



Proposal to the EAC: A Public Information-Exchange Mechanism Regarding Fielded Voting Systems

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Presented by VotersUnite.Org

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Background

Recent elections have revealed serious and widespread problems with voting systems currently in the field.¹ Too often, election administrators in one part of the country are unaware of defects found, in another part of the country, in the same voting equipment they use.² It is crucial for those problems – and potential solutions or mitigations – to be shared with the public servants entrusted with administering elections, so that they can take whatever actions are possible to protect their constituencies from being disenfranchised by voting system flaws. It is also crucial for those problems to be shared with the public in order for this nation to continue to have an electorate that is informed, as fully as possible, about the government processes we own.

Section 202 of HAVA charges the EAC to “serve as a national clearinghouse and resource for the compilation of information and review of procedures with respect to the administration of Federal elections.”

Beginning in 2004, we have repeatedly requested the EAC to fulfill this responsibility by distributing breaking information about voting system problems to election administrators who are using those problematic voting systems. But the EAC has declined, citing a lack of authority to compel election officials to report problems and a lack of resources needed to investigate any reported problems to ensure that the Commission would be distributing fully-vetted information.

On the other hand, the Board of Advisors to the EAC appears to disagree with the EAC’s position. On December 14, 2007, the Board passed a resolution reminding the EAC that it was charged to “serve as a clearinghouse and accessible source of information and materials relating to and improving election administration,” and recommending that the EAC establish a website with an “effective compilation of voting system incident reports.” (See Appendix C on page 13.)

In our most recent response from the EAC, Chairman Rosemary Rodriguez inspired our further participation when she said, “I continue to look for ideas about ways to provide more information to the public about currently fielded voting systems within the parameters of our authority under HAVA.”

With respect for the constraints placed on the EAC, and mindful of the duties HAVA charges the EAC to fulfill, we are now proposing an idea that we believe is within the parameters of the EAC’s authority under HAVA. In fact, we believe our proposal – or one similar to it – is mandated of the EAC under HAVA.

¹ **Election Problem Log – 2204 to Date**, compiled by VotersUnite.Org

<http://www.votersunite.org/electionproblems.asp?sort=date&selectproblemtyp=Machine+malfunzion>

² For example, at a conference in Louisiana, John Gideon notified election officials there of the problems with the Sequoia Advantage system reported by New Jersey election officials. Dr. Sandra Wilson, Orleans Parish Registrar of Voters in Louisiana, told him she was unaware of the incidents (which had been reported only in the local NJ news), and in a follow-up phone call, Mr. Gideon learned that she had never been notified by Sequoia.

Our Proposal

We are proposing a transparent problem-reporting mechanism that would encourage participation by private citizens and election officials alike and ensure that all interested citizens receive up-to-the-minute information. In short, we are proposing a mechanism that would allow all stakeholders in the democratic process to report problems and receive problem reports from others.

Though the EAC's Board of Advisors recommended collecting only those incidents reported by election officials, we believe it is crucial to include incidents reported by voters as well, for these reasons:

- ◆ Elections are at the heart of our representative democracy. Unlike all other government functions, which are appropriately carried out by the people's representatives, "Elections belong to the people," as Abraham Lincoln said. Excluding private citizens from the election-incident reporting process violates the fundamental premise of our form of government, that the people – not their representatives – are sovereign.
- ◆ All voters are equal stakeholders in elections. Accepting incident reports from some citizens, while refusing to accept them from others is unfair and inappropriate discrimination.
- ◆ Election officials, like the EAC, may be reluctant to report incidents they have not witnessed, or at least verified. Including first-hand reports from voters will provide a more robust, more complete database of incidents, which has a much greater potential to improve the administration of elections.
- ◆ Some election officials minimize, dismiss, or deny voting system problems encountered by voters at the polls. One of the most egregious examples is from Sarasota County, Florida. Registrar Kathy Dent told a conference of election officials that she received no reports of problems with the e-voting machines until after the election was over, and she suggested the complaints were politically motivated rather than true accounts of voting problems.³ However, she had previously told a local reporter that she received enough complaints about the machines during early voting that she instructed poll workers to warn voters to check their votes in the CD-13 race before casting their ballots.⁴

Another crucial value of providing a mechanism inclusive of private citizens and election officials alike is that it could foster communication among them. Presented and used properly, this process could help tear down some of the walls of distrust that currently separate these two groups.

