "thumbs up" for Diebold. Freeman applied his stamp of approval despite the fact that he did not run tests on the specific security holes revealed by computer security experts Avi Rubin, Herbert Thompson and Harry Hursti, which Blackboxvoting.org later applied in demonstrations of undetected vote-switching conducted under simulated election conditions.

As one election official (who asked not to be identified) said of the State's passing grade on the testing results, "Isn't it like examining a patient for small pox and proudly

announcing that their teeth are clean?"

### **Aces Up Sleeves?**

Jim March of Blackboxvoting.org provided a riveting and colorful overview of the various new ways recording and tabulation can be hacked on Diebold equipment. His gift for explaining technical intricacies kept the audience on the edge of their seats. After detailing uncorrected software and hardware defects in Diebold voting systems that remain standing invitations to vote fraud, March noted Diebold continued refusal to release its source code for testing, or to identify the authors responsible. March concluded his remarks with this advice to public officials promoting the use of Diebold voting machines, "If you don't want to be accused of cheating at cards, don't let aces fall out of your sleeves."

### **The Seven Reason NOT to Certify Diebold**

Numerous members of the California Election Protection Network (CEPN) delivered spoken testimony. The CEPN also entered into the record their press advisory titled "Seven Reason NOT to Certify Diebold." [Attachment 1].

### **AccuView Approved Without a Recount Test**

**Michelle Gabriel** of the Voting Rights Task Force and CEPN, raised an excellent point about the recent passage of SB370. That law states that the voter verified paper audit trail that voting machines like the Diebold TSx-AccuView are designed to print, must be used to conduct the random recount of all the votes cast in 1% of every county's precincts.

Yet, as Gabrielle noted, the Diebold AccuView printer and its spool-fed, thermal-paper tape have not been tested to see how such a recount might actually fare under real election conditions. Every other aspect of a voting system has to pass usage tests--so how can there be exception for the manual recount printer system, especially since so many serious doubts have been raised about the usability of the AccuView printouts.

Let's test this equipment for all its required tasks before certifying it, and before rushing headlong into a potential recount meltdown. The Secretary of State's Office has no right to risk the security of our next election with untested machines.

### **Diebold Losing Key Support**

In a surprise about-face, all of the disability groups represented at Monday's hearing went on record against certifying the Diebold equipment, stating that it simply does not meet their specific needs.

Over the past two years many groups representing disabled citizens have lobbied and

litigated forcefully for the adoption of Diebold-type voting systems. There has been much speculation about the motives behind such pro-Diebold efforts, considering that the Diebold campaigning began AFTER Diebold made a six-figure contribution to the largest national association of the blind.

### **HAVA Misconceptions Promote Spread of DREs**

The reversal by disability rights groups at Monday's hearing is very significant. The most forceful influence driving county elections officials to purchase of DRE (touch screen) voting machines like the Diebold TSx has been the threat of lawsuits brought by the disabled against election officials resisting the switch to DRE voting systems.

There is a pervasive misconception, actively promoted by DRE vendors and supporters, that the Help America Vote Act (HAVA) requires touch screen (DRE) voting systems as the only suitable means to address disabled voting needs. HAVA merely requires that voting systems enable disabled persons to vote independently, and there are non-computerized voting solutions that meet this condition. [See <http://www.votersunite.org/info/accessibility.asp> ]

Further, last year a federal court decision clearly stated that the rights of the disabled cannot come at the expense of the majority of voters. [See <http://evotingcase.notlong.com> ]

### **HAVA "Use it or Lose it" Pressures Counties into Unwise Buys**

The major threat driving voting system purchasing decisions has been the HAVA funds' "Use it or Lose it" deadline, set for the stroke of midnight at the end of this year. County elections officials who have found the voting equipment options offered them unacceptable, given the confusion about which federal standards may eventually be required, wish to avoid hasty purchases they may later regret. Many would prefer to forego the one-time federal funding bonanza and wait for better voting systems to be developed under clear federal standards.

### **Justice Department Lays Thumb on Scales**

But now a new pressure is being applied to force purchase decisions for DRE equipment. At the time of last summer's second Carter-Baker Commission, which addressed the public's eroding confidence in our voting systems, the U.S. Department of Justice issued a statement announcing that state election departments that failed to make arrangements for equipment upgrades effective by Jan. 1, 2006 would be visited by Department of Justice (DOJ) investigators. Marin County election official Madelyn DeJusto recently said, "And when you get a visit from them [the DOJ] they don't go away."

