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break; } ?>
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## Vendors

### Florida Improperly Certified the Diebold TSX [PDF](#) | [Print](#) | [Email](#)

By Susan Pynchon, Florida Fair Elections Coalition  
November 28, 2005

Florida Fair Elections Coalition's preliminary review of documents obtained in a Freedom of Information Act request to Florida's Division of Elections reveals that the state improperly certified the Diebold "paperless" TSX voting machine and improperly certified Diebold's so-called "blended" system. Our preliminary findings include the following:



Diebold. Taking America paperless.

**1. Twenty-five percent failure rate** The Florida testing of the TSX took place in March 2005. Four TSXs were supposed to be part of the testing procedure. However, according to handwritten notes found in the margins of the testing procedures, "one TSX died." Another note said that TSX serial #203213 was not used due to a "bad screen." Further notes indicate that the tests were then conducted on only 3 machines. Although this constitutes a 25% failure rate, **no mention of this breakdown (or breakdowns) is made in the final test results.**

**2. Provisional ballots not private** A handwritten note in the margin of the test procedures document says the following: **"Note: Review of provisional ballots can occur before ballot acceptance. This needs to change."** This is startling because it indicates that the TSX shows voter information (name, address, etc.) and how that voter voted before a decision is made as to whether to accept a provisional ballot. *This means that provisional voters do not have a secret vote on the TSX.* It would seem that this alone should prevent certification of the TSX. **No mention of this problem is made in Florida's official test results report** and, in fact, Florida certified the TSX the very next week.

**3. Manual Procedures Improper** The Reference Guide for the GEMS version 1.18 reveals that *manual procedures* are required to define "vote centers" and to accumulate voting results. These manual procedures mean that the validity of the voting results ultimately rests on the individual(s) who are implementing these manual procedures. No amount of testing can cover or guarantee that these manual processes will be properly implemented. Therefore, the system is not certifiable because it should not permit manual functions that cannot be tested and which could affect election results. These manual procedures are an end run around security features. They may make the system more flexible and make the supervisor's job easier, but flexibility is the enemy of security.

 

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Following are the applicable paragraphs from the GEMS 1.18 Reference Guide, hand-copied from the manual by Susan Pynchon of . We were allowed to view the Diebold manuals but were told we could not get official copies of them. Based on the following, no wonder Diebold attempts to keep these manuals private!!

Section 4.5 of the GEMS 1.18 Reference Guide, "Vote Centers:"

"The vote center is the physical location at which ballots are counted. The results of ballots counted at a vote center are tallied to the report precinct(s) associated with that vote center. GEMS automatically creates a vote center of the same name as every polling report precinct created. **However, vote centers must be manually defined for any cumulative report precincts.**" (Emphasis added).

Section 4.5.5 of the GEMS 1.18 Reference Guide, "Linking Report Precincts to Vote Centers:" In order to configure a vote center with ballot and results tallying information, the vote center must be linked to report precinct (s). By default, each polling report precinct is created with an equivalent vote center in the Polling Vote Center category. However, a jurisdiction may require that vote center-report precinct relationships be configured differently. **Linkages between cumulative report precincts and vote centers, on the other hand, must be entirely manually maintained.**" (Emphasis added).

John Washburn, a computer security expert from Wisconsin, further explains below why manual procedures, such as those presented above, should never be allowed:

It is error prone because people make mistakes when dealing with many disparate numbers. More problematic it is susceptible to deception. All accounting frauds have as their essence a fracturing and scattering of records. This is needed to obscure the misreporting, miscategorization or embezzlement. These dozens of records at the precinct level which are supposed to tie out to 1 or 2 county level numbers is a similar fracturing and scattering of records. Who is going to tie out and reconcile dozens of numbers from dozens of precincts late (later than 10:00 pm) on election night? Especially with an eye toward detecting fraud as opposed to "just getting the paper work done"?

