

To: **Centre County Board of Elections**
From: **Concerned Voters of Centre County**
What: **Report of Problems on Election Day, November 7, 2006**
Date: **November 22, 2006**

1. Zero Tape Issues.....	page 1
2. Reports of Vote Switching	page 2
3. Precinct Location Problems.....	page 2
4. Wrong Time Issues.....	page 3
5. Walk Away Voters.....	page 3
6. Security Issues.....	page 3
7. Privacy Issues.....	page 4
8. View Ballot Issue.....	page 4
9. Selection Problems.....	page 4
10. Safety Issues.....	page 4
11. Pollworker Shortages.....	page 4
12. Protective Counts Anomaly.....	page 5
13. Problems with Disability Access...	page 5
14. Cannot Verify Voter Intent	page 5
15. Cannot Conduct a True Recount...	page 5
16. Conclusion.....	page 5

1. Zero Tape Problems

Seventeen precincts in Centre County printed their zero tapes after 7:10 A.M., that is nearly 20%. In many precincts voting took place before the tapes were printed. In other precincts lines were so long that people left. Some voters were asked to return later when problems were fixed. Both scenarios, voting without a zero tape or having voters leave without casting a ballot is unacceptable.

Although we understand that Centre County Elections Office personnel did not want voters to wait in long lines, it is against the Pennsylvania State Election Code for voting to take place prior to the printing of a zero tape.

According to the Pennsylvania Elections Code, zero tapes must be printed from iVotronic machines before polls open or voting begins:

"The Secretary reminds counties that they must print, sign and post each zero tape at the opening of the polls, pursuant to the requirements found in sections 1110(g) of the Election Code, 25 P.S. Â§ 3031.10(g), and 1209(b)(1), 25 P.S. Â§ 3049(b)(1)."

Prior to this election we were told that Emergency Paper Ballots would be available if touchscreen voting systems could not be used. In a letter from Harry VanSickle, Commissioner of the Bureau of Commissions, Elections and Legislation, dated September 29, he states that Emergency Paper Ballots should be made available as a back-up in the event that voting machines malfunction and can not be replaced:

http://www.dos.state.pa.us/bcel/lib/bcel/information_for_home_page/paper_ballots.pdf

Our County Elections Office interpreted this letter to mean that Emergency Paper Ballots would only be available later in the day, not at start-up. In phone call to the Department of State on Nov 14, Jonathan Marks clarified this by saying that if **a zero tape does not print, then the machine is not functioning**. He also said that while there is no specific time given, common sense is that after ten minutes of waiting, a back-up paper ballot should be offered, whether it is 7:10 A. M. or 5:00 P.M. Emergency Paper Ballots may be extra absentee or provisional ballots, kept separate, or another paper method such as handwritten votes.

*** Proposed Solution for Zero Tape Issues**

In accordance with the Pennsylvania State Election Code **VOTING MUST NOT OCCUR ON ANY SYSTEM THAT HAS NOT PRINTED THE REQUIRED ZERO TAPE**. If machines are not working or have not printed the required zero tape, after ten minutes, voters will NOT be asked to wait or return later, but will offered an Emergency Paper Ballot regardless of why the machines cannot be used.

* We request that the Centre County Board of Elections implement a new policy for start-up procedures on Election Days which would be made public, distributed to poll workers, and incorporated into future poll worker training.

2. Reports of Vote Switching on the Screen

A number of reports were received that voters tried to vote for a candidate but another candidate was highlighted on the screen This was witnessed by some poll workers. Re-calibration was done on some machines and at least one machine was closed. On other machines, poll workers waited to hear of more complaints before closing them. This problem was not limited to Centre County as twelve other counties in PA reported this problem of vote switching, especially in the Governor's race, where votes for Swann were highlighted for Rendell. See the complaint from the Republican State Committee sent to the Secretary of the Commonwealth:

http://kdka.com/topstories/local_story_311194635.html

http://www.votetrustusa.org/index.php?option=com_content&task=view&id=2011&Itemid=1212

http://www.votetrustusa.org/index.php?option=com_content&task=view&id=1967&Itemid=26

*** Proposed Response to Reports of Vote Switching**

1. For all future elections any report of vote switching on the screen shall be witnessed by a poll worker when possible; and the machine will immediately be closed until it can be recalibrated and checked.
2. Centre County Elections Office should test the machines that were reported to have vote switching problems. Members of Concerned Voters of Centre County, and representatives from political parties should be invited to witness the test and check.

3. Problems with Precinct Locations

1. Reports from voters that letters sent to them about redistricting listed the wrong precincts. Many voters were turned away and sent to other precincts and provisional ballots were not offered.
2. Penn State Students from East Halls were turned away from voting at the HUB. Their precinct was relocated to the College Township Municipal building on East College Avenue. This is a particular problem as East Halls houses freshman students who are not permitted to have cars on campus. The new voting location is off campus, outside of walking distance, more than 2 miles away, near the intersection of 322 and 26. Poll workers reported turning away more than 50 students. A shuttle was provided by Represent Penn State but many students could not wait until after 4:00 P.M. and did not vote.

*** Suggested Solution for Precinct Location Problem**

Penn State Students from East Halls should have a precinct within walking distance. Please either separate the precinct so there are two machines on campus and two at the College Township building or move the voting precinct to a location where students can walk and residents can drive, such as the Ag Arena or Bryce Jordan Center

4. Wrong Time Set

At least two machines had the time set incorrectly, either an hour behind or an hour ahead. This caused problems with start-up and closing procedures.