Our proposal is simple. It would require few resources from the EAC and could be completed for well under \$100,000, yet it would establish an extremely valuable central, public clearinghouse for information about currently fielded voting systems. Much of the process of receiving and distributing reports would be automated, so it would require little on-going intervention by EAC staff.

³ "After Records Reveal E-Voting Glitches, Election Official Jokes She'll Stop Keeping Records." Wired Blog Network. April 29, 2008. <http://blog.wired.com/27bstroke6/2008/04/florida-electio.html>

⁴ "Dozens of voters complain about glitch." Herald-Tribune. November 8, 2006. <http://www.heraldtribune.com/apps/pbcs.dll/article?AID=/20061108/NEWS/611080885/-1/NEWS0521>

Summary of the Proposal

1. **Collecting problem reports.** The EAC would develop a website for collecting problem reports from voters, poll workers, and election officials. Any problem report could be accompanied by relevant files (text and/or picture files). EAC staff would review each report in order to eliminate entries with inappropriate language and those that exhibit mockery.

Each submitter would be required to provide name, address, phone number, and email address, but this information would not be displayed to the public. It would be used by the EAC only to obtain follow-up information. It is **essential** that the submitter's name be held confidential, so election officials can feel free to report the problems they find. Many election officials are very careful not to offend their vendors, since they are dependent on the vendor for equipment maintenance, ballot printing, and ballot programming, as well as other technical services during and after an election.

2. **Accepting subscriptions to reports.** An online form would allow anyone to sign up to receive reports of problems, which would be filtered according to the subscriber's preferences.
3. **Distributing the reports.** After each report was accepted by EAC staff, an automated process would distribute it by email to:
 - ◆ Election officials who use the type of equipment referenced in the problem report – along with a mechanism allowing them to opt out of receiving further emails.
 - ◆ Anyone else who had signed up to be notified of problems.

The email would clearly state that the problem had been reported by a private citizen or election official, and that the EAC could not guarantee the accuracy of the report. It would also provide a means by which a recipient could request to be contacted by the author in order to obtain more information.

4. **Publicizing the reports.** The problem reports would also be displayed in an online table, searchable by fields in the problem report form (jurisdiction, state, vendor, voting system type, date, etc.)

The online page, also, would emphasize that the EAC was providing this service as a means of facilitating the exchange of information regarding fielded voting systems, and that the EAC accepts no responsibility for the accuracy of the information.

Mock-ups of the Proposed Elements

In order to explain the proposal more clearly, we are including sample “mock-ups” of the various elements, as well as more details about each one.

Collecting Problem Reports

A link on the EAC site would take visitors to the page where they could report problems. The report form would ask for information fully identifying the submitter and information about the problem. An example report form follows.

Report a Problem, Page 1 of 2.
Identify Yourself

Note: This process pertains only to voting equipment problems.
If you have registration problems or problems finding your poll site, please contact your local election administrator.

Voter
 Poll Worker
 Election Administrator

Your personal information will not be distributed in email notifications or displayed on our website. However, we may release it to election administrators seeking to contact you for more information about your report.

Hon. ▼

First Name

Last Name

Address1

Address2 (opt)

City

State ▼

Zip

Phone

Email

Data entered into this form would be stored in the database, but not displayed online, for reference in case a recipient of the report contacted the EAC for more information about the report. The anonymity is particularly important for election administrators, who may not want their vendors or associates to know that they have reported problems.

When the visitor clicks “Next”, Page 2 would display. An example follows.

Report a Problem, Page 2 of 2. Describe the Incident/Problem

State Incident Date

Election Jurisdiction:
County or Township
(if "Other", please enter)

Voting System Vendor
(if "Other", please enter)

Voting System Model
(if "Other", please enter)

Version Number
(if known)

Describe the incident in full and/or upload documents or picture files.



Type the characters
before submitting

In addition to selecting/entering data, submitters would be able to upload document files and picture files associated with the problem. To prevent spamming, the submitter would be required to type the security code before clicking "Submit" in order for the report to be accepted.

Once the report was accepted (see page 7), data entered on this form would be displayed in the online table (see page 10), along with a link allowing visitors to view and/or download the relevant files.

In addition, the data, along with any uploaded files would be sent to subscribers and relevant election officials who had not opted out (see page 9).

After a report was saved, an email notification would be sent to the EAC staff member authorized to approve the reports. Reports that contained inappropriate language or were mocking the process would be deleted, and an email would automatically be sent to the submitter to notify them the report was removed from the site. For example:

To: *email of submitter of rejected report*
From: EAC
Subject: Notification of deleted report
Date: *xx/yy/zzzz*

The problem report you submitted for the State of XX,
jurisdiction of yyyyy, vendor zzzzzz, date of aa/bb/cccc
has been rejected by the EAC for one of the reasons below:

1. Inappropriate language.
2. Appeared NOT to be a serious report.

If you believe this report was rejected in error, please resubmit it
using appropriate language and/or clarification indicating why it is a
serious report.

