

Bryan Whitener/EAC/GOV
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bcc
Subject FYI - Daily News (5-4-07, Frid)

Commissioners:

The following items are in the news.

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- Seeking an Edge, Florida Changes Its Primary Date (9 months from now)
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Texas

- Voter records system too flawed, counties say
- Harris County Uncovers Voter Fraud Plot

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Also included below is the weekly summary of election reform news and opinion that appears in electionline.org today. Focus on new EAC Spanish Language Glossary of Election Terms.

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National

Rep. Artur Davis Fills Open Seat on House Administration

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Rep. Artur Davis Fills Open Seat on House Administration

Roll Call

Thursday, May 3; 4:29 pm

John McArdle

Rep. Artur Davis (D-Ala.) has been tapped by Speaker Nancy Pelosi (D-Calif.) to fill the opening on the House Administration Committee left after panel Chairwoman Juanita Millender-McDonald (D-Calif.) died last month following a battle with cancer.

Davis was introduced at a full committee hearing this morning that was lead by acting Chairman Robert Brady (D-Pa.). At that hearing several members on both sides of the aisle warmly remembered the late chairwoman.

A close friend of Millender-McDonald, Davis was granted a special waiver by Pelosi to keep his two other panel seats on the House Ways and Means and Judiciary committees while serving on the House Administration panel. He also serves on the Democratic Steering and Policy Committee.

"While I certainly wish that I had come on the committee under different circumstances, I am honored to serve on a panel which regulates federal election law and has significant responsibility for Congressional operations," Davis said in a release Thursday.

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National

Congressman Artur Davis Newly Appointed To House Administration Committee (Davis press release)

Congressman Artur Davis Newly Appointed To House Administration Committee

**PRESS RELEASE FROM THE OFFICE OF
FOR IMMEDIATE RELEASE
May 3, 2007**

**Congressman Artur Davis
7th Congressional District of Alabama
208 Cannon House Office Building
Washington, DC 20515-0107**

- 7th District representative once again recognized and promoted by House leadership -

WASHINGTON - U.S. Representative Artur Davis (D-Birmingham) today received an appointment to the Committee on House Administration. Congressman Davis fills the seat once held by Birmingham-native U.S. Representative Juanita Millender-McDonald of California who passed away suddenly two weeks ago.

"I was asked by the Speaker to fill the vacancy left by Congresswoman Millender-McDonald's passing. While I certainly wish that I had come on the committee under different circumstances, I am honored to serve on a panel which regulates federal election law and has significant responsibility for Congressional operations," Davis said.

The House Administration Committee is charged with oversight of the nation's federal election law as well as the day-to-day operations of the House. The committee, which has one of the most exclusive memberships in the House with only nine members from both sides of the aisle, is responsible for, among other things, the overall security of the Capitol complex as well as the operation of the Library of Congress.

025827

Congressman Davis has not received a placement on either of the committee's subcommittees at this time. With a waiver granted from Speaker Pelosi, he retains his positions on two exclusive bodies -- the Committee on Ways and Means and the Committee on Judiciary - as well as his post on the Democratic Steering and Policy Committee.

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Florida
Florida Acts to Eliminate Touch-Screen Voting System (NYT)

Florida Acts to Eliminate Touch-Screen Voting System

New York Times
May 4, 2007
By TERRY AGUAYO and CHRISTINE JORDAN SEXTON

MIAMI, May 3 – Florida legislators voted on Thursday to replace touch-screen voting machines installed in 15 counties after the troubled 2000 presidential election here with a system of optical scan voting.

The new system is scheduled to be running in time for the 2008 presidential election.

The move is the nation's biggest repudiation of touch-screen voting, which was embraced after the 2000 recount as a way to restore confidence that every vote would count. But the reliability of touch-screen machines has increasingly come under scrutiny, as has the difficulty of doing recounts without a paper trail.

"This legislation will preserve the integrity of Florida's elections and protect every Floridian's right to have his or her vote counted," Gov. Charlie Crist said in a statement. "Florida voters will be able to have more confidence in the voting process and the reliability of Florida's elections."

With optical scanning, voters mark paper ballots that are counted by scanning machines, leaving a paper trail that remains available for recounts.

The 15 counties that will move to the optical scanning, which is in place in the state's other 52 counties, account for about 51 percent of the state's 10.4 million registered voters. They include Miami-Dade, Broward, Palm Beach and Hillsborough Counties.

The plan, part of a bill that moves the state's presidential primary to Jan. 29, was announced by Governor Crist in February. The Florida Senate voted for it last week, and the House of Representatives approved it unanimously on Thursday.

In November, more than 18,000 votes that were cast on touch-screen machines were not recorded in the close Congressional race in Sarasota County between Vern Buchanan, a Republican, and Christine Jennings, a Democrat. Mr. Buchanan was declared the winner after a recount gave him a 369-vote victory.

State officials said the shift to optical scanning was expected to cost \$28 million. This week, the federal Election Assistance Commission said the state could pay the costs using money from the Help America Vote Act, which provides money to improve voting equipment.

But some critics say the switch will be more costly.

Arthur Anderson, the elections supervisor in Palm Beach County, estimated the cost to carry out the plan

in his county would be \$19 million.

Terry Vaughan, the supervisor of elections in Bradford County and president of the Florida State Association of Supervisors of Elections, said the \$28 million figure was based on the number of precincts in the state during the 2006 election, but that number has since grown.

"It will not be enough to cover the entire bill, but it will cover the basics and the bare minimum," Mr. Vaughan said.

The legislation approved on Thursday allows for the use of touch-screen machines for voters with disabilities until 2012, when paper-ballot technology for those voters will be required.

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Florida

Seeking an Edge, Florida Changes Its Primary Date (9 months from now)

Seeking an Edge, Florida Changes Its Primary Date

New York Times

May 4, 2007

By ABBY GOODNOUGH

MIAMI, May 3 – Casting more uncertainty over the presidential nominating process for 2008, the Florida Legislature on Thursday moved the state's primary up to Jan. 29, ignoring the threat of sanctions from the national Republican and Democratic parties.

The new date puts the Florida primary ahead of contests in all but four states. Political leaders here hope it will give Florida, the most populous swing state, a bigger role in choosing presidential nominees.

But officials in other states said Florida's move would only create more chaos around the nominating process, which has already been upended by other states' decisions to hold earlier primaries. New Hampshire may move up its primary as a result – possibly even to this year – and in South Carolina, Republican officials said they, too, would advance the date of their primary.

"South Carolina will name a date that keeps us first in the South," said the party chairman, Katon Dawson. "It could be as early as Halloween and our version of trick-or-treat, if we have to."

Choosing primary dates has always been contentious, with states that held primaries late in the season feeling marginalized. But frustration soared this year, and dozens of states began to jostle for position, with more than 20 so far settling on Feb. 5 or considering it.

The shifting dates have forced the presidential campaigns to reconsider every aspect of their nominating strategy – where to compete, how to spend money, when to start television advertising.

Both parties have been trying to put a halt to the leapfrogging. They have said they would penalize all but a handful of states if they hold a primary before Feb. 5, stripping them of half their delegates to the national nominating conventions. Under Democratic Party rules, the candidates can also be penalized, losing the delegates they won in the rule-breaking state.

But Florida officials scoffed at those threats, calling the conventions little more than a formality.

"We have people who get invited to a big party where they drop a balloon and people wear funny hats," said Marco Rubio, speaker of the State House of Representatives. "But they don't have any role to play."

"At the end of the day," said Mr. Rubio, a Republican, "the truth of the matter is that the nominee of either party is going to want to make sure they have not offended the big donors and the biggest activists in the most important state in the country that is electorally available."

Some of the states that have moved their primaries to Feb. 5, including California, Connecticut, New Jersey and New York, said they did not expect to seek even earlier dates.

"I just don't see it as likely," said Ron Nehring, chairman of the California Republican Party. "California is going to be relevant, regardless of what other states choose to do."

In addition to New Hampshire, where the date is tentatively scheduled for Jan. 22, the states with contests before Jan. 29 are Iowa and Nevada.

In recent presidential election years, Florida's primary has taken place in March.

The Florida House voted unanimously to move it up on Thursday, a week after the Senate approved the measure. In the same legislation, it approved Gov. Charlie Crist's plan to replace the touch-screen voting machines used in many of Florida's counties with paper ballots counted by scanning machines.

Spokesmen for two Democratic presidential candidates, Senators Hillary Rodham Clinton of New York and Barack Obama of Illinois, indicated they would not hold back from campaigning in Florida.

"The D.N.C. and the Florida state party will arbitrate this and we will compete on the final field vigorously," Bill Burton, a spokesman for Mr. Obama, said in an e-mail message, referring to the Democratic National Committee.

Stacie Paxton, press secretary for the Democratic National Committee, said that the party would hold fast to its rules but that the committee was working with the state party to find alternatives complying with the rules. Ms. Paxton suggested that Florida's primary could be nonbinding and its delegates still allowed at the nominating convention, if the state agreed to hold a caucus later in the year.

"This is not the first time that a state legislature has set its primary on a date outside D.N.C. party rules," she said.

Though Florida meant to pump up its importance in the primaries, it might have done better sticking to March, said William Galvin, the secretary of state in Massachusetts and leader of a National Association of Secretaries of State committee that opposes the movement toward earlier primaries. If no candidates emerge as clear front-runners after the "super-duper" primary on Feb. 5, Mr. Galvin said, states that vote later could prove pivotal.

"This is kind of like the track touts trying to figure out what's going to happen at the Kentucky Derby," he said.

The surest outcome of Florida's decision, Mr. Galvin said, is that New Hampshire's primary, the first in the nation, will be moved earlier. "This gives a perfect excuse if they were looking for one," he said.

William Gardner, New Hampshire's secretary of state, would not say Thursday when he planned to hold the state's primary, but also would not rule out that it could take place before Jan. 1. "I hope not," Mr. Gardner said. "But it's not beyond the realm of possibility."

Mr. Rubio, the speaker of the Florida House, said moving up the primary would force presidential candidates to pay more attention to issues that are important locally, like soaring property insurance rates and even the immigration policy for Venezuelans.

But Mr. Galvin said that was unlikely, with so many primaries bunched together early in the process. "The

idea that you go to a state and talk about the issues they care about," he said, "is less realistic than it ever was before."

Reporting was contributed by Christine Jordan Sexton from Tallahassee, Fla.; Jennifer Medina from Hartford; Ronald Smothers from Trenton; and Danny Hakim from Albany.

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Florida

Florida gets money for e-voting hardware swap (Marc Songjini; Computer World; EAC mentioned)

Florida gets money for e-voting hardware swap

Computerworld

May 3, 2007

Marc L. Songini

May 03, 2007 (Computerworld) The U.S. Election Assistance Commission (EAC) will allow the state of Florida to use millions of dollars in federal funds to swap out its touch-screen voting systems for new optical scan devices.