### **Hold on HAVA**

**Megan Matson** of **Mainstreet Moms Operation Blue (MMOB)** [ <http://www.themmob.org> ] proposed a "**Hold on HAVA**" campaign, in solidarity with the National Alliance of County Officials (NACO). This national elections official organization seeks to extend the HAVA deadline for two years. In a recent plea to members of Congress asking for the extension, NACO explained that they have no "crystal ball" to see what equipment will be certified and asked for a two year extension. NACO also noted that the Election Assistance Commission--the four-person panel charged with supervising the enactment of HAVA--is months behind its own deadlines for setting these standards.

**Sherry Reson** of CEPN read the NACO letter to Congress into the record of Monday's state hearing [See Attachment 2].

### **The "No Hearing" Hearing**

Much has already been written about the peculiar nature of Monday's certification hearing [See <http://tinyurl.com/c6g4v> ] The hastily assembled delegation of Election Division officials before whom the citizens spoke on Monday has no decision-making role. Those officers do not even have an advisory role in this certification decision.

Under former Secretary of State **Kevin Shelley**, there had been a Voting Systems and Procedures Panel expressly charged with advising the Secretary of State. No longer. Those sitting in chairs on stage Monday were props in a show of minimal compliance with the certification procedure's hearing requirement. Our good citizens who pleaded for election integrity can only hope that perhaps **Secretary McPherson** or someone he designates may possibly read and consider any of their remarks before issuing a decision on Diebold certification. **California Sen. Koretz (Dem)** is the first legislator to question this break with previously established protocol for seriously considering citizen comment. [See Attachment 3]

### **Increased Show of Media Interest**

Given the nearly total blackout in the mainstream press on questions raised by recent elections, citizen activists were heartened to see an unprecedented turnout by the news media for Monday's voting system certification hearing. Longtime Sacramento media consultant **Cress Vellucci** exclaimed, "I've never seen this much media show up for this kind of event." TV camera crews were dispatched by two local NPR television affiliates and Sacramento's Channel 3. Radio reporters from KQED, KPDK and a CNN affiliate recorded the demonstration and conducted interviews. Writers were assigned by the AP wire, Stockton Press, Oakland Tribune, Sacramento Bee, and Sacramento Reporter.

### **Mainstream News Toes the State's Line**

The first articles emerging from Monday's hearing side-stepped the issues of Diebold's security holes and history of election law violations. Reporters chose to uncritically repeat the state's pronouncements that Diebold has passed the requisite tests--without addressing the facts we provided them explaining that the state's requisite tests have nothing to do with security evaluation.

### **GAO Report on Electronic Voting Goes Unmentioned**

We're not all that surprised by the passivity of the local press, given the example of the papers of record. To date, not a single news agency of national stature has even mentioned the highly critical 117-page report issued by the Government Accountability Office (GAO) of October 12, 2005, which catalogs widespread electronic voting failures and warns of continuing, unattended security risks in the nation's voting systems. [See <http://tinyurl.com/bv6f6> ]

### **Where's Bruce?**

The integrity of California elections is now in the lap of Governor Schwarzenegger's appointed Secretary of State Bruce McPherson (Rep). McPherson did not bother to descend from his upstairs office to hear the testimony of citizens in the auditorium. But two others interested in his job--State Sen. Debra Bowen (Dem) and Forrest Hill (Grn)--were both present and keenly attentive.

### **What's Next Behind Closed Doors?**

There is a closed meeting next week in Sacramento, to be held at the Hyatt Regency on November 27-28. [See [http://www.ss.ca.gov/elections/elections\\_vst\\_summit.htm](http://www.ss.ca.gov/elections/elections_vst_summit.htm) ]

The stated agenda is to discuss standards of certification and "best practices" for voting systems. Many of the invited officials are zealous promoters of electronic voting systems. Some are known for openly flouting elections code, for favoring relaxed election integrity standards. Others bear major responsibility for repeatedly certifying unsecure, highly flawed voting systems that have resulted in thousands of known voting malfunctions and hundreds of thousands of lost, spoiled, and improperly tallied votes.