Accepting Subscriptions to Reports

A link on the EAC site would take visitors to a page where they could subscribe to problem reports. The report form would ask for minimal information identifying the subscriber and email address, and then allow them to filter the reports so they receive only the ones they want. An example subscription form follows.

Sign up to Receive Problem Reports

Part 1. Identify Yourself

Your personal information will not be distributed in email notifications or displayed on our website.

First Name

Last Name

State ▼

Zip

Email Address

Type Email Again

Part 2. Select Your Preferences

Select one or more fields.
Leave a field blank to match all records of that type.
Enter the security code,
and click "Submit" to receive all reports that match your criteria.


All Reports

Election Administrator Reports Only

State ▼

Voting System Vendor ▼

Voting System Model ▼

 Type the characters before submitting

The subscriber could select any number of states, vendors, and/or voting system models.

To prevent spamming, the subscriber would be required to type the security code before clicking "Submit" in order for the subscription to be accepted. Data entered on this form would be stored in a database to be used for sending email notifications (see page 9).

Distributing the Reports

After the EAC staff member had approved the report for display and distribution, the report data would be sent in an email to all subscribers and all relevant election administrators who had not opted out of the subscription. An example follows.

To: *email of subscriber or election administrator*
From: EAC
Subject: Notification of voting system problem report
Date: xx/yy/zzzz

Note: Any relevant documents and picture files are attached.

State: AK

Incident Date: xx/yy/zzzz

Election Jurisdiction: Juneau
County or Township

Voting System Vendor: Premier Election Systems

Voting System Model: AccuVote OS

Version Number: (unknown)

Description goes here.

The information in this notice has been reported by a private citizen or an election administrator. The EAC does not guarantee the accuracy of the report. If you want to be contacted by the author of this report to obtain more information, click [here](#) to send a request to the EAC.

You received this email because either 1) you are an election administrator who uses the same or a similar voting system to the one that is the subject of this report, or 2) you subscribed to receive notices for this type of equipment.

If you do not want to receive such emails in the future, click [here](#) to unsubscribe.

If a recipient sends a request for contact with the author, an automated process would send an email to the author, asking them to contact the recipient. This allows the authors to remain anonymous if they wish.

Publicizing the Reports

A link on EAC site would take visitors to the page where they could view and search the problem reports. Search criteria would include all fields in the report. An example display follows.

Searchable Report List (Online Display)

Notice: Reports in this list were submitted by voters, poll workers, and election administrators. The EAC is providing this service as a means of facilitating the exchange of information regarding fielded voting systems, and the EAC accepts no responsibility for the accuracy of the information.

To search for specific reports:

1. Select or enter data in one or more fields. Leave a field blank to match all records.
2. Click "Search" to display all reports that match

State -- ▼

Election Jurisdiction (County or Township) (blank) ▼

Voting System Vendor (blank) ▼

Voting System Model (blank) ▼

Version Number (blank) ▼

Text in the Description (blank)

Date Range Start

Date Range End

Show reports per page

Click a column heading to sort the reports by that field.
 "X" in the rightmost column indicates documents are associated with the report.
 Click the "X" to view and/or download the documents.

Date	State	Jurisdiction	Vendor	Model	Problem Description	
04/22/08	PA	Philadelphia Co.	Danaher	Shouptronic	aaaa bb cccccc dddd ee ffffff gggg hhhhh iiii jjjjjjjj kk	X
04/22/08	PA	Philadelphia Co.	Danaher	Shouptronic	aaaa bb cccccc dddd ee ffffff gggg hhhhh iiii jjjjjjjj kk	
04/22/08	PA	Philadelphia Co.	Danaher	Shouptronic	aaaa bb cccccc dddd ee ffffff gggg hhhhh iiii jjjjjjjj kk	X
04/22/08	PA	Philadelphia Co.	Danaher	Shouptronic	aaaa bb cccccc dddd ee ffffff gggg hhhhh iiii jjjjjjjj kk	
04/22/08	PA	Philadelphia Co.	Danaher	Shouptronic	aaaa bb cccccc dddd ee ffffff gggg hhhhh iiii jjjjjjjj kk	
04/22/08	PA	Philadelphia Co.	Danaher	Shouptronic	aaaa bb cccccc dddd ee ffffff gggg hhhhh iiii jjjjjjjj kk	X
04/22/08	PA	Philadelphia Co.	Danaher	Shouptronic	aaaa bb cccccc dddd ee ffffff gggg hhhhh iiii jjjjjjjj kk	X