The EAC is tasked with helping states implement the Help America Vote Act (HAVA). Earlier this week, the EAC ruled in favor of Florida Secretary of State Kurt Browning, who had sought to use HAVA funds for the voting system swap. HAVA was passed by Congress in 2002, in part with the goal of replacing manual level or punch card voting systems with electronic ones. It also dictated that every voting precinct have one specially equipped e-voting machine that would allow blind voters to cast their ballots unaided.

Subsequently, many states such as Florida relied heavily on touch-screen systems to satisfy the HAVA requirements.

However, critics have charged repeatedly that Direct Recording Electronic (DRE) devices are unreliable, can be easily hacked, and don't give voters the transparency they need to verify that their votes are being recorded correctly. To address those concerns, Florida Gov. Charlie Crist in February submitted a bill that would provide \$32 million to replace the DREs with hardware that has a paper trail for voters to review their votes. That bill passed the state senate and was sent to the state House, which approved it today and sent it to Crist for his signature.

Funding for any switch to new e-voting hardware had been an issue. As a result, Browning appeared before EAC board members to explain the state's legislation. He stressed that "there is a perception across the state that indicates many voters do not trust electronic voting machines and want to cast a paper ballot," according to a copy of his testimony supplied by his office. "For Florida, this perception has become reality in large part and we want to address those concerns."

Browning had noted that Crist's legislation "moves 100% of all ballots cast in Florida out to paper, while also improving our ability to administer federal elections."

Crist's plan allows a single DRE system to remain in every election precinct to enable blind voters to cast their ballots. However, these systems could also be equipped with printers to provide a voter verifiable paper audit record (VVPAT), which could be used for canvassing or for recount purposes. Browning asked the EAC to allow HAVA funds to be used to pay for some of Crist's proposals.

The EAC ruled yesterday that it would allow as much as \$29.7 million to be used to implement the legislation.

A spokesman for Browning said the secretary of state is "very pleased" with the EAC decision. Even so, the measure approved today by the Florida House did not contain language providing for the outfitting of the handicapped-accessible DREs with printers.

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Florida

U.S. State to Dump Touch-Screen E-Voting Systems (Marc Songjini; PC World, IDG News; EAC mentioned)

U.S. State to Dump Touch-Screen E-Voting Systems

Florida legislature's move could ripple to other states.

Marc L. Songini

PC World

IDG News

Thursday, May 03, 2007 04:00 PM PDT

In a major shift on e-voting that could ripple to other states, the Florida legislature Friday voted to replace nearly all of the state's touch-screen voting systems with optical scan devices.

Florida Governor Charlie Crist, who initially offered up the bill mandating a change in e-voting systems earlier this year, applauded the Florida legislature for acting after the state House approved the measure. It had already been okayed by the state Senate.

The law mandates the replacement of touch-screen systems with optical scan devices and also moves up the date of Florida's presidential primary to the last Tuesday in January. In 2008, that would be Jan. 29.

Touch-screen systems have come under criticism for being unreliable, easily hacked and lacking the transparency voters need to trust that their votes are actually being counted. To address those concerns, Crist offered a bill that would replace the systems in 17 Florida counties with optical scan devices, which require filling out a paper ballot that can later be used for canvassing or recount.

"The right to vote is the foundation of our nation's democracy, and Florida voters can rest assured that they will have an election system they can believe in," Crist said. "This legislation will preserve the integrity of Florida's elections and protect every Floridian's right to have his or her vote counted. Florida voters will be able to have more confidence in the voting process and the reliability of Florida's elections...."

He also noted that the law "will establish a paper trail for votes cast in Florida elections...."

Earlier this week, the federal Election Assistance Commission (EAC) ruled that money appropriated by Congress through the Help America Vote Act (HAVA) of 2002 can be used to replace Florida's touch-screen systems. Some handicapped-enabled touch-screens will remain in Florida to comply with HAVA, which dictates that each election precinct have one e-voting device that allows a blind voter to cast a ballot unaided.

The law comes as welcome news to the opponents of touch-screen systems.

"I think this is fantastic," said Avi Rubin, a computer science professor at Johns Hopkins University and a Maryland elections judge. A high profile author and critic of touch-screen systems, he noted that Maryland has passed a similar law, although it won't take effect until 2010. "I'm thrilled with the direction these states are going," he said. "It's great that awareness of the risks of Direct Recording Electronics (DREs) has grown to the point where legislators understand the issues.

"I think we had some rough going for a few elections, but that switching to paper ballots and optical scans sets us back on course," Rubin said.

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Florida
Lawmakers ditch touch-screen machines, move up primary

Lawmakers ditch touch-screen machines, move up primary

Miami Herald
May 3, 2007
BY GARY FINEOUT
gfineout@MiamiHerald.com

TALLAHASSEE -- Florida's experiment with touch-screen voting machines is over.

The Florida Legislature voted Thursday morning to spend nearly \$28 million to scrap the ATM-styled machines used in 15 Florida counties, including Miami-Dade and Broward and replace them with ones that use paper ballots.

The push to switch Florida from the touch-screen machines was a top priority of Gov. Charlie Crist, who said he doesn't want the state to be embarrassed anymore by its elections.

"This is a great day for Floridians," Crist said. "We will now have much better and much greater integrity in our voting systems."

The House voted 118-0 Thursday to approve the bill, which also moves up Florida's presidential primary to Jan. 29, making it one of the earliest in the nation. The Senate approved the bill last week.

"This moves Florida up in the picking of the next leader of the free world, it puts us in a place where we should have been before," Crist said.

Moving up the presidential primary was a top priority for House Speaker Marco Rubio, who included it in his 100 Ideas book that he released last fall. Democrats have also backed the idea, but national Democratic Party leaders have warned they will punish the state party if the primary is held earlier than Feb. 5.

This marks the second time in the past decade that Florida election supervisors will be forced to make major changes to how they conduct elections.

The 2000 presidential election, which George Bush ultimately won by 537 votes, exposed flaws in Florida's voting systems and prompted the state to ban punch-card voting machines. Most counties shifted over to ones that scan a paper ballot, but 15 counties opted to use more expensive touch-screen machines. And every county wound up getting at least some touch-screen machines, in order to comply with federal laws that require that the blind and disabled be able to vote in secret.

But the touch-screen devices have come under fire because they leave no paper trail. Last fall more than 18,000 voters in Sarasota County did not vote in a heated congressional race that was won by Republican Vern Buchanan by 369 votes. Democratic rival Christine Jennings has asserted that the machines in her home county malfunctioned.

Under the bill that Crist will sign, the 15 counties that use touch-screen machines will have until summer 2008 to replace them with optical-scan machines. The bill gives counties until 2012 before disabled voters

must also have access to machines that have a paper trail.

Some county supervisors have said they are worried that they will not have enough time to move to new systems. But Secretary of State Kurt Browning, a former elections supervisor, said he believed that counties should have enough time.

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Florida
FL-13 task force will turn over investigation to GAO

FL-13 task force will turn over investigation to GAO

The Hill
By Aaron Blake
May 03, 2007

A special House task force voted yesterday to refer an investigation into Florida's 13th district House race to the Government Accountability Office (GAO), and task force Chairman Charles Gonzalez (D-Texas) said he hopes to see results in as few as 45 days.

The task force voted 2-1 along party lines on a motion to move forward with the investigation, with the lone Republican, Rep. Kevin McCarthy (Calif.), dissenting. But the panel proceeded to vote unanimously on the course of the investigation after some hand-wringing over the language of the motion.

Gonzalez said the 45-day timeframe is ambitious and that it will be up to the GAO to shape the investigation and ask for more time if needed.

"I think we just had a vote right now that acknowledges that this is a pretty good way to proceed," Gonzalez said.

The first vote was a victory for Democrat Christine Jennings, who is contesting her 369-vote loss to Rep. Vern Buchanan (R) and says the state's review of the election was flawed. Florida's testing has reaffirmed the result and found no problems.

The second vote was a mixed bag, with both sides professing satisfaction at the course of the investigation but not getting exactly what they wanted.

While Buchanan's camp and McCarthy saw no grounds for the task force to call an investigation at all, Jennings's camp has asked for secret software codes to review the electronic voting machines using its own experts.

Jennings contends that a malfunction caused an abnormal amount of Sarasota County voters – about 18,000 – not to cast a vote in the race. She said she is thrilled with the decision of the task force, which was created in March by the House Administration Committee.

"The 18,000 people in Sarasota who lost [the right to vote] and the millions of Americans nationwide who use electronic voting machines deserve answers," Jennings said.

In the testiest exchange of a mostly amiable hour-long meeting, McCarthy expressed his frustration over the language of the second motion, which stated that Gonzalez had the authority to approve the testing the GAO wanted to perform.

McCarthy said the entire task force should check off on the testing and was not mollified by assurances from Gonzalez and the third panel member, Rep. Zoe Lofgren (D-Calif.), that that would be the case.

The election contest has been a heated partisan dispute to this point, but the task force emphasizes

nonpartisanship and unanimity.

"This place runs on rules, and when you look back at something, the rule says you are empowered to do this," McCarthy said. He added that he was trying to find a way for the panel to act unanimously: "I have to be very honest with you – I don't find this to be that."

Gonzalez agreed to alter the language but expressed reservations about prolonging the process by involving the full task force in minutiae.

An attorney representing Buchanan, Hayden Dempsey, said that shift was important for the transparency of the investigation. He expressed tempered encouragement.

"We think having an independent government entity do the testing is probably a fair thing," Dempsey said. "Obviously, the devil's in the details. We'll be watching to see who the GAO selects to assist them. The fact is that a lot of so-called experts are very partisan."

Once the investigation is complete, the full committee and full House would have to approve any task force recommendation.

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Louisiana

Dardenne objects, but La. House panel OKs more satellite voting

Dardenne Objects, But La. House Panel Oks More Satellite Voting

New Orleans Times Picayune

5/2/2007, 5:37 p.m. CT

By DOUG SIMPSON

The Associated Press

BATON ROUGE, La. (AP) – Voters still displaced by the 2005 hurricanes should be allowed to cast ballots at "satellite voting centers," outside their normal voting districts, in this year's gubernatorial primary, a state House panel voted on Wednesday.

The House and Governmental Affairs Committee approved a bill recreating the voting centers despite objections from Secretary of State Jay Dardenne, the state's top elections official, who said the measure "would cause chaos in Louisiana's election system."

The bill, by Rep. Jalila Jefferson, would reinstate laws set up for New Orleans' 2006 mayoral election, that allowed city voters living elsewhere because of Hurricane Katrina to vote in any of 11 parishes, including Calcasieu, East Baton Rouge and Caddo, that have metropolitan centers of more than 100,000 residents. Just over 10,000 voters cast ballots at the satellite voting centers for that election, according to the secretary of state's office, some of them bused to Louisiana from Texas and other states.

The law has expired, and Jefferson wants it reinstated in time for the gubernatorial primary in October. Jefferson told the committee that it's important to allow displaced voters, many of whom still wish to return to their home parishes, to stay involved in the hurricane recovery process.

"Voting is an integral part of the rebuilding process," said Jefferson, D-New Orleans.

Her measure would also reinstate other post-storm voting changes that have since expired, including a system of absentee voting that has fewer restrictions for displaced voters.