No notice or invitation was extended by McPherson's office to California Election Protection Network, a nonpartisan organization representing over 25 groups and 15 counties.

An election insider tells us that CEPN members will be blacklisted from participating in this summit. We would like to believe this is a misunderstanding. However, we do have a rejection letter from Bruce McDannold of McPherson's office stating that though we may not attend, we may rest assured that our views will be represented [see Attachment 4]. We wonder how Bruce McDannold can make that assurance? After reviewing the summit's agenda, we identify only three attendees who share our concerns. But they are

distinctly in the minority, and they speak from their own more sanguine perspectives--not ours.

## **Voting Policy Debate Should Be Public**

Democracy is at a critical juncture. The November 27-28 Summit California will likely exert a determining influence on standards for voting system integrity in California and other states. Attendance by informed citizen activists is not only desirable for the health of democracy, but necessary.

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## **ATTACHMENTS**

- 1. Seven Reasons NOT to Certify Diebold**
- 2. From Mainstreet Moms Operation Blue (the MMOB): Hold On HAVA... extend the HAVA deadline.**
- 3. Letter to SOS Bruce McPherson, from Assemblymember Paul Koretz (42nd AD)**
- 4. Correspondence between CEPN member and Secretary of State's office requesting invitation to "Voting Systems Testing Summit"**

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[\[Attachment 1\]](#)

## **[Seven Reasons NOT to Certify Diebold](#)**

### **1. The GEMS Defect**

Reported by BOE Harris and Dr. Herbert Thompson, and independently confirmed by the security consultant firm Compuware on commission from the state of Ohio, the GEMS Defect concerns the central vote tabulating database that accumulates all the precinct and absentee votes for all Diebold optical scan and touch-screen voting systems. Despite assurances by Diebold, records obtained by Black Box Voting show that this issue has not been resolved in either California or Ohio, or apparently any of the other 1,200 jurisdictions that use Diebold. A critical set of Compuware documents confirming this was suppressed by Ohio Secretary of State Ken Blackwell.

*Votergate: The Movie* available for free download [ <http://www.votergate.tv> ] contains footage from a national TV broadcast of Bev Harris instructing Howard Dean how to hack GEMS and, without leaving a trace, alter vote tallies in under two minutes. Additional vulnerabilities have since been found and publicized at <http://www.blackboxvoting.org>.

*"By successfully directing Canvas [commercial software] at the GEMS modem interface, the team was able to remotely upload, download and execute files with full system administrator privileges. All that was required was a valid phone number for the GEMS server."*

--Trusted Agent Report, Diebold AccuVote-TS Voting System, January 20, 2004  
Prepared for the Maryland General Assembly by: RABA Innovative Solution Cell  
(RiSC)

## **2. Stuffing the Electronic Ballot Box with Diebold Memory Cards**

Finnish computer expert Harry Hursti, in cooperation with the elections administration of Leon County, Florida, has demonstrated in real-world voting conditions that executable code on the memory cards integral to the operation of Diebold optical scanners and touch screens can be quickly manipulated to change vote counts without detection.

Brief account:

<http://www.bbvforums.org/forums/messages/1954/5921.html?1117238594#POST6997>

Full report: <http://www.blackboxvoting.org/BBVreport.pdf>

California's voting systems testing consultant Steve Freeman has confirmed that Diebold's proprietary programming language AccuBasic writes *"report files used to configure AccuVote-OS and AccuVote-TS report contents and printing in precinct count mode. They are actually loaded into the memory cards for the AV-OS and AV-TS where their logic is executed. . . . The risk occurs in the opportunity to replace the verified file with some other .abo file . . . or by replacing the current code with rewritten code performing other operations."*

Commenting on Freeman's report, Black Box Voting notes that it is possible to insert fraudulent code onto the memory cards that is date-specific, so that it will pass Logic & Accuracy testing pre- or post-election but trigger pre-planned manipulations on election day.

Invoking California Election Code 19202, Black Box Voting formally requested Secretary of State McPherson to conduct a replication of the Hursti memory card exploits for the Diebold touch screen and optical scan systems. Six months later, California still has not performed this test.

