

# AMERICANS UNITED for DEMOCRACY, INTEGRITY, and TRANSPARENCY in Elections & Media - AUDIT AZ AUDITAZ@COMCAST.NET



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## **DIEBOLD USES COURT SYSTEM TO AVOID LAW REQUIRING SOURCE CODE SUBMISSION IN N. CAROLINA ~ ADVOCACY GROUP FILES SUIT TO REVERSE COURT ORDERED DIEBOLD EXEMPTION 11/18/05 BRAD BLOG**

As the State of California appears to now be bending over backwards in an attempt to give their elections to Diebold as reported earlier today, a lawsuit has been quietly filed in North Carolina by the Electronic Frontier Foundation (EFF) to ensure that Diebold must play by the same rules as other vendors and that they abide by state law which they have been attempting to skirt through court filings.

Today EFF announced that they were going to court to prevent Diebold Elections Systems, Inc. from evading the North Carolina law which requires Voting Machine Companies to place their source code into escrow with the state. Diebold, one of America's largest Voting Ma-

chine Companies, apparently doesn't want to and has recently received a court-waiver to allow them to avoid doing so. From EFF's press release issued today

In a last-minute filing, e-voting equipment maker Diebold asked a North Carolina court to exempt it from tough new election requirements designed to ensure transparency in the state's elections. Diebold obtained an extraordinarily broad order, allowing it to avoid placing its source code in escrow with the state and identifying programmers who contributed to the code.

"The new law was passed for a reason: to ensure that the voters of North Carolina have confidence in the integrity and accuracy of their elections," said EFF Staff Attorney Matt Zim-

merman. "In stark contrast to every other equipment vendor that placed a bid with the state, Diebold went to court complaining that it simply couldn't comply with the law. Diebold should spend its efforts developing a system that voters can trust, not asking a court to let it bypass legal requirements aimed at ensuring voting integrity."

On November 4, the day that voting equipment bids to the state were due, Diebold obtained a temporary restraining order from a North Carolina superior court, exempting it from criminal and civil liability that could have resulted from its bid.

## **CALIFORNIA SEC. OF STATE DISBANDS VOTING PANEL, LEANS TOWARD REVERSAL OF PREVIOUS STANCE AGAINST DIEBOLD! RECERTIFICATION HEARING ON E-VOTING MACHINES CHANGED AT LAST MINUTE, PARTICIPANTS NOT NOTIFIED 11/18/05 BRAD BLOG**

Election reform advocates had hoped Diebold touch-screen voting machine would be permanently decertified in the country's largest "voting market" (as Diebold likes to refer to it) after a massive test of their AccuVote DRE machines earlier this year revealed a 20% failure rate. But a more

recent test, secretly held at Diebold Election System's McKinney Texas headquarters, apparently in violation of California state law, has resulted in what appears to be a last minute about-face from California's Republican Sec. of State, Bruce McPherson. The latest news has now

thrown everything now into doubt in the state concerning the future of electronic voting here.

Miriam Raftery of RAW STORY has the full skinny. Something smells very rotten in the state of California.

## **Could This Below Be Any Clearer Why We Must Stop SOS From Buying DRE for AZ? This could be our issues below! Yes NO - - NO YES, could it be that easy?**

The Blog | Brad Friedman: The Staggeringly Impossible Results of Ohio's '05 Election | The Huffington Post

I'll try to summarize here briefly. There were five initiatives on the ballot last week in Ohio. Issue 1 was a controversial proposition for \$2 billion in new state spending. The Christian Right was opposed (because some of the new funds might go to stem cell research), but otherwise, the Republican Governor Taft's Administration (he recently plead guilty to several counts of corruption) was pushing it hard alongside progressives in the state.

The *Columbus Dispatch's* pre-election polling, which Fritrakis and Wasserman describe as "uncannily accurate for decades", called the race correctly within 1% of the final result. The margin of error for the poll was +/- 2.5% with a 95% confidence interval. On Issue 1, the *Dispatch* poll was right on the money. They predicted 53% in favor, the final result was 54% in favor.

But then came Issues 2 through 5 put for-

ward by a bi-partisan coalition pushing these four initiatives for Electoral Reform in the Buckeye State largely in response to their shameful '04 Election performance led by the extremely partisan Secretary of State (and Bush/Cheney '04 Co-Chair) J. Kenneth Blackwell.

On those four issues, which Blackwell and the Christian Right were against, the final results were impossibly different -- and we mean *impossibly!* -- from both the *Dispatch's* final polling before the election and all reasoned common-sense. Take a look:

**final results were impossibly different -- and we mean *impossibly!* -- from both the *Dispatch's* final polling before the election and all reasoned common-sense. Take a look:**

**ISSUE 1** (\$2 Billion State Bond initiative)  
**PRE-POLLING:** 53% Yes, 27% No, 20% Undecided  
**FINAL RESULT:** 54% Yes, 45% No

**ISSUE 2** (Allow easier absentee balloting)  
**PRE-POLLING:** 59% Yes, 33% No, 9% Undecided  
**FINAL RESULT:** 36% Yes, 63% No

**ISSUE 3** (Revise campaign contribution limits)  
**PRE-POLLING:** 61% Yes, 25% No, 14% Undecided  
**FINAL RESULT:** 33% Yes, 66% No

**ISSUE 4** (Ind. Comm. to draw Congressional Districts)  
**PRE-POLLING:** 31% Yes, 45% No, 25% Undecided  
**FINAL RESULT:** 30% Yes, 69% No

**ISSUE 5** (Ind. Board instead of Sec. of State to oversee elections) *page 2*

From front page **Could This Below Be Any Clearer Why We Must**

**PRE-POLLING:** 41% Yes, 43% No, 16% Undecided  
**FINAL RESULT:** 29% Yes, 70% No

Now, you tell us...What could *possibly* explain such *unheard of* differences between the *Dispatch's* poll and the final results?