"All of these were very successful provisions that displaced persons used" to vote, Jefferson said.

Dardenne said reinstatement of the absentee voting provisions would not be a burden.

But he argued that setting up the satellite centers would be difficult – far more so than they were in 2006, when displaced New Orleans voters were able to vote in other parishes during the "early voting" period, prior to election day. Elections workers in parishes such as Caddo and Calcasieu were able to handle the New Orleans voters because no other election was taking place then, Dardenne said.

The New Orleans election "was the only game in town. There were no other elections taking place," Dardenne said.

It could be unworkable this year, Dardenne said, when many statewide and local elections are also scheduled. Election workers will already be burdened by the scheduled elections, he said.

"If this bill passes, you are saying to them, you have to run an additional election for Orleans Parish," Dardenne said. "That is not going to work."

Rep. Charlie Lancaster, the committee chairman, asked Jefferson to drop the provision recreating the satellite voting centers, in consideration of Dardenne's objections. She refused, saying the satellite centers will work.

"I can't compromise on this. I can't do it," Jefferson said.

The panel voted 6-4 to send the bill to the House floor. Voting in favor were Jefferson and Reps. Jeff Arnold, D-New Orleans; Juan LaFonta, D-New Orleans; Charmaine Marchand, D-New Orleans; Rick Gallot, D-Ruston; and Patrick Williams, D-Shreveport. Voting against were Lancaster, R-Metairie; Hunter Greene, R-Baton Rouge; Billy Montgomery, R-Haughton; and M.J. "Mert" Smiley, R-Port Vincent.

On the Net:

House Bill 248 is posted at <http://legis.state.la.us/>

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**Louisiana
Lawmaker suggests mail-in voting system for La. elections**

Lawmaker Suggests Mail-In Voting System For La. Elections

By MARSHA SHULER
Baton Rouge Morning Advocate
Advocate Capitol News Bureau
Published: May 3, 2007 - Page: 7a

If efforts to recruit more election workers don't work, Louisiana should start moving to a mail-in ballot system, the head of a House panel overseeing state election laws said Wednesday.

The state is some 5,000 commissioners short of the 20,000 minimum needed to work the polls on election day.

Elections officials complain it's growing harder to recruit people to work long hours at low pay.

The House and Governmental Affairs Committee approved pay raises for the election workers, but

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rejected shortening election hours.

If the personnel situation "continues to deteriorate," panel chairman Charles Lancaster, R-Metairie, said it could be time to eliminate voting precincts and conduct all elections by direct mail.

Oregon uses a similar system.

The mail ballot idea surfaced as the committee considered House Bill 575, which would require the secretary of state to mail absentee ballots to all registered voters.

Rep. Juan LaFonta, D-New Orleans, said mail ballots would help New Orleans voters displaced by Hurricane Katrina.

Secretary of State Jay Dardenne said mail ballots are worth studying but should not be approved at this point.

Dardenne said the state just invested \$30 million in new voting machines.

"The passage of this bill would require this office and our state to conduct a two-track election process and send out 2.8 million or so pieces of (absentee voter) mail," Dardenne said.

The panel approved LaFonta's mail ballots bill on a 6-4 vote. The bill now must go to the House Appropriations Committee because of its \$16 million price tag.

In other action, the committee:

Approved House Bill 347, which increases pay for commissioners-in-charge from \$150 to \$250 and for other election day workers from \$50 to \$100. The total pay increase package would cost \$5.7 million.

Stripped House Bill 248 of a provision that would have cut two hours off the time polls would be open on election day.

Rep. Glenn Ansardi, D-Kenner, wanted the polls to be open from 7 a.m. to 7 p.m. instead of 6 a.m. to 8 p.m.

Approved House Bill 619, which would reinstate special election laws approved in the wake of Hurricane Katrina so displaced voters could participate in mayoral and council elections in Orleans Parish.

The bill, by Rep. Jalila Jefferson-Bullock, D-New Orleans, would establish satellite voting locations in 11 Louisiana parishes for the fall elections.

Dardenne opposed the satellite voting plan.

He said it would create "chaos" in Louisiana.

All the measures go to the House floor for debate.

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New York
New voting machines delayed again (Ciber & EAC mentioned)

ELECTIONS: New voting machines delayed again

Journal-Register, NY
May 4, 2007

Lever units to be dusted off for '07, maybe '08

By Jill Terreri/terreri@gnnewspaper.com
Niagara Gazette

Niagara County voters won't have to learn how to use a new ballot-counting machine this fall.

In fact, county residents might vote for president on the old lever machines in 2008.

None of it was supposed to happen.

The state was ordered by the federal government to adopt new voting legislation and have new machines in place by Jan. 1, 2006.

The state moved slowly on the legislation and, as a result, voting machine testing got off to a late start.

Things weren't helped by the fact that the company the state hired to test the machines, Ciber, Inc., never was certified by the U.S. Election Assistance Commission to perform that service and the work had to be bid to another firm.

The flap with Ciber pushed back new testing to this summer and means new machines won't be certified this year.

The state must certify certain machines so counties know which ones they can choose.

Given the length of time it would take for a manufacturer to produce machines for all of New York's counties, those machines might not be in place for the presidential election next year.

Though New York has broken deadlines and could be in jeopardy of losing \$50 million in federal funds to pay for the machines, Republican Niagara County Elections Commissioner Scott Kiedrowski said he's glad the state isn't facing problems in other states where funds have been spent on unsatisfactory machines.

"They're just not functioning," Kiedrowski said. "I'm happy Niagara County hasn't shelled out a dime yet."

As for which machine to choose, Kiedrowski said there's no clear choice and the counties continue to wait for direction from the state.

Lee Daghlian, spokesman for the state Board of Elections, said he doesn't believe the federal government will withhold the funds for different reasons, including the fact that such a move would push the state further behind in replacing the old machines.

A provision to eliminate the financial penalty for states which have not complied with the federal Help America Vote Act, which demands accessible voting machines be in place, was included in an Iraq spending bill that was vetoed by the president on Tuesday.

The provision could be included in other federal legislation, Daghlian said.

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Rhode Island
Bad Voter Registration Database in Rhode Island: The numbers don't add up

025838

Bad Voter Registration Database in Rhode Island: The numbers don't add up

Providence Journal
May 2, 2007
By Paul Edward Parker
Journal Staff Writer

How many people voted in the statewide elections last November?

- A. 387,952
- B. 390,340
- C. 392,884

If you don't know the answer, don't feel bad; neither do state election officials.

The Board of Elections – which oversees the counting of votes – says 392,884 voters cast ballots in the Nov. 7 general election.

The secretary of state's Elections Division – which oversees the state's Central Voter Registration System and tracks who voted in which elections – counted 387,952 voters in the same election as of Jan. 16. In a new tally Monday, that number had risen to 390,340.

That leaves 4,932 ballots that were cast without a voter voting – or 2,544, depending on which number you use from the secretary of state.

The Providence Journal began examining the results of the November election this spring, after reporting last fall that the names of nearly 5,000 registered voters in Rhode Island appear on a federal list of dead people. The Journal sought to find out whether any of those dead people voted.

Digital Extra

Chart: A look at "excess" voters by town

The newspaper's review found no evidence of systematic fraud by people casting ballots in the names of voters who had died. But it did find a voter tracking system susceptible to error that could throw into doubt the results of close elections.

As an example, East Providence Mayor Joseph Larisa Jr. lost his at-large council seat to Isadore Ramos by less than 20 votes. But, the Board of Elections tallied more than 100 ballots that did not have a corresponding voter in the secretary of state's count, either in January or on Monday.

Robert Kando, executive director of the Board of Elections, attributed the discrepancies to errors in how voter tracking information was entered into the secretary of state's computer system. "I don't have the slightest inclination there was ballot stuffing."

Kando said that comparing the number of votes cast to the number of voters who checked in at each precinct is not part of the process of declaring the results of an election. "We certify winners without doing that. That doesn't mean we don't validate our system by examining that."

The process of tracking voters starts when they check in at the polls.

Before they receive a ballot, voters sign a poll book next to their name, address, date of birth and a unique bar code, like those used at checkout registers, that identifies the voters. After the election, canvassing clerks in each of Rhode Island's 39 cities and towns use a scanner to register the bar code of each person who signed the poll book. The result of the scanning is a voter history file, which records the date and type

of election and the precinct in which a voter votes, plus whether the vote was in person or by mail.

If a clerk skips bar codes – individually or even a whole page of the poll book at a time – voters will not get credit for voting. Similarly, if a clerk scans the barcode next to a blank signature line, someone who did not vote will get credit for voting.

November's election was the first general election for which the poll book scanning system was used.

"This is really the first time out of the box," Kando said. "I believe there are still some bugs in the system, but that's to be expected."

Even so, Kando said he was disappointed to hear that the discrepancy between the Board of Elections and secretary of state is more than 2,000 voters.

"Despite our best efforts, we periodically make a mistake," he said. "There aren't going to be any perfect elections."

Kando and Janet L. Ruggiero, executive director of the secretary of state's Elections Division, said some local clerks may still be entering voter information six months after the election. That accounts for why the secretary of state's tally of voters rose between Jan. 16 and this week.

Kando conceded that, six months after the election, all of the voter information should have been entered.

The Journal's search for dead voters revealed several other ways that errors wind up in the voter history file:

Voters inadvertently sign on the line for someone else with a similar name.

Voters sign on the line above or below the one on which they are supposed to sign.

In one instance in Bristol, a voter signed the poll book twice, in two different boxes. Town Clerk Louis P. Cirillo said he does not believe the voter was given two ballots, but conceded he has no way to confirm that. The problem in Bristol was that Angelo C. Stanzione III and Angelo C. Stanzione both were registered to vote from addresses on State Street. Cirillo said it appears that Angelo III mistakenly signed the box for the older Angelo, then signed his own box without his first signature being crossed out. Although he was registered to vote in the last election, the older Angelo did not go to the polls because he's dead. He died in 1992.

In one precinct in Providence, the poll book – the only physical record of who voted – was lost before it could be scanned.

In that precinct, the state Board of Elections ruled that all 1,506 voters eligible to vote should be credited with voting, even though only 466 ballots were counted there. That means the secretary of state's count on Monday of how many people voted is artificially high because more than 1,000 people who didn't vote are recorded as having voted.

Kando said all the voters were given credit so that people who voted would not be declared inactive, a first step toward being removed from the voting list.

In its search for dead voters, The Journal compared the Death Master File from the U.S. Social Security Administration with the voter history file from the secretary of state's office. The Journal initially found 24 matches between the two files. Then, a reporter went to the cities and towns involved and examined the poll books for precincts in question.

A match was defined as a person's first name, last name and date of birth being identical on both lists. Plus, if a middle name was used on both lists, they had to be identical. If the middle name was missing on

one or both lists, it would still be considered a match if the other parts matched.

In 10 of the 24 cases, the match was the result of dead voters being scanned, even though no one signed the poll book for that person.

Another five dead voters got credit for showing up at the polls because a legitimate voter signed in the wrong box.

Four of the 24 cases were false matches, where a live person with a common name – such as Mary Leonard – shared a birth date with someone who had died.