## **3. Inauditable Absentee Ballots on Diebold Optical Scanners**

Just prior to the recent statewide election, technical experts assigned by the Libertarian Party to inspect Diebold systems in San Joaquin, Marin, and Alameda counties found that in the Diebold "central count" optical scanners, "a critical paper audit component is missing for all absentee and mail-in ballots, and also for recounts."

Diebold's central count scanners are unable to write backup data to memory storage, instead passing all vote counting directly to the notoriously insecure GEMS tabulator. No

"poll tapes" or secondary source of data is retained, and there is no way to check whether the GEMS security defect was exploited without obtaining the GEMS vote data files. Diebold refuses to release these files.

#### **4. The Secretary of State's Own Tech Advisors Are Warning Against Diebold**

Below are excerpts from a technical review commissioned by Secretary McPherson concerning the AVVPAT printer module added to the TSx machines. The report, titled "Analysis of Volume Testing of the AccuVote TSx/AccuView" is available at [http://ss.ca.gov/elections/voting\\_systems/vstaab\\_volume\\_test\\_report.pdf](http://ss.ca.gov/elections/voting_systems/vstaab_volume_test_report.pdf)

p. 7: "... It is possible that these failures are a sign of a large number of other latent software defects." "... this issue warrants further investigation before any modified versions of the TSx are certified." "The fundamental barrier to analysis of these software errors is the lack of access to source code ... we have no way to perform such an independent evaluation. This is a very unsatisfying position to be in."

p. 8: "We believe these failures constitute one of the strongest arguments for the State of California to take possession of, or otherwise arrange for unfettered access to, the full source code and binary executables for all electronic voting machines." "... there is no way to know whether the defects have been fixed satisfactorily (as opposed to just hidden), or whether they represent symptoms of more serious architectural flaws, without access to the source."

#### **5. The Federal and State Voting System Certification Process is Broken**

Two testing labs in Huntsville, Alabama --Ciber Labs, run by Shawn Southworth, and a Wyle Labs office supervised by Jim Dearman--are responsible for repeatedly certifying defective voting machines that violate Federal Election Commission (FEC) standards. Would it surprise you to learn that these "independent" labs derive at least a third of their funding directly from the voting system vendors they are inspecting?

The limited functionality testing performed by these federally contracted "independent testing authorities" and by California's consultant Steve Freeman, does not test for the known security vulnerabilities of the Diebold voting systems, including Thompson's VBA script attack, and Hursti's electronic ballot box stuffing and memory card swapping techniques.

#### **6. Diebold Software Comes with a Criminal Pedigree:**

##### **Convicted Computer Embezzler Authored GEMS Software**

Jeff Dean was Senior Vice-President of Global Election Systems when it was bought by Diebold in 2002. Even though he had been convicted of 23 counts of felony theft in the first degree, Jeff Dean was retained as a consultant by Diebold and was largely responsible for programming the optical scanning software now used in most of the United States.

Diebold consultant Jeff Dean was convicted of planting back doors in his software and using a "high degree of sophistication" to evade detection over a period of 2 years.

<http://www.scoop.co.nz/mason/stories/HL0312/S00191.htm>

<http://www.chuckherrin.com/HackthevoteFAQ.htm#how>

[http://www.blackboxvoting.org/bbv\\_chapter-8.pdf](http://www.blackboxvoting.org/bbv_chapter-8.pdf)

### **7. Diebold Continues to Perjure and Violate Election Laws**

Records obtained by Black Box Voting show that Diebold executives lied to the Arizona Secretary of State, the Cuyahoga County (OH) Board of Elections, and to hundreds of elections officials throughout the U.S. about the existence of specific defects.

Most famously of all, Diebold lied to the State of California in 2003 about illegally installing uncertified voting software in all 17 counties in which Diebold had contracts.

[http://www.ss.ca.gov/elections/ks\\_dre\\_papers/diebold\\_report\\_april20\\_final.pdf](http://www.ss.ca.gov/elections/ks_dre_papers/diebold_report_april20_final.pdf)

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[Attachment 2]

**From Mainstreet Moms Operation Blue (the MMOB): Hold On HAVA . . . extend the HAVA deadline.**

Did you know...the federal government is forcing county elections officials to purchase new and persistently flawed electronic voting machines by December 31st -- machines that many counties don't even want? If officials miss this deadline, they lose valuable Help America Vote Act (HAVA) funds, and will still need to meet the extensive HAVA requirements on their own dime.

