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Public Meeting - Quality Monitoring: Creating a Successful Partnership

**Jane M. Platten
Director
Cuyahoga County Board of Elections**

Commissioners, Mr. Wilkey, thank you for the opportunity to testify today. My name is Jane Platten and I am the Director of the Board of Elections in Cuyahoga County, Cleveland, Ohio. Cuyahoga County has 975,000 voters, 1068 precincts and approximately 450 voting locations. Our budget is \$20 million. We use ES&S' DS200/Unity 3.2.0.0 voting system.

I am here today to discuss our experience with the EAC quality monitoring process and voting system anomaly reporting. Permit me to begin with a bit of recent history.

In April 2010 while conducting our logic and accuracy testing process, which is quite extensive, on our 1200 DS200 scanners, we experienced approximately a 10% failure rate due to the DS200 scanners "shutting down" or "freezing". These were problems we had not seen prior to this testing process. When scanning ballots the scanner would essentially go through a shutdown process, much the same as your laptop or desk top computer, for no reason. Immediately, I turned to our vendor project manager on site and questioned the shutdowns. The vendor representative gave an alarmed look but had no explanation.

At that point, I had my staff call other jurisdictions in the country that use the DS200's searching for any that had experienced this system shutdown. At the same time, we spent three days proving to the vendor that their theory that our testing facility did not have adequate electrical power was wrong. That was their initial reason for the shutdowns.

We found instances in Florida counties where upon receipt of the DS200 system, they experienced the shutdown problem, but although the symptoms were the same, the vendor stated the illness was different. In fact, they claimed to have fixed the Florida problem and the Florida counties attested to that.

As a result of publicity on the new system shutdowns, I received a call from Matt Masterson. This was a most welcome contact and was the first step in what I think has turned into an invaluable relationship with the EAC and a much needed exchange of information. I admit that at the moment we began experiencing the shutdowns, my initial questions were not only:

- 1) what is causing a newly purchased voting system to randomly shutdown during use, but also,
- 2) why was this not discovered during the EAC certification testing process?

Since our initial discussions, we have openly and eagerly shared information with Mr. Hancock, Mr. Masterson and with the EAC testing team. We hosted two of your EAC testers during our logic and accuracy testing for our August election and have invited them back in October for testing observation again. We have also sent audit logs from the DS200 scanners from two elections now to help establish data on operational patterns to further identify moments of system vulnerabilities. Mr. Hancock and Mr. Masterson conducted critical conference calls between the EAC, Cuyahoga County and ES&S. The phone calls truly brought together three worlds that in my opinion, until then, functioned as either the EAC and vendor or vendor and County.

The three pronged discussions were key I believe in “keeping us all straight” on details of the problems and strategies on how to proceed.

The EAC has made significant strides in bridging communication amongst not only our county but has also hosted a user’s conference call with users in Florida, Wisconsin, New York and Cuyahoga County. I hope the dialogues continue and encourage the EAC to continue to lead that initiative.

I respectfully offer a few suggestions:

- 1) Please continue to infuse practical election experience into your learning process when dealing with new systems or in our case an already certified system that experiences problems. Continue to invite election officials into the resolution process. Continue to visit onsite testing and Election Day operations. I believe it can only enhance the laboratory testing process.
- 2) Please consider revising the vendor reporting requirements when systems certified by the EAC experience operational problems. Requiring notice 60 days after an election where problems occur is too long. In our case we saw the shutdowns at least 30 days before Election Day. The vendor should be required to give notice to the EAC within days.
- 3) Please continue to send communication to counties that use EAC certified equipment when there are problems. We assisted in developing a written communication from the EAC to ES&S system users about the shutdown problem and steps to mitigate through it. This was very helpful communication to other users I am sure.
- 4) Please consider implementing a user database which is easily accessible and links election officials, voting machine vendors and the EAC to one another creating accountability and transparency. I encourage you to please read the Brennan Center’s report by Mr. Lawrence Norden titled, “Voting System Failures: A Database Solution” where he proposes the above mentioned concept.

An accessible clearing house database of information would certainly have been helpful when we were calling all over the country desperately searching for information or common problems on our DS200 shutdown issue. Anything that helps promote a healthy exchange of information in a transparent manner is a welcome change and this tool can further that exchange.

I believe that out of the unfortunate situation of the ES&S DS200/Unity 3.2.0.0 system issues, we have developed a positive, inclusive and lasting relationship with the EAC. I also



believe we together have taken responsible steps in communicating with the vendor and with other users.

I know the EAC cannot act as the referee, if you will, on all counts between vendors and users, but what has occurred is that the EAC has begun to build the much needed bridge between the parties.

Thank you, Commissioners, Mr. Wilkey, Mr. Hancock and Mr. Masterson. I commit to you that Cuyahoga County will continue to assist the EAC in whatever ways possible to continue to foster this relationship as well as work toward improved system testing and operations. I very much appreciate your efforts.