Another three initial matches were the result of people being erroneously included on the Social Security list.

That left a single instance, in Providence, where someone voted in place of a dead person.

Marcellino J. Cabral, who went by Popeye, died of cancer in 1989 at the age of 61. But someone voted in his name in November 2004 and November 2006, according to Providence records.

The city's Board of Canvassers has sent a letter to Cabral's son, Marcellino J. Cabral Jr., who goes by Butch, asking whether he can explain who has been voting in his father's name. Laurence K. Flynn, the board's executive secretary, said Butch Cabral has never been registered to vote in Providence. He said, depending on Cabral's response, the matter may be turned over to the state police.

The Journal left a telephone message for Cabral with a woman who identified herself as his mother-in-law. He did not return the call.

Ruggiero said the secretary of state's office will spearhead an effort to remove dead people from the voting rolls.

When The Journal first reported that nearly 5,000 names on the Social Security death list are registered to vote in Rhode Island, a spokesman for then-Secretary of State Matthew A. Brown said the secretary would obtain a copy of the list, and disseminate it to the cities and towns.

But Ruggiero said that has not happened. She cited the cost of the list; the federal government charges \$1,725 for the file.

Ruggiero said her office will, instead, obtain a list of dead Rhode Islanders from the state Health Department as far back as computer records go, and update it on a monthly basis. Her office will make a similar effort to coordinate with the Department of Corrections to remove felons from the voting list.

pparker@projo.com

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Texas
Voter records system too flawed, counties say

Voter records system too flawed, counties say

Concerned by registration woes in early voting, many want the state to get rid of it

Houston Chronicle
May 3, 2007
By HARVEY RICE and HELEN ERIKSEN

A \$14 million centralized voting-records system used by 224 Texas counties has so many computer flaws that voter registration officials in many counties want the state to scrap it.

The system already has kicked registered voters' names off the lists during early voting that started Monday and forced others to wait as long as 10 minutes while the system verified voter registration. One of those left off the rolls was Prairie View Mayor Frank Jackson.

The system, intended to meet federal requirements for centralizing voter information statewide, has been plagued by so many problems since it began operating in January that some counties want out after the May 12 election.

"This particular system is just not working," said Galveston County Tax Assessor-Collector Cheryl Johnson, one of the most vocal critics of the Texas Election Administration Management System, or TEAM.

Said Harris County Tax Assessor-Collector Paul Bettencourt:

"This new database is causing statewide voting problems. ... It's a bad technology system coming home to roost."

Harris and 27 other counties foresaw problems with an untried system and never joined but still endure delays because they are required to update voter registration in the state system daily.

At least 17 jurisdictions started early voting Monday without current lists of registered voters, the secretary of state's office said.

Collin County Elections Administrator Sharon Rowe, who decided not to join TEAM, said it has taken as long as two weeks to input information for a single voter.

Information not recognized

Among the reported problems:

- Registration numbers for voters registered before Jan. 1 were changed and the old numbers erased from the system. This caused confusion this week during early voting in the Clear Lake school district election when the old numbers were not recognized by the computer.
- In Galveston County, TEAM would not allow officials to print new voter registration cards.
- TEAM kicked some voters off the rolls because it did not recognize the city of Galveston's unique system of using letters of the alphabet and fractions as street addresses.

TEAM replaces Texas Voter Registration System, an older system that many election officials want to return to. The old system included only officials involved in voter registration. TEAM is designed to also include officials who administer the election, who in many counties are different from those who oversee voter registration.

Three counties that began using the system in January – Bastrop, Kerr and Rockwall – have withdrawn from the system run by the Secretary of State's Office, office spokesman Scott Haywood said. Tarrant County commissioners will decide next week whether to withdraw and spend \$700,000 for their own system, Tarrant County Elections Administrator Steve Raborn said.

"We want to get off-line because of the difficulties we have encountered," Raborn said.

The Web-based system developed by IBM and voting-machine maker Hart InterCivic of Austin was adopted to comply with the Help America Vote Act of 2002, enacted by Congress in reaction to uproar and allegations of fraud during the 2000 presidential election. The act requires each state to centralize its voter information.

Hart InterCivic, which provided the software, said in a statement that it is working with the prime contractor, IBM, to fix a complex system linking many databases. "Hart, along with everyone on the team, remains committed to work towards an efficient, cost-effective voter registration system for Texas that complies with federal law," the statement said.

IBM could not be reached for comment.

Candy Arth, president of the Tax Assessor-Collector Association of Texas, said many members are angry about TEAM. "They are ready to throw it out the window," Arth said.

Fear for their jobs

Arth, carrying a sheaf of complaints from tax assessor-collectors, met with Secretary of State Roger Williams two weeks ago to voice her membership's complaints.

One of those demands was that the Secretary of State's Office take the heat for all the problems. "We are elected and the people are going to throw us out of office because you won't take the hit for this," Johnson said about the demand.

Johnson outlined her complaints about the system in a March 26 letter to state legislators from Galveston County.

The letter said two full-time staffers were registering 25 voters per day with TEAM, compared with 100 to 150 per day before adopting the system. Other problems included inaccurate voter history and, "of grave concern, voter registration ID numbers have changed entirely and historical numbers are gone."

Williams' office said Wednesday that it would review the system after the May 12 elections. "At this point, it's not performing as well as it should," Haywood said. "Right now the main focus is on getting the counties the support they need – then we can evaluate the system after the election."

Williams sent a letter to counties using the system Wednesday apologizing for the extra burden it has placed on election staff.

"Having an unanticipated statewide election occur in conjunction with thousands of local elections has put TEAM to the test much earlier than most could have predicted. However, I do hope that the worst is behind us."

Andrea Gibbud, Bee County tax assessor-collector, said it took weeks for her office to get voter lists for early voting, but it will have barely more than 72 hours to get new lists for the May 12 election. She said voters calling in to find out where to vote must wait 10 minutes or longer while the computer grinds out the information.

A separate committee looked at the IBM-Hart InterCivic proposal and another by VOTEC, and narrowly recommended VOTEC, said committee member Danny Clayton, Dallas County voter registration supervisor. The IBM-Hart InterCivic bid was \$13.9 million and the VOTEC bid \$13.1 million, Haywood said.

Bettencourt said then-Secretary of State Geoffrey Connor overruled the committee and awarded the contract to IBM-Hart InterCivic. He said Connor allowed the vendor to substitute the system it sold to the state with another, untried system.

"I would have never picked a product that has not been proven to work," Bettencourt said. "Apparently, it was selected because of its future capability."

Connor could not be reached for comment.

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**Texas
Harris County Uncovers Voter Fraud Plot**

Harris County Uncovers Voter Fraud Plot

KPRC Houston
May 3, 2007

HOUSTON -- A plot to steal dozens of votes with a non-existent address has been uncovered, officials told KPRC Local 2 Wednesday.

Harris County Tax Assessor Paul Bettencourt said it was obvious to him that several voter registration applications were fraudulent.

"We know because all the handwriting is the same," Bettencourt said.

The applications all had the last names Williams or Johnson. They also had the address of 2519 Dashwood Drive, which does not exist.

Bettencourt said the applications were mailed from El Paso.

The tax assessor's office has received 51 applications so far and more keep coming in.

"Now we have to go through and find out who was trying to do this," Bettencourt said. "And we have to go back to El Paso."

Bettencourt said these types of cases are tough to catch on Election Day because they rely on the honor system, not photo identification. He said he would like to change that to protect voters.

"This type of fraud is used specifically against people in general elections," Bettencourt said. "It's used against people in primaries. It's not specific to any political party."

Bettencourt said voter fraud cases can be hard to make, but the Harris County District Attorney's Office recently successfully prosecuted a case.

Forging government documents is a felony.

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* Also included below is the weekly summary of election reform news and opinion that appears in electionline.org today. Focus on new EAC Spanish Language Glossary of Election Terms.

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--- Forwarded by Bryan Whitener/EAC/GOV on 05/04/2007 10:11 AM ---

 listadmin@electionline.org



05/03/2007 12:40 PM

Please respond to
listadmin@electionline.org

To bwhitener@eac.gov

cc

Subject electionline Weekly-- May 3, 2007

electionline Weekly - May 3, 2007
electionline.org

I. In Focus This Week

New Spanish-Language Glossary Aims to Help Election Officials *First revision of glossary of voting terms since 1979*

By M. Mindy Moretti
electionline.org

When is a member contribution not a member contribution? When in Cuban-Spanish it's an aportes de los miembros (masculine) and in Puerto Rican-Spanish it's a contribuciones de los miembros (feminine) and for other Spanish-speakers, it's an aportaciones de los miembros (feminine).

The last time a Spanish-language glossary of voting terms was produced - by the Federal Election Commission (FEC) in 1979 - there were approximately 11 million people in the United States who spoke Spanish as their primary language. The Language Minority Provision of the Voting Rights Act of 1965 requiring some jurisdictions to provide foreign-language voting information was four years old and only 16 jurisdictions in six states and two states in their entirety were required to provide voting information in Spanish.

Twenty-eight years later, there are approximately 31 million people in the U.S. who speak mainly Spanish at home, 65 jurisdictions in 15 different states as well as four states in their entirety are required to provide voting information in Spanish, and the U.S. Election Assistance Commission (EAC) has released a new and updated Spanish-language glossary of voting terms.

"We had an obligation to update this helpful tool for Spanish-speaking voters and the election officials who serve them, and I am very pleased to announce that we have gotten it done," EAC Chair Donetta Davidson said in a statement.

The EAC convened its first Language Working Group as part of the Language Accessibility Program in 2005. From that group - made up of local election officials, Congressional staff members, national advocacy groups as well as research and public policy organizations - came a variety of recommendations including the need to re-do the voting terms glossary.

From abandoned ballot (papeleta abandonada) to zoning regulations (normas de zonificacion) the

glossary covers 1,843 terms and phrases used in the election process. That's more than double the number of terms that were in the FEC's 1979 glossary.

When compiling the list of terms, the contractor for the EAC consulted with members of the working group and with all the state election Web sites to see what terminology was frequently being used in the election world.

"So many words and terms simply didn't exist in 1979. There is a lot more technical language in the election field now," explained Edgardo Cortes, EAC election research specialist. "We went through six or seven revisions of the list to eliminate duplicate terms and terms that were too local."

Some localities, such as Los Angeles County, had their own Spanish-language glossary of elections terms. The EAC relied heavily on them for assistance with the new glossary.

"I think they [Los Angeles County] showed a lot of initiative in producing their own glossary," said EAC Vice-Chair Rosemary Rodriguez. "And they shared it freely not only with us, but with other jurisdictions as well."

Even though much has changed in the world of elections and some voting equipment or terminology may no longer be used on a daily basis, Cortes said no words, such as chad (perforacion), were eliminated because they still have historical context.

To ensure that translations were culturally and linguistically appropriate, terms were translated and reviewed by a multi-dialect team of translators representing four of the main regions of origin of the Hispanic population living in the United States - Mexico, Puerto Rico, Cuba and Central America.