**Ask your Secretary of State, <http://www.nass.org/sos/2004roster.html>**

**the National Association of State Election Directors,**  
<http://www.nased.org/membership.htm>

**and the National Association of Secretaries of State**  
<http://www.nass.org/sos/2004roster.html>

**to join NACO <http://www.naco.org/>**

**in demanding a 2-year extension of the HAVA deadline from the federal government, when Congress meets in December.**

The federal government has failed to meet its own HAVA commitments for establishing testing standards. **The vendors have failed every state-commissioned, independent test they've taken to date.** The cost to taxpayers is high. We must allow our officials the time to insure the most basic security, reliability and transparency in how America counts her votes.

This is big. If you have even a small wedge of time, pick just one of the following and run with it: Fax or call your Secretary of State, the National Association of State Election Directors, and the National Association of Secretaries of State to join NACO in demanding a 2-year extension of the HAVA deadline.

If the HAVA deadline stands, there will be a forced rush to purchase this costly, complex, and inadequate technology. Voters and local election officials will be engaged in a giant "beta test" of these vendor's products on Election Day 2006, and the considerable HAVA funding will be gone.

Condemned in the new GAO report and in the bipartisan Carter/Baker Commission report, DRE voting (Direct Record Electronic) in particular has a proven 20% failure rate in the most recent state-commissioned independent test, and an "F" rating in the only two other state-commissioned independent tests. DRE touchscreen voting in particular is a consistently inferior technology taxpayers shouldn't have to pay for, and voters certainly shouldn't have to cast votes on.

Ask your Secretary of State, the National Association of State Election Directors, and the National SOS Association to join NACO in demanding a 2-year extension of the HAVA deadline.

Too much is at stake when America votes to rush our local officials into purchasing equipment they don't trust.

Thank you for supporting your state and local elections officials in their request to Congress for the time needed to insure secure, reliable and transparent elections.

Best,

The MMOB

Note: The National Association of Counties (NACO) was created in 1935 when county officials wanted to have a strong voice in the nation's capital. More than six decades later, NACO continues to ensure that the nation's 3066 counties are heard and understood in the White House and the halls of Congress. NACO's membership totals more than 2,000 counties, representing over 80 percent of the nation's population. <http://www.naco.org/>

**NATIONAL ASSOCIATION OF COUNTIES**

October 20, 2005

Dear Member of Congress:

Before you conclude the first session of the 109th Congress, county officials across the nation urge you to attend to a critical piece of unfinished business that will protect and preserve the integrity of our voting process:

Fix the implementation timeline for the Help America Vote Act.

Many counties across the nation will be unable to comply with provisions of that law that are scheduled to take effect on January 1, 2006, because the federal government has failed to meet its own statutory deadlines for issuing standards for voting equipment - standards that have not been finished and to which no equipment has yet been tested or certified. In the absence of this certification, county officials can only gaze into a crystal ball [emphasis added] and make predictions about which equipment will eventually meet the federal standards in the face of spiraling costs and threatened lawsuits in federal court.

The Election Assistance Commission has recognized the impossibility of this situation and stated it best in their Annual Reports for 2003 and 2004: ½The implications of these delays are likely to include continued problems with election equipment; other unresolved election administration issues such as voter verifiable paper audit; and the likely inability of States and local election jurisdictions to meet HAVA requirements by statutory deadlines.

Perhaps the most serious implication of the delayed EAC startup is the impact it will have on State procurement of new election equipment and the ability of some States and local election jurisdictions to meet HAVA requirements by statutory deadlines.

We urge you to provide a temporary moratorium on federal agency enforcement of the deadlines in the Help America Vote Act. This will also send a message to the federal courts to give the states and counties breathing room to make wise decisions based on guidance from the EAC - as was the intent of HAVA.