Now, we'll tell you...This was the year that Ohio, under the encouragement and *mandates* of Blackwell, rolled out new Electronic Touch-Screen Voting Machines in 44 of its 88 counties...41 of them employing the same Diebold Touch-Screen Machines that California's Republican Sec. of State *decertified* in this state when *20% of them failed* this summer in the largest test of its kind ever held.

Those would be the very same Electronic Voting Machines which a recent GAO Report (still unmentioned by a single wire-service or mainstream American newspaper) confirmed to be easily hackable.

Will the absurdly skewed results from last Tuesday's Ohio Election finally light

a fire under the media -- either nationally or just in Ohio alone -- to look into what the hell is going on here?! We remain hopeful...if not optimistic.

The *Free Press* article is a must read, as mentioned, but we'll share their closing thoughts here on the possible reasons for the wildly unexplained discrepancy between the final polling and the final results which, as they posit, are due to either a completely inexplicable breakdown of the *Dispatch's* historically accurate polling methods wildly beyond the margin-of-error for all initiatives *except* Issue 1...or...somebody hacked that vote count:

If the latter is true, it can and will be done again, and we can forget forever about the state that has been essential to the election of every Republican presidential candidate since Lincoln.

And we can also, for all intents and purposes, forget about the future of American democracy.

Anybody in the Mainstream Media ready to give a damn yet?

## JAN BREWER, THE SECRETARY OF STATE OF ARIZONA IS ABOUT TO PURCHASE THESE MACHINE

In the U.S. 80% of all votes are counted by two private right wing-owned corporations. Thanks to Brewer's \$53 million spent in late 2003 on Diebold equipment, 100% of Arizona's votes are counted by these two corporations. That purchase brought to our state the 1.94w memory card that was exposed in Pima County Superior Court last month in a Complaint for Special Action filed on October 6, 2005 against the SOS Jan Brewer for plaintiff Thomas W. Ryan, head of Arizona Citizens for Fair Elections by his Attorney Williams 'Bill' Risner. Dr. Ryan sued SOS Brewer, in Pima County Superior Court for failure to set standards [a statutory duty defined for the office of Secretary of State] for decertification of "faulty" voting systems. Brewer did not investigate or decertify machines, one shown to have an 18.3% error rate in a Maricopa County LD 20 primary election. This is what she had to say on *Arizona Illustrated* about that decision not to order a hand recount or investigate the cause of a 489 vote discrepancy in Maricopa. See video "*The angel was on my shoulder and guided me in the right direction.*" – Apparently far away from any hand count that could have exposed the reason for the discrepancy. The just released GAO report Friday, Oct 21, 2005 GAO Bi-partisan Report Finds Flaws in Electronic Voting, Ranking member Rep. Henry Waxman (D-CA), Government Reform Committee, led twelve members of Congress including the chairs and ranking members of three House Committees in releasing the new GAO report that found security and reliability flaws in the electronic voting process.

## Corporate Control of the Election Process

"**Corporate Control of the Election Process**" about those who hold the sacred trust of overseeing the election procedures and voting systems in this country, and their ties to those who profit from their decisions. Article [http://www.votetrustusa.org/index.php?option=com\\_content&task=view&id=86&Itemid=30](http://www.votetrustusa.org/index.php?option=com_content&task=view&id=86&Itemid=30)

"**Diebold Wines and Dines Officials**", by David Corn, blog in The Nation, August 26, 2004; <http://www.thenation.com/blogs/capitalgames?bid=3&pid=1708>

**National Association of Secretaries of State NASS Corporate Affiliate Program**; Pg. 4; [http://www.nass.org/corp\\_brochure.pdf](http://www.nass.org/corp_brochure.pdf)

"**The Election Center**" **The Fox guarding the Henhouse** <http://www.ncvoter.net/ElectionCenter.html>

"**The Election Center**" **says that paperless electronic voting is safe:**

In May of 2003, R. Doug Lewis of the Election Center widely distributed a letter stating that DREs cannot be tampered with. Doug Lewis's opinion carries a great deal of weight with election officials.

**According to Dr. David L. Dill, of Stanford University, this letter by Lewis demonstrates profoundly disturbing complacency and a serious lack of understanding of computer security, and, indeed, computer technology, by the very organization that is supposed to ensure the integrity of the systems we are worried about**

<http://sprout.stanford.edu/EVOTE/>

## Arizona Election Officials

### Organizations Supporting the Paper Ballot/Optical Scan Solution:

- Arizona Citizens for Fair Elections
- Florida Fair Elections Coalition
- New York [www.NYVV.org](http://www.NYVV.org)
- PA's [www.coalitionforvotingintegrity.org](http://www.coalitionforvotingintegrity.org)
- Nationally [www.VerifiedVoting.org](http://www.VerifiedVoting.org)

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*Our Mission is restore public ownership and oversight of elections, and to ensure the fundamental right of every American citizen to vote and to have each vote counted as intended in a secure, transparent, impartial, and independently audited election process.*