And this is sometimes where they ran into problems and had to print multiple translations for one word or phrase, as was the case with member contribution. Although the translating of the glossary was done by an outside contractor, it was up to Cortes and another member of the EAC staff to make sure that those translations were accurate and culturally relevant.

"We had to make sure that we weren't doing literal translations," Cortes said. "One of the biggest complaints we heard during the working group was that they appreciated the effort being put forth by election administrators, but a lot of times the translation was done very literally and it didn't provide the same meaning."

But sometimes a word or phrase had to be literally translated. Such was the case with sip/puff tube for voters who are not able to use the touch screen or touch pad, which, translated is: tubo de succión/exhalación para electores que no pueden utilizar la pantalla táctil o la almohadilla táctil.

According to Cortes, so far the feedback on the new glossary of terms has been positive.

"We've actually gotten several emails from election officials and they are very excited about it," Cortes said. "We're getting lots of requests for printed copies, which should be available sometime late next week."

Next on the EAC agenda for translation are Pacific Rim languages including Chinese, Japanese, Vietnamese, Korean and Tagalog.

According to Rodriguez, the language working group is already in place for the next round of translations and the commission has reserved money in the FY07 budget to translate and produce a glossary in these other languages and hopes to have them in time for the 2008 election cycle.

After these translations are complete, Rodriguez said the Commission hopes to move on to translations for American Indian languages.

"It's going to be a big challenge, but it is on our work plan to try to attempt to produce a glossary," she said. "There are so many different dialects and Navajo, which is surely one we would attempt to do, is probably one the most complex languages in the world. We're really going to have to put our shoulders to the wheel when we tackle that."

II. Election Reform News This Week

- The U.S. Election Assistance Commission this week gave Florida permission to use previously allotted, but unspent, HAVA funds to purchase new paper-based voting machines. According to *The Miami Herald*, the decision came after a two-hour meeting with the EAC, which rejected the initial bid to tap federal money, but then told the state how to get the \$28 million it asked for anyway. The state could secure the funds by reimbursing itself for the millions the state spent on new voting machines after the 2000 election. Julie Hodgkins, general counsel for the EAC, said Florida and its counties never reimbursed themselves for the full costs when they scrapped punch-card voting machines in 2000.
- Early voting began this week in Texas and a "glitch" with the state's new voter registration database was to blame for a series of problems voters encountered. Names of registered voters - including the mayor and mayor pro-tem of the city of Prairie View - did not appear on voter rolls as the polls opened for early voting on Monday. Scott Haywood, a spokesman for the Texas secretary of state told *The Houston Chronicle* that the agency received complaints from about 17 jurisdictions that did not get a complete report of registered voters for the May 12 elections. Haywood attributed the problems to technical setbacks in the Texas Election Administration Management System, a new state database that makes it easier to track people moving around Texas. He said the agency has made improvements to the system and all counties should have received a completed list by Tuesday.
- Vote centers debuted this week in Indiana to fairly good reviews. The two vote centers that opened in Richmond on Monday for early voting make up half of four centers in Wayne County that replace 31 precinct polling places. The other two vote centers will open on May 8. "I came out to support this new system and I love it," first-time voter

Sharon Brant told the *Palladium-Item* . "I think it's a great idea and I appreciate the convenience of it. Everything went great." Wayne County is the first in Indiana to vote using the format, which could be adopted statewide.

- Robert Diebold is running for office in Ohio, but the candidate has no interest in riding the voting-machine giant's coattails to victory. Diebold, a Republican candidate for mayor of Newark, has no connection to the Ohio-based company. But he was so concerned about his name being associated with the company that provides touch-screen voting machines to Licking County that he contacted the local elections board. "I would like my name not to be an issue," Bob Diebold told *The Columbus Dispatch* . "I would think that would be unfair. I wanted them to cover it up. I'd donate the duct tape." The county election board turned to Secretary of State Jennifer Brunner (D) for guidance and her staff told the county it could cover up the Diebold name on voting machines if it wanted to, but the county declined. Jay Morrow, director of elections for Licking County said that the candidate himself is the only one who has raised any concerns about the coincidence.

III. Opinion This Week

National: Vote fraud, II

California: Voting machines

Colorado: Vote by mail

Florida: Voting machines, II

Hawaii: Electoral College

Indiana: Vote centers

Louisiana: Voter registration

Pennsylvania: Poll workers

Texas: Voter ID, II

Wisconsin: Voter ID, II

Some sites require registration

IV. Job Postings

All job listings must be received by 12 p.m. Eastern on Wednesday for publication in our Thursday newsletter. Job listings are free but may be edited for length. Whenever possible, include Internet information. Please email job postings to mmoretti@electionline.org

ELECTIONS DIRECTOR - Navajo County, Ariz. Looking for a rewarding career while enjoying a relaxing country lifestyle? Navajo County and the White Mountains are for you! Navajo County is accepting applications for an Elections Director. This position is responsible for managing the Elections Department to include: planning, organizing and directing County wide elections; establishing policies, procedures and guidelines; ensuring voting and voting procedures are in compliance with Arizona State statutes; making public presentations; certifying results of elections; and developing and administering the department's budget. The successful candidate should have a Bachelor's Degree in Public or Business Administration, Political Science, or a closely related field; and three years of progressively responsible experience in

conducting governmental elections, including one year in a supervisory or management capacity; **OR** equivalent combination of education, training and experience; and must pass the Arizona State Election Certification program. Salary range is \$50,750 - \$63,438 per year, depending on qualifications. Benefits include paid leave. Please submit a Navajo County application to: Navajo County Governmental Complex; Attn: Human Resources; PO Box 668; Holbrook, AZ 86025. Position description and application information available at www.co.navajo.az.us. EOE.

electionline Weekly and electionline.org ALERTS are produced by the staff of *electionline.org*, a non-partisan, non-advocacy research effort of The Pew Charitable Trusts. More information about the Project and up-to-the-minute news on election reform throughout the week can be found at electionline.org.

To unsubscribe from this and future messages from electionline.org, please click [here](#).

Bryan Whitener/EAC/GOV
05/04/2007 04:57 PM

To Donetta L. Davidson/EAC/GOV@EAC, Rosemary E. Rodriguez/EAC/GOV@EAC, Caroline C. Hunter/EAC/GOV@EAC, Gracia Hillman/EAC/GOV@EAC
cc Bert A. Benavides/EAC/GOV@EAC, Bola Olu/EAC/GOV@EAC, Brian Hancock/EAC/GOV@EAC, Curtis Crider/EAC/GOV@EAC, DeAnna M.
bcc

Subject Weekly News - Elections & Voting (4-28 to 5-4-07)

Commissioners:

Included below are links to other articles and opinion on elections and voting that have posted over the past week.

#####

National

Attorneys Scandal May Be Tied to Missouri Voting

All Things Considered, May 3, 2007 - The Justice Department's push to remove U.S. attorneys in 2006 might have been larger than the eight cases that have been discussed in Congress. Other U.S. attorneys' names were on a list the agency compiled in January 2006 – the prosecutor who replaced one of them was the first to be named under the Patriot Act.

Rep. Susan Davis introduces bill requiring postage-paid absentee ballots

Rep. Susan Davis (D-Calif.) will introduce a bill this week to make absentee ballots postage-free for voters.

California

Voting system maker fields Riverside County's security questions

Survey: What, if anything, should be done to improve the security of ballots in Riverside County? Sequoia Voting Systems representatives said Wednesday that they welcome Secretary of State Debra Bowen's rigorous review of voting technologies in use by California counties. Ed Smith, vice president of quality, certification and compliance for Sequoia, told Riverside County's election review panel that the company has turned over its equipment and source codes to Bowen's office for testing.

Connecticut

Bill opening primaries to some 17-year-olds stalled

A bill that would have paved the way for 17-year-olds to vote in state primaries was dealt a two-year setback yesterday in the House of Representatives. Secretary of the State Susan Bysiewicz and most lawmakers supported the bill, but it fell nine votes shy of the 114 needed to place it on the 2008 ballot.

Florida

Help wanted: Bilingual poll workers

Supervisors of elections statewide say they need to recruit more bilingual poll workers to help Spanish speakers vote. "It is difficult to recruit bilingual poll workers," Palm Beach County Supervisor of Elections Arthur Anderson said. "There is a section of our population that hasn't been adequately empowered."

Touch-screen voting on way out, but millions still owed

The Legislature voted Thursday to trash the ATM-style devices in favor of paper ballots. Miami-Dade County's \$24.5 million experiment in touch-screen voting is over -- but payments for 7,250 soon-to-be banned machines are not. Local taxpayers still owe \$14 million for the devices, with payments that stretch out over the next five years.

Ballot Change Worries Supervisors

TALLAHASSEE - The next evolution in Florida's ever-changing system of voting will feature something called "ballot on demand." A citizen at any early voting site would receive a custom optical scan ballot,

025850

matching the voter's residence, language and party affiliation. A voter's choices would be marked on an optical scan ballot by filling in an oval next to each ballot question.

Indiana

Randolph officials hope votes can be counted

Will the third time be the charm for Randolph County's election tabulation equipment? During the equipment's first two uses, the 2006 primary and general elections, Randolph County residents went to bed without knowing the winners of either election. Last spring, a computer crashed on election night, and in November, the tabulation software didn't accurately add results. Since then, the equipment vendor has gone out of business amid problems in Indiana and beyond. Now, a former employee of Voting Technologies International is working with the county to make sure Tuesday's election can go on.

Branches extend hours for voter IDs

MUNCIE -- The Indiana Bureau of Motor Vehicles will have extended hours Monday and Tuesday at all license branches to allow for the issuance of state-issued photo identification cards and driver licenses for next Tuesday's primary election. Registered voters are required to provide valid photo IDs at the polls.

Richmond test aims to boost voter turnout

Opening vote centers a week before primary is 1 experiment among many across U.S. Heading into what promised to be another low-turnout primary election, Richmond residents are trying something new this week. Officials have put aside the traditional precinct system in Wayne County this spring and replaced it with what they call vote centers.

Can't make it Tuesday? At least two centers will be open from 10 a.m. to 7 p.m. this week. Two additional centers will open their doors Tuesday for voters more bound by tradition.

Kansas

Time runs out on voter ID bill

TOPEKA - The clock ran out Wednesday on a bill requiring most Kansans under age 65 to show photo identification to vote. Lawmakers adjourned their wrap-up session without approving voter ID legislation, despite recent indications that a majority of lawmakers could favor the change. "We just ran out of time," said Senate elections chairman Tim Huelskamp, R-Fowler, a primary proponent of the new rules. The lack of action on voter ID also doomed plans to expand early voting options for citizens. Senators wedded the two measures together earlier this session.

Mississippi

Register to vote at casino

The Silver Slipper Casino is sponsoring a voter-registration drive on Saturdays during the month of May. "So many people have been displaced they may not be aware of the fact if their address has changed, they need to register to vote again," said John Ferrucci, the casino's general manager. "We want to make them aware of that and make it easy for them and reward them with a Silver Slipper T-shirt."