County officials appreciate your attention to this urgent matter. If you have any questions, please ask your staff to contact Alysoun McLaughlin, Associate Legislative Director, at 202-942-4254 or [amclaughlin\[at\]naco.org](mailto:amclaughlin@naco.org)

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[\[Attachment 3\]](#)

**Letter to SOS Bruce McPherson, from Assemblymember Paul Koretz (42nd AD)**  
November 21, 2005

The Honorable Bruce McPherson

California Secretary of State  
1500 11th Street  
Sacramento, CA 95814

FAX916-653-3214

Dear Secretary McPherson:

I am writing to express my concern about the hearing to determine whether Diebold should be recertified. I believe that the voters of California are entitled to be able to choose their representatives with the confidence that their votes are recorded and counted accurately. It is the duty of the Secretary, as the chief elections officer of the state, to make sure that voting systems are approved in the interests of California, not the voting system

It has been brought to my attention that you have disbanded the Voting Systems Panel (VSP) a panel of advisors, which has historically conducted hearings on voting systems used in the state. It is of great concern that the VSP has been disbanded without hearings about what will replace it and without any type of due process.

I am respectfully requesting that you reverse your decision to abandon established procedures and to allow people to provide meaningful input on the voting systems approve for use in the state.

In light of this concern I also respectfully request you postpone any decisions to re-certify Diebold for use in the state. Without adequate public input as to whether Diebold has met all the requirements to be certified for use in the state, I believe that it is premature to move forward at this time with the re-certification.

There are still many reasons to have reservation about making such a hasty decision without proper input from all interested parties.

It is my understanding that Diebold failed to comply with the April 30, 2004 decertification orders and cannot permit a meaningful recount. The proprietary closed source code complexity, secrecy and protection status of the software of the Diebold system precludes and prevents any meaningful legal thorough forensic analysis and recount of any election run on Diebold equipment. There have been many numerous litigation filings against Diebold, and the discovery process for forensic examination of Diebold software is nothing but an extension of the basic recount procedure.

It is for these reasons that I request that you delay recertifying Diebold at this time.

Sincerely,

Paul Koretz

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[Attachment 4]

**Correspondence between CEPN member and Sec. of State's office, requesting invitation to "Voting Systems Testing Summit"**

To: McDannold, Bruce

Subject: Request for Invitation to Voting Systems Testing Summit

Dear Mr. McPherson and Mr. McDannold,

I am writing to request an invitation to the November 28-29 Voting Systems Testing Summit.

I am a member of the Steering Committee of the California Election Protection Network and have been working on Election Protection issues since March of 2004.

I believe the Summit you are holding is a much needed event and will be invaluable toward better informing people of the concerns/vision/solutions regarding our voting systems in California and most likely the nation.

Thank you for your consideration. I look forward to hearing back from you soon.

Sincerely,

XXXXXXXX

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[RESPONSE FROM SECTY. OF STATE'S OFFICE;]

California Election Protection Network

E: Request for Invitation to Voting Systems Testing Summit

Date: Thu, 10 Nov 2005 20:30:21 -0800

From: "McDannold, Bruce" <[bmcddanno@ss.ca.gov](mailto:bmcddanno@ss.ca.gov)>

To:

<XXXXXXXXXXXXXXXXXXXX>

Thank you for your interest in the Summit on voting system testing. We invited elections

officials from across the country to participate, since this is a Summit designed specifically to discuss state-level testing of voting machines and to develop a best practices document on that specific subject. We've had a very good response; registrations are filling up fast so we are having to limit attendance to those already invited. The panels and panelists reflect the widest array of credible views, from outright skeptics to industry. Interested parties are encouraged to contribute written documents to the Summit to be reviewed as part of the final recommendations for testing to the states. They should send their written input to [VotingSystemComment@ss.ca.gov](mailto:VotingSystemComment@ss.ca.gov).

[As of November 21, 2005, there were still vacancies. --CEPN]

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***Please forward this message widely***

Sending in HTML-enhanced e-mail will preserve live hyperlinks

This is our last, best chance to STOP DIEBOLD COLD.

If California blocks Diebold, the shockwaves will spread across the nation and shake ES&S, Sequoia, Hart, Unilect and the rest of the privatized blackbox vote vendors.

*If you would like to be subscribed for future election integrity alerts like this one, please send an e-mail with "subscribe" in the subject line to the e-mail address below.*

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**Dan Ashby**

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*The right of voting for representatives is the primary right by which all other rights are protected. To take away this right is to reduce a man to slavery. . . Thomas Paine*