Pages [1](#) [2](#) [3](#) [4](#) [5](#) [6](#)

Appendix A – Tasks Required for Implementation

Service to be Provided	Tasks
<p>1. Collect problem reports from voters, poll workers, and election officials. Allow the upload of files, including document files and pictures.</p>	<ul style="list-style-type: none"> ◆ Design the problem report form. ◆ Develop the problem report form online. ◆ Develop the database into which the problem report data is saved and the upload mechanism. ◆ Develop an automated system for notifying EAC staff when a report is submitted. ◆ Develop a mechanism for EAC staff to review and accept/reject the reports. ◆ Develop an automated mechanism to send an email to the submitter of a rejected report.
<p>2. Accept subscriptions to email notifications of problem reports.</p>	<ul style="list-style-type: none"> ◆ Design the subscription form. ◆ Develop the subscription form online. ◆ Develop the database into which subscriptions are saved. ◆ Develop the filter/search mechanism for selecting the subscribers who receive specific reports.
<p>3. Distribute the problem reports to:</p> <ul style="list-style-type: none"> ◆ Election officials who use the type of equipment referenced in the problem report – along with a disclaimer allowing them to opt out of receiving the emails. ◆ Anyone who signs up to be notified of problem reports. 	<ul style="list-style-type: none"> ◆ Generate a list of local elections officials, and the type of equipment used by each one. Recommendation: Include only major types of equipment, not all the various version numbers. Undetected problems are often carried forward from one version to the next. ** ◆ Develop the automated mechanism to search the database(s) for subscribers/officials who meet the criteria for an email notification. ◆ Develop an automated email notification mechanism for sending notices out to the filtered list of email addresses (bcc). ◆ Develop a mechanism for sending a recipient's request for more information to the author of a report.
<p>4. Display the problem reports in an online table that is searchable by the same fields used for the problem report form.</p>	<ul style="list-style-type: none"> ◆ Design the problem report display. ◆ Develop the online problem report display. ◆ Develop the search mechanism.

** This task would be accomplished by EAC resources, not by the web programmer.

Appendix B – Estimate of Costs and Time

We consulted Greg Dinger of Greybeard Design Group,⁵ an experience web developer, and asked for an estimate of the time and cost to develop our proposal. He provided us with the following ranges and said he could give a closer estimate once he saw a full specification.

Cost: \$50,000 - \$75,000 for development time and materials, not to include travel expenses. Mr. Dinger recommended using a dedicated server (included in the estimate) for the databases to accommodate what could be extensive traffic during the time surrounding federal elections.

Time: Approximately two to three months of dedicated web development to create and implement the page design, construct the database structures, and integrate both with the filtering processes and the uploading of files to be linked with individual reports.

⁵ www.greybearddesign.com

Appendix C – EAC Board of Advisors’ Resolution D14



U.S. ELECTION ASSISTANCE COMMISSION BOARD of ADVISORS

RESOLUTION 2007-[D14]

Whereas, the Election Assistance Commission is an agency of the United States federal government created by the Help America Vote Act (HAVA); and

Whereas, HAVA charges the EAC to serve as a clearinghouse and accessible source for information and materials relating to improving election administration; and

Whereas, many incidents and irregularities concerning the voting systems currently deployed have been reported in various locations, including the press, but these have not been collected and made usable by election officials, vendors and the public; and

Whereas, the EAC has a limited incident reporting program now that is highly restrictive in terms of how input is provided and what types of incidents are reported; and

Whereas, the EAC could greatly facilitate the ready access and dissemination of information on field incidents concerning voting systems’ performance, security, and other objectives by collecting and publishing incident reports – without regard to whether they have been verified scientifically (but requiring local confirmation of the report);

Now Therefore, Be It Resolved that the Board of Advisors recommends to the United States Election Assistance Commission that it create on its website an effective compilation of voting system incident reports that have been reported by local or State officials, keyed to different voting system vendors and models.

A True Record Attest:

Christopher M. Thomas
Chair of the Board of Advisors

Passed on December 14, 2007 by a majority voice vote of those present.

⁶ http://www.eac.gov/about/committees/advisors/docs/2007-resolutions.pdf/attachment_download/file, page 14.