**4. Florida DID NOT TEST the "blending" of the op-scan and TSX systems** Despite several requests, we received no information regarding the "blending" of the op-scan and TSX systems. In fact, Florida did not test the blending of these two systems, or if it did, it is not saying so. In a conversation today, November 28, with a Division of Elections attorney, Maria Matthews (who has been most cooperative but who has no way of knowing whether documents are being withheld), stated, "There is no blended system." When I pointed out that the system had been certified as the "Diebold 2005B B (Blended) + (Audio), she said that

is "just what they called it" but reiterated, "there is no blended system." The ramifications of this are huge and worthy of an entire separate report. In brief:

**a. Complicated and Confusing** Two side-by-side systems that do not blend mean two separate sets of poll tapes, two separate uploads from the precincts (one upload from the op-scan and one upload from the TSX in each precinct), two separate sets of results, and two complete sets of computer and audit logs. This is extremely confusing and is a process wide-open to error and manipulation of election results. If the systems do blend, why didn't Florida conduct testing on the blending of those two systems? And why was it certified as a "blended" system?

**b. Loss of Private Vote** If only one person in a precinct votes on a TSX, that person's choice of candidates is revealed on the TSX results tape at the end of the election. If more than one person votes on the TSX in a precinct, but all those individuals vote for the same candidates, their votes are revealed on the results tape at the end of the election. **These TSX voters lose their right to a private vote, because their choice of candidates is revealed.** This in fact happened in the October primary election in Flagler County, Florida, where, in five precincts, only one person voted on the TSX. In another precinct, three people voted on the TSX but they all voted for the same candidate. To repeat, in all these cases, **the TSX voters lost their right to a private vote, because their choice of candidates was revealed.** The right to a secret vote is guaranteed by Section 301 of the Help America Vote Act, which becomes effective January 1, 2006. A secret vote is also guaranteed by Florida Statute 101.5606, which states, "No electronic or electromechanical voting system shall be approved by the Department of State unless it is so constructed that: (1) it permits and requires voting in secrecy."

**c. Loss of Equal Protection** The voters who vote on the op-scan system have a paper-ballot backup to confirm machine counts of results. The TSX users vote on a system that has no manual audit capacity. These voters have lost their right of equal protection as guaranteed by Amendment XIV of the U.S. Constitution.

**d. No user manuals, instructions or security procedures in place for the blended system** There are no Diebold user manuals for the blended system (we asked). There are no written instructions to elections officials as to how to accumulate the totals from the two systems; and

there are no security procedures established for the "blending" of the two systems.

**5. Preferential Treatment of Diebold** We are alleging that the Division of Elections has shown preferential treatment to Diebold and that the Bureau of Voting Systems Certification created a double standard of certification procedures for the Diebold TSX and the ES&S AutoMark. As an example of this preferential treatment, Diebold was required to run 10,010 ballots with only 138 ballot styles. AutoMark was required to recreate the entire Miami-Dade county 2004 general election, comprised of almost 800,000 voters, and 3,400 ballot styles. The Bureau of Voting Systems Certification ran its Phase I and Phase II testing of the Diebold system from March 21-23, 2005. Six days later the Division of Elections certified the Diebold TSX and the blended system. It allowed Diebold to FAX its final application on March 29 and then certified the system that same day! By contrast, AutoMark successfully completed its Phase I testing in October, but the Phase II testing is not scheduled until December 13, 2005. We are alleging that the Division of Elections is attempting to defeat the AutoMark by delaying its certification at every step of the certification process, since the Division knows that all counties must purchase disabled-accessible voting machines no later than midnight on December 31, 2005.

**6. Apparent Cover-Up** We believe the Florida Division of Elections, specifically the Bureau of Voting Systems Certification, is obstructing our receipt of other information requested and that the Bureau of Voting Systems Certification appears to be actively involved in a cover-up of its improper certification of the TSX and the blended system. We don't know if these problems contributed to the sudden resignation of Paul Craft, who was until November 21, Chief of the Bureau of Voting Systems Certification, a department of the Division of Elections. If this situation did not contribute to Craft's resignation, it certainly should have.

Florida Fair Elections Coalition is still analyzing other information received as part of our public information request under the Freedom of Information Act. We also are aware, and allege, that not all the information we requested has been provided to us and that it appears that our efforts to obtain this information is being obstructed by the Bureau of Voting Systems Certification. For example, we were previously in possession of two emails from Paul Craft regarding the "optical scan accumulator adaptor" that were not provided to us. As another example, Robert Pickett of Diebold has his own Florida state email address, yet we were provided no copies of emails to or from Mr. Pickett.

*Disclaimer: All information provided above is based on information provided to **Florida Fair Elections Coalition@.** and/or our good-faith observations and evaluations.*

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