Ohio

Changes at troubled Ohio elections board to get first test

CLEVELAND - The elections board in the state's most populous county, heading into next week's primary with rookie members and a troubled image, has put new procedures in place that officials say will improve elections and restore public confidence. "There is significant importance to this election and how we conduct this election," Jane Platten, interim director of the Cuyahoga County Board of Elections, said Thursday at a media briefing on the more than six weeks of preparation done for the primary.

Texas

Registrars Urging Data System Recall; Smith County Not Included

Voter registrars around Texas are urging the state to abandon a \$14 million computer system for storing voter information, saying it is causing massive delays for election administrators all over the state. All but 30 of Texas' 254 counties use the database, called the Texas Election Administration Management system. Smith County does not use the TEAM system.

Senate Showdown Likely Over Voter ID

A clash between Democrats and Republicans over what form of identification Texans must show to cast a ballot is heading toward a Senate showdown, and an ill Democrat appears to hold the pivotal vote.

Washington

New Elections director for King County

Sherril Huff has been named the new director of the King County Records, Elections and Licensing Services Division. Huff, who was twice elected as Kitsap County auditor, has served as King County's assistant director for the division since February 2005. County Executive Ron Sims announced her appointment last week. The King County Elections Division has been at the center of controversies including timely mailing of absentee (now mail-in) ballots and vote counting since 2003. It was the focus of statewide attention during recounts of ballots in the 2004 governor's race between winner Chris Gregoire, a Democrat, and Republican hopeful Dino Rossi. The King County Council has taken steps to improve the ballot-tabulation process since the 2004 election.

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Bryan Whitener/EAC/GOV
05/09/2007 10:47 AM

To Donetta L. Davidson/EAC/GOV@EAC, Rosemary E. Rodriguez/EAC/GOV@EAC, Caroline C. Hunter/EAC/GOV@EAC, Gracia Hillman/EAC/GOV@EAC
cc Bert A. Benavides/EAC/GOV@EAC, Bola Olu/EAC/GOV@EAC, Brian Hancock/EAC/GOV@EAC, Curtis Crider/EAC/GOV@EAC, DeAnna M.
bcc

Subject FYI - Daily News (5-9-07, Wed)

Commissioners:

The following items are in the news.

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National

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National

Agency Affirms Mandates for Driver's Licenses (DHS & Real ID)

New York Times

May 9, 2007

By MATTHEW L. WALD

WASHINGTON, May 8 – The Homeland Security Department said Tuesday that it would plow ahead with national standards for driver's licenses, despite a highly unusual level of activity by state legislatures opposed to the idea, and substantial second thoughts in Congress.

The department said it had received about 12,000 public responses to its draft rules, in a 60-day comment period that ended Tuesday. Russ Knocke, a spokesman, said the comments were mixed.

Comments at a Senate Judiciary Committee hearing Tuesday were more negative. The chairman, Senator Patrick J. Leahy, Democrat of Vermont, complained that security rules were supposed to be "smart as well as tough" and predicted that state motor vehicle departments would not be able to cope

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with the requirements, which include verifying all documents presented by applicants. Even renewals will require birth certificates or other proof of legal residence. And the change will impose billions of dollars in costs on states and localities, Mr. Leahy and others said.

Mr. Leahy, who is a sponsor of a bipartisan bill to repeal the rules before they take effect, asserts that the department cannot even safeguard the personal information of its own employees. (Recently the department acknowledged that it had released the names and Social Security numbers of thousands of employees, including undercover sky marshals.)

According to the National Conference of State Legislatures, which has a clock on its Web page counting down the time until the law's requirements take effect (368 days as of Tuesday), Washington and Montana have enacted laws pledging not to comply. In Idaho, the Legislature passed, and the governor signed, a budget specifying that expenditures for carrying out the law next year would be zero. Resolutions opposing the new licenses have been passed by one or both houses of the legislature, and in some cases signed by the governor, in Arkansas, Arizona, Colorado, Hawaii, Michigan, North Dakota and Utah.

Carl Tubbesing, deputy executive director of the conference, said, the actions of legislatures was "without precedent in the last 20 years."

But Mr. Knocke, the spokesman for the Homeland Security Department, predicted that reluctant states would come around because people would demand it. Without the standardized licenses, they would need a passport to board an airliner, he said.

"Residents of non-Real ID-compliant states are going to be displeased with their leadership," he said.

While states have mostly complained about costs, others have raised privacy objections. The American Civil Liberties Union said Tuesday that the system as laid out by the Bush administration "streamlines identity theft."

There was some support for the license plan at the hearing. Janice L. Kephart, former counsel to the Sept. 11 commission, pointed out that Ziad Jarrah, a hijacker of United Flight 93, which crashed in Pennsylvania, had been stopped for speeding two days before the Sept. 11 attacks and gave the police officer one of the two Florida driver's licenses he was carrying. If the nation had a system that limited applicants to a single license, the authorities would have had a better chance of catching him, she said.

The law requires the states to begin issuing the standardized licenses by next May, but the department can issue extensions through Dec. 31, 2009. All licenses are supposed to be compliant by May 10, 2013.

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National
States' rebellion at Real ID echoes in Congress (Final rules for Real ID are due later this summer)

Stateline.org
By Eric Kelderman
Stateline.org Staff Writer
May 8, 2007

Two states leading a revolt against the Real ID Act have picked up new firepower in the U.S. Senate in their fight to roll back an unprecedented federal overhaul of state driver's licenses.

Senate Judiciary Committee Chairman Patrick Leahy (D-Vt.) is now spearheading an effort in Congress to undo the 2005 law that will require states to verify the identity of all 245 million licensed drivers and impose a common set of security features on license cards. Leahy, who can use his post to push legislation to the Democratic-controlled Senate, has signed on to a bill to repeal the Real ID law and

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revive a previous state-federal partnership effort to make driver's licenses more secure. A bill in the U.S. House, also now in Democratic hands since the 2006 election, has attracted the support of 25 co-sponsors.

"While the federal government dictates responsibilities for what has traditionally been a state function – and adding layers of bureaucracy and regulation to effectively create a national identification card – there is no help in footing these hefty bills," Leahy said at a May 8 Judiciary Committee hearing.

Driving the momentum in Congress, Montana and Washington state last month passed nearly unheard-of statutes rejecting the federal law, which they charge will infringe on their residents' privacy and saddle states with a \$14 billion unfunded mandate. More than 30 other states have taken up similar bills or resolutions calling on Congress to repeal Real ID or fully fund it.

Pietro Nivola, a scholar on federalism with the Brookings Institution, said states have wrestled with mandates from Washington, D.C., since President John Adams' tenure but rarely have passed laws defying Capitol Hill. In 1798, legislatures in Kentucky and Virginia passed resolutions declaring a right to nullify federal statutes – a protest against laws cracking down on immigrants as the country prepared for war against France. One of those laws was repealed 1802 after a new majority party took over in Congress, but the other three were allowed to expire.

Instead, states often have used the courts to test the bounds of Congress' reach. For example, the U.S. Supreme Court granted states immunity from lawsuits by their employees under the 1990 Americans with Disabilities Act. In extreme cases, such as the U.S. Supreme Court's 1954 order to desegregate schools, many Southern states simply ignored the mandates until forced to comply by federal troops or the U.S. Justice Department.

More commonly, as with a federal law stiffening drunken-driving enforcement, states have dragged their feet until the threat of losing federal funds made them toe the line. Delaware, for example, waited nearly a decade to adopt Congress' 1996 mandate setting a .08 percent blood-alcohol content, but acted in time to save \$3.3 million in transportation funding.

Money also has been the carrot keeping states from outright rejecting President Bush's No Child Left Behind education law, which state lawmakers across the political spectrum also have challenged as an unfunded mandate and an intrusion on traditional state control of schools.

Nearly half of the states and several local school districts, most recently in Virginia, have threatened to abandon the law, which requires annual testing in reading, math and science and penalizes schools that miss progress goals. But no jurisdiction has flatly repudiated the act because they would have to forfeit federal money, which accounts for about 8 percent of public education funding. A Connecticut lawsuit that sought to overturn the law failed in September 2006.

Like the No Child Left Behind Act, Real ID has sparked outrage from liberals and conservatives alike. They condemn the law's costs, federal pre-emption of state practices and potential threat to personal privacy.

The difference with Real ID is that Montana and Washington won't forfeit a dime in federal money by rejecting the act, which Congress attached without debate to a 2005 bill funding the war in Iraq and Asian tsunami aid. Passage of the law halted negotiations between the states and the federal Department of Transportation on new driver's license security standards to fulfill recommendations of a task force studying the terrorist attacks of Sept. 11, 2001. Both the U.S. Senate and U.S House bills would revive that process.

The penalty if states do not conform to the act is that their citizens will not be able to use their driver's licenses for federal identification purposes, such as boarding an airplane or entering a federal building.

Richard Barth, an assistant secretary at the federal Department of Homeland Security, told state

legislators at an April meeting that Real ID was designed to be voluntary and not tied to federal funds because that could make it unconstitutional.

Under Real ID, states will have until 2013 to reissue all driver's licenses, beginning next May or at the end of 2009 if a state asks to extend the deadline. License holders will have to renew their licenses in person and show a form of photo identification and documents proving their date of birth, Social Security number and address.

The National Conference of State Legislatures is asking the homeland security department to allow states 10 years after Real ID rules are finalized to reissue existing licenses and to decrease costs by exempting military personnel and others with federal identification from the rigid screening process.

The federal homeland security department has estimated that Real ID will cost states \$14 billion. Although Congress has appropriated \$40 million to meet the law's requirements, homeland security officials have clarified that amount will be given out as grants to develop best practices. States also would be allowed to use 20 percent of their federal homeland security grants, but state officials point out those funds are already dedicated.

Final rules for Real ID are due later this summer.

Comment on this story in the space below by registering with Stateline.org, or e-mail your feedback to our Letters to the editor section at letters@stateline.org. Contact Eric Kelderman at: ekelderman@stateline.org.

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[Driver's licenses to face new federal standards](#)

[Driver's licenses now a tool for homeland security](#)

[States slow to give driver's licenses to illegal alien](#)

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National

Effort to Ban Paperless Voting Machines Advances Out of House Administration Committee (PFAW press release)

Holt Bill Would Fix Voting Machine Problems before Next Presidential Election, Prevent another Sarasota

For Immediate Release: 5/8/2007

Contact: Stacey Gates or Josh Glasstetter

People For the American Way

email: media@pfaw.org

phone: 202-467-4999

Voting rights advocates scored a significant victory today when legislation addressing voting machine problems advanced out of the House Committee on Administration by a 6 to 3 vote.

The Voter Confidence and Increased Accessibility Act (H.R. 811), would ban paperless voting machines and require all voting to either be done directly on paper, or on machines that produce voter-verifiable paper ballots and meet strict security and auditability requirements. It is sponsored by Congressman Rush Holt (D-N.J.).

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People For the American Way President Ralph G. Neas praised today's development and urged the Congress to quickly consider the legislation on the House floor.

