

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

RESOLUTION

Regarding Public oversight and transparency of Arizona elections,
and to block purchase of DRE voting machines

**PASSED AT THE STATE COMMITTEE MEETING
of the
ARIZONA DEMOCRATIC PARTY
SATURDAY NOVEMBER 19, 2005**

Submitted by
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District 26 - Pima County

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Americans United for Democracy, Integrity and Transparency in Elections

WHEREAS The Arizona Democratic Party supports the fundamental right of every Arizona citizen to vote and to have each vote counted as intended in a secure, transparent, impartial, and independently audited election process; and

WHEREAS we have reached a pivotal juncture in the elections integrity timeline within Arizona; and

WHEREAS the Help America Vote Act of 2002 (HAVA) requires, in section 15481, subdivision (a)(2)(B), that:

- (i) The voting system shall produce a permanent paper record with a manual audit capacity for such system.
- (ii) The voting system shall provide the voter with an opportunity to change the ballot or correct any error before the permanent paper record is produced.
- (iii) The paper record shall be available as an official record for any recount; and

WHEREAS Arizona has laws on the books, only permitting ballots to be machine recounted, preventing the required hand recounts of ballots; and

WHEREAS: The Secretary of State has used the powers of her office to consolidate partisan privatized control of elections in Arizona. She relied solely on privately hired consultants and has excluded independent computer security experts and public observers from the process of selecting voting systems compliant with the Help America Vote Act (HAVA) that mandates that one device to accommodate disabled or blind voters to vote independently and privately must be in place in every precinct by 2006; and

WHEREAS: The nonpartisan GAO report released October 21, 2005, endorsed by the Chairmen and Ranking Members of three House committees at a joint press conference found that “some of [the] concerns about electronic voting machines have been realized and have caused problems with recent elections, resulting in the loss and miscount of votes.” Some of these machines “did not encrypt cast ballots or system audit logs, and it was possible to alter both without being detected.” and

WHEREAS: The Secretary of State has refused to address the discovery of the security hole found embedded in the 1.94w memory cards of the Diebold scanners that count votes in 12 Arizona counties. She echoes Diebold talking points that marginalize respected independent computer security experts who examine the secret proprietary software. Harri Hursti, a European consultant found that

“...the removable media (memory card), which should contain only the ballot box, the ballot design and the race definitions”,...” also contains a living thing – an executable program which acts on the vote data. Changing this executable program on the memory card can change the way the optical scan machine functions and the way

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the votes are reported. The system won't work without this program on the memory card. Whereas we would expect to see vote data in a sealed, passive environment, this system places votes into an open active environment." See: <http://www.blackboxvoting.org> ; and

WHEREAS: The mounting evidence that computerized voting equipment is inherently subject to programming error, equipment malfunction, and malicious tampering undermines public confidence in elections. Protection of the right to vote so fundamental to democracy, demands public oversight and transparency to insure open, honest, trustworthy democratic elections; and

WHEREAS: The Secretary of State opposed the addition of Rep. Ted Downing's LD 28 amendments to S 1342 that would have required any voting machine used in Arizona to produce a voter verified paper ballot. The Brewer Voting Action Plan specifies that

S 1342 "allows the Secretary of State to revoke voting machine certifications, authorize emergency voting systems and administer a fund for cities and towns that enroll employees in the election certification program."
And;

WHEREAS:

The Secretary of State displayed bias for Diebold's Direct Recording Electronic (DRE) voting systems when she misled legislators by introducing representatives from the American Federation of the Blind who claimed that requiring a voting system to have a paper ballot would disenfranchise the blind; and

WHEREAS: The Secretary of State failed to acknowledge the successful testing by the state of the ES&S AutoMark 100% HAVA compliant ballot-marking system designed with input from the disabled from the ground up in six precincts during the 2004 election The AutoMark has more features than any other machine to accommodate a wide variety of disabilities; and

WHEREAS: The Brewer Voting Action Plan requires that

"Any accessible voting device (DRE or touch screen voting machine) will be required to have a paper ballot or record that visually indicates all votes cast."

