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Press Release
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Election Integrity Group Challenges Uncertified Voting Machines

DeLand FL -- A complaint filed today with Florida's attorney general challenges the shipment of uncertified voting machines to Volusia, Putnam, Polk, and Glades counties, a felony under Florida law. Florida Fair Elections Coalition (FFEC), the Volusia-based election watchdog group that brought the complaint, has asked the attorney general to initiate an investigation of the actions of both the state officials who gave permission for the delivery of the equipment and those of Diebold Election Systems, Inc., the supplier of the machines.

FFEC's action came in response to the recent discovery by Volusia's election staff that the voting machines delivered by Diebold were not certified by the state as called for in the county's contract with the vendor and as required by state law. According to Volusia Supervisor of Elections Ann McFall, a member of her staff, Laurie White, discovered the problem during routine acceptance testing. When McFall confronted the vendor about the issue, the company produced a letter signed by David Drury, chief of the Bureau of Voting Systems Certification, giving it permission to ship the uncertified Model D, Accu-Vote TSx (touch-screen) voting machines to its customers in Florida.

"It is an embarrassment to Diebold and to the division [of elections]," McFall told a reporter from the *Daytona Beach News Journal*. "I am happy my department caught this." Officials in the other three counties—Polk, Putnam, and Glades—learned of the problem from newspaper reporters after the discovery in Volusia. A fifth county, Leon, had been scheduled to receive the machines on or about May 30. That delivery has now been postponed because of the publicity surrounding the uncertified equipment.

It is a third-degree felony for a supplier to provide an uncertified voting system, component or upgrade to a local governing body or supervisor of elections. Florida law also requires the supplier to sign a sworn statement attesting to the certification of any equipment provided. A Diebold representative did, in fact, sign an "Affidavit of Certification" for the *uncertified* equipment.

For nearly a year, Volusia County tried unsuccessfully to buy the AutoMark ballot-marker to meet disabled accessibility requirements, but was told by the state that it could not buy the equipment because it lacked state certification. Volusia County Council Chair Frank Bruno commented on the irony of the situation. "First, the state says I can be put in jail for buying uncertified equipment. Now they want to tell me that it is just fine."

"Mr. Drury does not have the authority to grant permission to a vendor to commit a felony," stated Anita Lapidus, FFEC's general counsel. Lapidus cited Florida Laws Section 101.294(4), which states: "A vendor of voting equipment may not provide an uncertified voting system, voting system component or voting system upgrade to a local governing body or supervisors of elections." Section 101.295 makes the offense "a felony of the third degree."

Susan Pynchon, FFEC executive director, added, "It is unconscionable that Mr. Drury would tell Diebold that it could violate state law and breach its contractual obligations to the counties. He didn't even notify county election officials about the substitution!"

A spokesperson for the secretary of state's office, Jenny Nash, called the differences in the Diebold TSx Model D minor "modifications." In response to questions from Leon County officials, however, Drury enumerated extensive differences between the uncertified Model D and the previous models, including changes to the operating system, motherboard, display, modem, memory, power system, processor, and inverter.

Recent testing by leading voting machine experts has demonstrated that election results may be easily, quickly, and undetectably altered on the Diebold touchscreens using simple and common techniques. Avi Rubin, professor of computer science at Johns Hopkins University, has been quoted as saying, "If Diebold had set out to build a system as insecure as they possibly could, this would be it."

In 2004, Diebold was sued and subsequently fined \$2.6 million for delivering uncertified voting machines to Alameda County, California. It was later discovered that the company had delivered uncertified voting machines to a total of 17 California counties.

GO TO www.FloridaFairElections.org/news.htm to see:

1. Complaint to Attorney General with all Exhibits;
2. Cover Letter to Attorney General;
3. Supplemental Evidence.

For further information, please contact Susan Pynchon at susanpynchon@FloridaFairElections.org or at 386-804-3131; or Kitty Garber at kittygarber@FloridaFairElections.org or at 386-316-2236.

Florida Fair Elections Coalition is a nonprofit, nonpartisan election reform organization founded in 2004 to fight for fair, transparent, accessible, secure, and verifiable elections throughout Florida.