"In November, 18,000 votes went missing on voting machines in Sarasota County, Florida. If voting machine problems are a sickness, the Holt bill is good medicine. We must make every effort possible to ensure that an injustice like Sarasota never happens again," Neas said. "This bill will end paperless voting --period. It will make paper ballots the norm, and impose strict new requirements on all voting machines to ensure they are accurate, reliable, accessible and secure. We urge the full House to pass this legislation quickly, so its reforms can be implemented in time for the 2008 presidential election."

Republican leaders in the House Committee on Administration introduced 12 amendments, including an egregious photo identification provision that would potentially disenfranchise millions of voters. All 12 amendments failed.

"What we saw at today's mark-up was a last-ditch effort to rehash this misguided voter fraud debate that only serves to limit access to the ballot of certain communities, and does little to nothing to secure the ballot," Neas said.

People For the American Way is one of the nation's leading advocates of federal election reform. The organization worked with Congressman Holt's staff as the legislation was drafted, and public policy director Tanya Clay House testified on the legislation before the House Administration Committee.

The Holt bill already has more than 200 co-sponsors in the House, and a broad array of voting rights, civil rights and progressive organizations supporting it. In addition to People For the American Way and People For the American Way Foundation, Holt bill supporters include Common Cause, MoveOn, SEIU, the National Education Association, the Brennan Center, the Lawyers Committee for Civil Rights Under Law, Vote Trust USA, Verified Voting, and prominent voting technology experts Avi Rubin and Ed Felten.

For more information about the Holt bill, visit <http://www.pfaw.org/go/fixingthemachines>. Click [here](#) to see our letter to the House Administration Committee in support of H.R. 811.

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**National
Holt Election Reform Bill Passes Out of Committee, People for the American (PFAW) Still Misleading
Public About It (Brad Friedman goes after PFAW)**

**Advocacy Group's Press Release Disingenuously Continues to Forward Unsupportable Notion that Bill
Would Have Prevented Sarasota's FL-13 Election Meltdown**

Brad Friedman
Brad Blog
May 8, 2007

**Legislation Still to Allow for Uncounted and Uncountable Electronic Ballots on Touch-Screen Voting
Systems...**

^[1] Rush Holt's Election Reform Bill (HR811) ^[2] was successfully voted out of the U.S. House Administration Committee today after a four hour mark-up session. We'll have analysis of the bill in the coming days as we are able to review a copy of the final version which is now headed to the House floor. We have been told that electronic balloting on Direct Recording Electronic (DRE) touch-screen systems will continue to be allowed in the bill.

Apparently, a paper ballot --- one that is actually counted --- for every vote cast in America is of little interest to either the Democratic and Republican members of the committee.

See our Holt Bill Special Coverage Page at <http://www.BradBlog.com/Holt>^[3] for much more information and action points concerning the bill.

First out of the box to trumpet today's "triumph", naturally, was the bill's top supporter, the public advocacy group, People for the American Way^[4] (PFAW). They had a press release good to go before the ink even dried on the dangerous new version of the bill (which, we should add, does include both *some* improvements to the initial version, along with several watered down provisions as we've been told...but we'll wait until we actually *read* it before commenting further on any of that.)

For now, however, we have little choice but to characterize the tactics used by PFAW in their press release as despicable, while they continue to knowingly mislead the American people about what the Holt bill will and won't do. (*Their press release is posted in full at the end of this article.*) This group knows better, and yet, they are doing it anyway.

PFAW can be reached at:

pfaw@pfaw.org^[5]
202-467-4999 or 800-326-7329
2000 M Street, NW, Suite 400
Washington, DC 20036

We can do little else at this point other than to recommend any donors to their organization cease supporting them immediately, and otherwise let them know exactly why. Their dangerous, disingenuous support for this dangerous and disingenuous bill is *counter* to the best interests of Election Reform and Integrity in America. Worse still, PFAW --- who has openly lobbied *in favor* of the use of dangerous, disenfranchising, hackable touch-screen DRE systems, claiming they are preferable to paper-based optical-scan systems^[6] --- is willing to lie about facts in order to see the bill move forward...

Here's one example from their press release, misleadingly headlined from the start, claiming erroneously that: "Holt Bill Would Fix Voting Machine Problems before Next Presidential Election, Prevent another Sarasota"

It's the "Prevent another Sarasota" that gets our ire up the most. Given that *they know damn well* that what happened in Sarasota's U.S. House in Florida's 13th district between Vern Buchanan (R) and Christine Jennings (D) would *not* have been avoided by the bill's requirement to ensure uncounted "paper trails" on DRE touch-screen systems. Such systems disallow *any* human being to *ever* verify their vote before it is cast and counted by the voting system.

The Holt Bill disingenuously refers to those "paper trails" as "paper ballots" when both Holt himself, and certainly the PFAW bunch, know that that language in the bill is purposely misleading to members of Congress, to the media and to the public at large.

Says PFAW's Executive Director, Ralph Neas in the release, despite knowing he's misleading those who have come to trust PFAW as one of the "good guys" up until now:

"In November, 18,000 votes went missing on voting machines in Sarasota County, Florida. If voting machine problems are a sickness, the Holt bill is good medicine. We must make every effort possible to ensure that an injustice like Sarasota never happens again," Neas said. "This bill will end paperless voting - period. It will make paper ballots the norm, and impose strict new requirements on all voting machines to ensure they are accurate, reliable, accessible and secure.

Neas well knows --- because we personally discussed it at length with him, several of his top staffers working on this matter at PFAW, and even PFAW's founder Norman Lear --- that "paper trails" on the paperless touch-screen voting machines used in the FL-13 election would likely have made *no difference whatsoever in the outcome of that election!*

In that election, some 18,000 voters failed to either notice and/or change their recorded "undervote" when

it likely appeared in front of their very face on big touch-screen machine. And yet, virtually every computer scientist and/or voting system expert we've discussed this matter with has confirmed that having such a results subsequently printed on a tiny piece of paper would have made *any* difference at all in the final recorded outcome.

The only difference it would possibly have made is that Jennings' contest of the election would likely have been dismissed by now on the grounds that "those paper trails you guys insisted on, *confirm* that 18,000 voters *decided* not to vote in that race, so case dismissed!"

PFAW also knows better because they are one of four groups sponsoring the legal challenge to the FL-13 election. Another one of the groups on the legal team is VoterAction.org^[7], who has responsibly opposed the bill as originally written due to its allowance for the use of DRE voting systems.

The press release describes PFAW as "one of the nation's leading advocates of federal election reform." They are indeed. Unfortunately, they are advocating for "reform" which will likely be as bad, or arguable worse, than our current dysfunctional system in a number of ways. Worse because, among other reasons, the bill institutionalizes touch-screen voting in America with a Democratic (big "D") stamp of approval.

The Help America Vote Act (HAVA) of 2002, which began all this madness, could well have been laid to blame at the feet of now-imprisoned Ohio Republican Rep. Bob Ney, who was its lead sponsor/author in the House back then. If this bill passes the full House and then Senate and becomes known as HAVA II by the time 2008 rolls around, the Democrats will have nobody to blame but themselves. And PFAW.

One more thought. The PFAW statement also claims [VoteTrustUSA](http://VoteTrustUSA.org)^[8] as one of the supporters of the bill. That, despite repeated claims to us and others, by VT's co-founders Warren Stewart and Joan Krawitz, that they have not endorsed the bill. They have been big supporters of it, however, even while many members of their national coalition of Election Integrity groups have either opposed the bill outright or otherwise rallied against a number of the provisions in the bill --- including the allowance for the use of touch-screen DRE voting systems.

With "supporters" of election integrity the likes of PFAW and VoteTrustUSA, it's little wonder that we will continue to have electoral meltdowns such as those we saw in 2004, and week after week in 2006, for many more years to come.

That's not all the bad news out of the House Administration Committee today, but more on that to come shortly.

PFAW's shameful press release follows in full below...

For Immediate Release: May 8, 2007
Contact: Stacey Gates or Josh Glasstetter
202-467-4999 / media@pfaw.org^[9]

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For more information about the Holt bill, visit <http://www.pfaw.org/go/fixingthemachines>^[11]. Click [here](#)^[12] to see our letter to the House Administration Committee in support of H.R. 811.
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Take action to amend the Holt Election Reform Bill!

DEMAND A BAN ON DRE TOUCH-SCREEN VOTING!

- [Email Congress!](#)^[13]

- [Call you members!](#)^[14]

See www.BradBlog.com/Holt^[15] for more details, coverage, talking points & information on all of the above!

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[3] <http://www.BradBlog.com/Holt>: <http://www.BradBlog.com/Holt>

[4] People for the American Way: <http://www.pfaw.org/pfaw/general/>

[5] pfaw@pfaw.org: <http://www.bradblog.commailto:pfaw@pfaw.org>

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[14] Call you members!: <http://www.votersunite.org/takeaction/ban-e-ballots.asp>
[15] www.BradBlog.com/Holt: <http://www.BradBlog.com>

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National

Politics could cloud election panel's work (Senate battle set; confirmation comes due for each of the six FEC commission spots)

Boston Globe
By Charlie Savage
May 9, 2007

WASHINGTON -- The six-person Federal Election Commission, which enforces campaign-finance laws, is entering the presidential election season with three temporary commissioners who have not been confirmed by the Senate, two commissioners whose terms have expired but who have not been replaced, and one vacancy.

As a result, most of the commissioners who are now passing judgment on campaign-finance fights will also be looking ahead to their own confirmation battles -- a process that threatens to intensify the politics surrounding an agency that was set up to resolve disputes over election rules in a bipartisan manner.

"This is symbolic evidence of how dysfunctional this agency is, when there is not one commissioner serving today under the normal process for appointing and confirming federal officials," said Fred Wertheimer, president of Democracy 21, a group that has frequently criticized the commission as failing to take sufficient steps to reduce the influence of money in politics.

The failure to confirm new commissioners is the result primarily of tie-ups in the Senate, where members of both parties have threatened to use the confirmation process to revisit controversial campaign-finance laws, according to congressional aides. Senate leaders, seeking to avoid a distracting battle, quietly allowed President Bush to make the temporary appointments while Congress was in recess.

Next month, however, Senator Dianne Feinstein, a California Democrat and new chairwoman of the Senate Rules Committee, plans to hold a hearing on the possibility of confirming four of the commission members.

They include the members who were given recess appointments in January 2006 -- Republican Hans von Spakovsky and Democrats Robert Lenhard, and Steven Walther -- along with Republican David Mason, whose six-year term expired in 2003, but who stayed on as a holdover and has now been nominated for a second term by Bush.

Election-law observers say they will be closely watching the hearings, which represent the first attempt by the Senate to confirm the agency's commissioners in seven years. But few are optimistic that the process will go smoothly. Senate procedures allow lawmakers of either party to block the agency's nominees whom they oppose, prompting retaliatory blocks by members from the other party.

Some of the anticipated fights are partisan. Democrats are expected to question von Spakovsky about his prior work as a voting-rights lawyer in the Justice Department's Civil Rights Division, when it approved a Texas redistricting map that favored Republicans. The map was later ruled illegal by the Supreme Court.