The Brewer Voting Action Plan's requirements are biased for Diebold DRE touch screen machines that are now equipped with printers that record votes on a "toilet paper roll" that the voter can observe. The paper record is not suitable to recount or reconstruct an election. The vote record is still invisible contained in the machine's invisible programmable memory card. A ballot-marking machine marks an actual paper ballot that can be fed through optical scanners; and

WHEREAS: The Secretary of State, the Chief Elections Officer of the state of Arizona has failed to post a list of certified and decertified voting equipment on the official web site as promised. The Brewer Voting Action Plan states:

5. Post all certified election equipment and software on the Secretary of State Web site. Beginning January 1, 2005 all certified and decertified equipment, firmware, and software in Arizona will be posted on the Secretary of State Web site. This will allow the public to have full access to that information. Page 25; and

WHEREAS: The Secretary of State refuses to release a list of all certified and decertified equipment, firmware and software in Arizona without a formal notarized FOIA request; and

WHEREAS: The Secretary of State has developed no standards to decertify "faulty" voting equipment such as machines demonstrated to have an 18.3% error rate in a Maricopa County Republican primary, and has made no move to do so, awaiting the outcome of a lawsuit filed by Dr. Thomas W. Ryan, an independent computer expert with 25 years experience; and

WHEREAS: The Secretary of State has mounted a vigorous media protest of the lawsuit filed to make her accountable calling it "bogus," "insulting" and "frivolous" and making false claims that she has indeed developed standards for decertification. She has accused the people who support the lawsuit of "usurping her powers"; and

WHEREAS:

The Secretary of State has failed to maintain a transparent election evaluation process open to public comment as provided for in the Brewer Voting Action Plan; and

WHEREAS: The Secretary of State promotes exclusive meetings of vendors ES&S and Diebold with state and county election officers without public representation; and

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WHEREAS: The Secretary of State reacted to a public attempt to find out who serves on the state certification committee and how voting systems are examined by canceling the meeting because of a lack of quorum, and further postponing a meeting date to allow ES&S to demonstrate the AutoMark for state certification; and

WHEREAS: The Secretary of State's office submitted a Request for Proposals (RFP) from voting machine vendors that showed bias for DRE equipment. The RFP referred only to a machine's capability of tabulating, storing and transmitting votes, rather than marking ballots. The RFP specified no requirements that machines not be networked to the Internet or have wireless cell phone connections; and

WHEREAS:

Florida and other states report problems with unexpected financial consequences integrating Diebold touch screen voting systems with optical scan systems incurring unexpected costs not enumerated in the state contract and warn of Diebold deceptions as well as the risks of having to reimburse the federal government for non HAVA compliance; and

BE IT THEREFORE RESOLVED that:

The Arizona Democratic Party and its Democratic elected officials will pursue every available option to:

- ✓ Work tirelessly within the party and with officials of other parties to be sure that the 2006 elections are transparent and auditable, so that Arizona voters regain confidence that every vote cast is fairly counted.
 - ✓ Advocate actively for public oversight and ownership of Arizona elections that will protect the vote from machine error and vulnerability to security breaches.
 - ✓ The Arizona Democratic Party supports legislation in the upcoming session to increase voting security, such as those to be introduced by Rep. Ted Downing to
 - require voter-verified paper ballots
 - require hand-counted audits of a small sample of randomly selected precincts,
 - improve procedures for reports and transparent auditing and certification of all equipment and
 - ✓ Act to hold the Secretary of State accountable for specific actions that demonstrate a lack of transparency inconsistent with assurances outlined in the Brewer Voting Action Plan. Challenge any state contract award to Diebold for DRE machines.
 - ✓ Demand that any state contract award require the vendor to upgrade to required HAVA and national certification standards.
 - ✓ Compel the Secretary of State to produce written decertification standards and immediately decertify faulty voting equipment according to methods that can be visually verified.
 - ✓ Sponsor open public forums to
 - Expose flaws of electronic voting
 - Examine adverse consequences of "blended voting systems" Diebold touch screens with Opti-Scans
 - Discover hidden costs associated with training poll workers to implement a dual voting system.
 - Evaluate any state certification/decertification standards set by the Secretary of State
 - ✓ Educate the public to participate in public oversight of county boards of elections.
 - Work with representatives of disability advocacy groups to ensure that acquisition of voting systems is compliant with HAVA and is accessible to individuals with widest variety of disabilities.
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