In Westmoreland County all the ES&S iVotronic machines had the wrong day programmed; this caused havoc throughout the county.

http://www.pittsburghlive.com/x/tribunereview/news/westmoreland/s_478935.html

*** Recommendations for avoiding mis-programmed time or date**

1. Each machine needs to be checked thoroughly for an accurate date and time before each election is held.
 2. When Poll workers start machines up in the morning they should check the time and date of the zero tape – underline and initialize the time set on each machine on the zero tape.
-

5. Walk Away Voters

Poor design of the Vote Button location and the final selection of confirm caused confusion for many voters. Some Voters walked away before completing the voting process and over 60 votes had to be canceled.

*** Suggested Solution**

Abandon use of the red flashing vote button and generate a red oval vote button on the screen. Some reported that pressing the vote button twice confirmed the vote, maybe direction could be changed to indicate that. If a confirmation button is required, then the screen should appear with minimum delay following pressing the red vote button.

6. Security Issues

1. Security seals can be easily removed and replaced. At training sessions elections officials were observed lifting seal to remove the flash drive and replacing seal.
2. On election day a *poll watcher* (not a poll worker) called the ES&S 1-800 number with a question and this person was given directions on how to resolve the problem including the system security password for our county even though it was not requested.
3. A poll watcher reported that a zip strip was missing and a machine was used anyway since security seal was in place
3. A poll watcher reported that election officials removing security seals/zip strips and poking around in the flash card area and putting new strips and seals on a malfunctioning machine
4. Rather than ensuring that all machines were securely locked and unavailable for any potential tampering, we are concerned that machines were kept in the homes of the judges of elections or delivered to precincts on Monday and then left unattended at precincts overnight. In some precincts, people with access to the buildings, had access to the rooms where the machines were stored overnight. Churches usually have many people who have copies of the keys.

7. Privacy Issues

Reports from voters and watchers that the placement of the touchscreens allowed voters to walk behind touchscreens, so that voters using touchscreen were uncomfortable that their selections could be seen by others.

*** Suggested Solution**

Poll workers should arrange voting machines so that voters cannot walk behind other voters. Extension cords should be provided for each machine in order to help ensure the privacy of every vote.

8. View Ballot Issues

Several users didn't register that the first screen was instructional, and that it didn't respond to touch except for the yellow button. In their minds, 'view ballot' was in effect 'Review ballot'. Voters tried to press the pictures of the screen buttons, not realizing that they were just pictures.

*** Suggested Solution**

ES&S should rename the yellow button on the first screen to '*Go to Ballot*' or '*Start*'.

9. Selection Problems

To change a selection voters first had to deselect the original candidate and then make the new selection. This caused confusion for some voters.

*** Suggested Solution**

Change the de-selection method or add instructions to increase voter education.

10. Safety Issues

Poll workers report that the power cords that link the iVotronic machines were not long enough and could not be taped to the floor, which is a potential safety hazard, as people can easily trip.

*** Suggested Solution**

Provide more extension cords and heavy rubber mats to place on top of cords so that there is less chance for voters to trip.

11. Poll worker Shortages and Inconstancies across Precincts

Poll workers responsible for activating machines with PEBs reported being overwhelmed and overworked, especially in busier precincts. Reports throughout the county indicated that if a poll worker was helping a voter, lines would become backed-up. Also, procedures were also not consistent across precincts, some poll workers posted zero tapes and others questioned watchers who requested to view them.

*** Suggested Solution**

Add more poll workers to larger precincts and train all poll workers to use the PEBs so that they could work in shifts.

12. Protective Counts Anomaly

Most zero tapes had “0”s listed for the “Protective Count” as well for as the “Public Count” ES&S claims that all machines are tested 6 times before they are sent out and this test should show up in the “Protective Count”. The county explained that their own pre-tests are automated so they will not show up in the protective count. How thorough are these pre-tests?

13. Problems with Disability Access

1. Inability to increase the font size for people with low vision.
 2. Inability or difficulty in changing the volume of the audio for people, so loud it hurt ears.
 3. The programming of the audiotape for voting was apparently incomplete; A poll watcher observed a voter who said the names of the candidates were never spoken over the audio. A poll worker had to read the ballot to her, eliminating her right to a private vote.
-

14. Cannot Verify Voter Intent

A number of voters noted that they did not trust the voting machines. Because voters do not have a Voter Verified Paper Record, they must trust that when they cast their ballot that the machine actually counts the vote as they intend.

*** Suggested Solution**

Implement random parallel tests during each Election Day to check that programming is crediting votes as voters intend.

15. Cannot Conduct a True Recount

Without a Voter Verified Paper Record there is no way to verify that the machine count is correct. Sarasota Florida had 18,000 under-votes, and because they have no paper record they cannot recover their lost votes and citizens are going to court to demand a re-vote. The same could happen here if we were to experience a programming error or computer glitch, and could not retrieve the lost votes.

*** Suggested Solution**

Exchange iVotronic voting machines for Optical Scan systems that inherently provide a Voter Verifiable Paper Ballot.

16. Conclusion

We believe that even if Election Day had gone smoothly, without the above stated problems, that would not mean that we do not have a big problem. The most important problem with our current voting system cannot be seen. That problem is that our elections are no longer transparent, the counting of our votes is done by computer software that we do not have access to; Independent of the computer, we cannot verify, audit, or recount our votes. This is unacceptable to most Americans.

We fully expect that the 2007 Congress will pass a bill requiring a Voter Verified Paper Record, nationally. Our figures indicate that equipping over 390 iVotronics with printers could cost our county approximately \$200,000. That money would be better spent on Optical Scanners that inherently provide paper ballots that can used for true audits and recounts if needed.

*** Suggested Solution**

We respectfully request that the Centre County Board of Elections negotiate with ES&S to exchange our current iVotronics voting systems for Optical Scanners before the next election. Optical Scanners would re-establish election integrity and restore voter confidence by providing a Voter Verified Paper Ballot for Centre County voters.