Other anticipated fights are ideological and cross party lines. Senators who support broad restrictions on

campaign spending -- including John McCain, Republican of Arizona and Russ Feingold, Republican of Wisconsin -- have clashed with lawmakers who say that campaign-finance limits are a violation of free speech.

"If gridlock blocks the appointments from going forward, that is a sign that the debate over the policies that this commission deals with has broken down, and we can't see the end resolution," said Edward Foley , an election law specialist at Ohio State University.

Congress established the Federal Election Commission in 1975 amid a wave of post-Watergate reforms intended to end corruption in the political process. The agency is charged with making regulations to enforce federal election laws, including limits on campaign donations and the disclosure of donors.

To ensure that its actions are bipartisan, the agency is supposed to have three Republicans and three Democrats. Congressional leaders usually recommend potential appointees to the president, though he has final discretion.

Campaign-finance activist groups have accused leaders of both parties of choosing commissioners who are reluctant to restrict the flow of political money. The agency also often deadlocks with 3 -to- 3 party line votes, and thus takes no action on complaints about alleged violations of election laws.

Such disputes intensified after the passage of the McCain-Feingold campaign finance law in 2002. It banned political parties from spending so-called "soft money" -- unrestricted money donated by corporations, labor unions, and wealthy individuals -- to influence elections.

But during the 2004 election, such "soft money" instead flowed to independent groups, including the liberal MoveOn.org and the conservative Swift Boat Veterans for Truth. Campaign-finance activists urged the commission to use its powers under election law to force all such groups to obey donation limits and disclosure rules. But the commission refused to make such a rule.

Fallout from the agency's decision in the dispute led to the three recess-appointments, Senate aides say. Party leaders on both sides of the aisle wanted to avoid a protracted fight with lawmakers such as McCain and Feingold over their choices for the agency. So Bush quietly made the appointments in January 2006 while Congress was in recess.

Another Senate-confirmed commissioner resigned in March, and the regular term of the last Senate-confirmed member of the agency, Democrat Ellen Weintraub , ended on April 30 . She is still serving as a holdover, awaiting the nomination and confirmation of a successor.

The commission's spokesman, Bob Biersack, said the problem of unconfirmed commissioners has not affected the agency's work. In recent months, he pointed out, the agency has collected hundreds of thousands of dollars in fines, mostly related to violations during the 2004 election. "It's true that it's unique in our history that we've been in this situation with all six seats" awaiting confirmation, he said. "But people carry on."

However, if the Senate fails to confirm any of the agency's commissioners this year, the three recess-appointed members will have to step down in December. For the agency to function, Bush would have to install four new temporary commissioners who would have to learn the process as major campaign issues for the 2008 election are heating up.

"There is a problem when there is a lot of turnover, because there is a learning curve associated with what's going on," said Richard L. Hasen , an election law specialist at Loyola Law School Los Angeles. "It's certainly a problem to have a lot of new commissioners coming in just as the 2008 election comes up."

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**National
Panel Approves Bill Requiring Paper Receipts (Congress Daily)**

Congress Daily
GOVERNMENT OPERATIONS
May 9, 2007

The House Administration Committee Tuesday passed a comprehensive electoral reform bill, 6-3, over Republican assertions that the bill would impose unnecessary rules on state election boards.

"I favor the concept of the bill, but the burden placed on states is unmanageable," House Administration ranking member Vernon Ehlers, R-Mich., said.

The measure would require paper records of votes cast on electronic machines. The bill requires states to adjust to the new rules by the 2008 presidential election.

Ehlers accused Democrats of attempting to rush the measure through without substantive debate.

A substitute amendment by Ehlers to extend the timetable was rejected. His proposal would have given states until 2010 to upgrade their systems.

The legislation amends the Help America Vote Act, which was signed into law in 2002 in response to the contested 2000 presidential election. The HAVA law created the Election Assistance Commission and established minimum standards for all elections.

The bill follows up on that law by creating the paper trail requirement and authorizing routine inspections of the software used for electronic voting systems. The measure bans conflicts of interest between election officials and vendors that sell voting machines, and requires paper ballots be available to voters whose primary language is not English.

A substitute amendment by Rep. Zoe Lofgren, D-Calif., which was the measure reported out of committee, authorizes \$1 billion for FY07 for payments to states to meet the new voting system requirements. That amount is a substantial increase from the \$300 million authorization included in the original bill.

"What is at stake is whether we have another unverifiable election, possibly a presidential election," Lofgren said. "We don't have time for that." By Jessica Brady, with Michael Martinez contributing

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**National
Testimony requested on U.S. attorney firings (Senate cmte. wants info on voter fraud efforts.)**

A Senate committee wants a former U.S. attorney in KC to discuss voter fraud efforts.

By DAVID GOLDSTEIN and GREG GORDON
The Kansas City Star
May 8, 2007

WASHINGTON | The Senate Judiciary Committee wants to ask a former U.S. attorney in Kansas City whether the reluctance by some U.S. attorneys to pursue voter fraud cases played a role in their firings.

The committee, which has been investigating the dismissals of eight U.S. attorneys, asked Bradley Schlozman to appear voluntarily and describe his activities first as a senior civil rights official and later as a U.S. attorney for Kansas City. Schlozman was a U.S. attorney in Kansas City for one year.

While U.S. attorney in Kansas City, Schlozman pursued voter registration and voter fraud cases.

In his post in the U.S. Civil Rights Division, Democratic critics charge, Schlozman backed state laws that toughened voter identification requirements and hired lawyers based on their political affiliations. As a result, they say, Democrats were pushed aside and replaced with Republicans unfriendly to voter access litigation.

According to critics, those actions put Schlozman at the center of efforts to suppress voter turnout, particularly by Democratic-leaning minorities, as the 2006 congressional election approached.

In a letter to Schlozman on Monday, the Judiciary Committee chairman, Sen. Patrick Leahy of Vermont, and ranking member Arlen Specter of Pennsylvania, wrote: "We believe the committee would benefit from hearing directly from you in order to gain a better understanding of the role voter fraud may have played in the administration's decisions to retain or remove certain U.S. attorneys."

Meanwhile, the Justice Department said it would not try to prevent Congress from granting immunity to White House liaison Monica Goodling if she testifies before a committee.

Investigators initially wanted to determine whether U.S. attorneys were fired for political reasons. The inquiry has since branched off into a investigation of whether partisan and ideological litmus tests were used to hire some assistant U.S. attorneys and career lawyers.

Schlozman was unavailable for comment Monday. Justice Department spokesman Dean Boyd said the department had received the committee's letter and was reviewing it. In a statement, Boyd said that the agency enforces the law "based on evidence, not partisan politics," and that U.S. attorneys are expected to bring "election and voter fraud cases where evidence of such fraud exists."

But Leahy and Specter noted that White House political aide Karl Rove voiced concern to Attorney General Alberto Gonzales last year about voter fraud in Wisconsin, Pennsylvania and New Mexico.

After that conversation, U.S. Attorney David Iglesias of New Mexico was added to the list of prosecutors to be replaced. Two other fired prosecutors – in Arizona and Washington state – have said they think their ousters were prompted in part by failure to aggressively pursue voter fraud cases.

The two senators also noted that Schlozman succeeded former U.S. Attorney Todd Graves. In its letter Monday, the committee said it was also interested in reports that department officials considered adding Graves to the list of U.S. attorneys to be replaced.

Leahy and Specter cited news reports that said Graves refused to endorse a federal lawsuit against the state of Missouri. The suit, authorized by Schlozman in his role at the Civil Rights Division in 2005, alleged that the state wasn't doing enough to remove the names of ineligible people from voter registration lists.

It was dismissed this spring by a federal judge, who said that while voter registration problems existed, she wasn't convinced they were as widespread as the government contended. And in the absence of actual fraud, which was not alleged in the suit, the state's actions to educate election boards about cleaning up their lists was reasonable, she said.

When the suit was filed, however, Republicans used it to support claims that voter fraud was a serious problem.

As U.S. attorney in Kansas City, Schlozman brought voter-fraud indictments days before the election against four people who were registering voters for ACORN, a liberal group. Two of the defendants have pleaded guilty, and the two others are awaiting trial. Although ACORN has backed the prosecutions, critics of Schlozman question its timing.

The election resulted in Republican Sen. Jim Talent's defeat, giving Democrats control of the U.S. Senate.

Leahy and Specter asked Schlozman to make himself "available ... for interviews, depositions or hearing testimony" and bring documents related to the investigation.

Both the Senate and House judiciary committees have threatened to issue subpoenas if Justice Department and White House officials do not cooperate with their inquiries.

The Associated Press contributed to this report.

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North Carolina Demos Report Highlights North Carolina's Compliance with National Voter Registration Act

For Immediate Release

May 8, 2007

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North Carolina lauded for compliance with national voter registration act

New Report shows that IMPROVED implementation steps will help increase voter registration opportunities for low-income people

--> [Download report here](#)

New York, NY--North Carolina is taking a number of steps to be in full compliance with the National Voter Registration Act of 1993, specifically its requirement that states offer voter registration opportunities in public assistance agencies, according to a new report published this week by Demos, a national election reform and voting rights policy center.

Congress passed the National Voter Registration Act (NVRA) with two primary aims: increasing voter registration opportunities and ensuring the integrity of the voting process. Yet, while most states created effective programs for mail-in and Department of Motor Vehicles-based registration processes, many neglected the NVRA's Section 7 requirement that states offer voter registration in public assistance agencies.

The new study published this week, entitled *Expanding Voter Registration for Low-Income Citizens: How North Carolina is realizing the promise of the National Voter Registration Act*, details how the state's NVRA's public assistance voter registration efforts had lapsed in recent years, despite initial success. Since being notified in June 2006 of their declining registration numbers in public assistance offices by the NVRA Implementation Project--a partnership of Demos, Project Vote, ACORN and Lawyers' Committee for Civil Rights Under Law--the State Board of Elections has worked diligently to improve implementation of this vital law.

In the early part of the decade, registrations at public assistance agencies had declined sharply. Report findings include:

- Public assistance voter registrations in North Carolina declined by 73.5 percent between 1995-1996 and 2003-2004. Between 2003 and 2005 alone, public assistance voter registrations declined statewide by 16 percent, though the number of households participating in the Food Stamp Program increased by 24

percent and WIC program participation increased by 6.5 percent.

- Public assistance offices in 25 counties experienced a decrease in registrations in 2004 as compared to 2003--even though 2004 was a presidential election year and logically should have seen an upswing in registrations.
- In 2005, public assistance offices in each of 35 counties registered fewer than 10 clients; offices in 11 of those 35 counties did not register a single client, and four counties failed to register even one client in the three years for which data was provided.

Once notified, the North Carolina State Board of Elections took immediate steps, with guidance from the NVRA Implementation Project and Lawyers' Committee, to meet Section 7 requirements, including: distributing to the agencies signs that alerted clients to the opportunity to register; identifying NVRA coordinators for each county; revising the training manual; establishing an 800 number help desk; and, holding the first of its biannual meetings with agency heads.

Results of the improved compliance were almost immediate:

- Although the SBOE has received only the first reports from the local public assistance agencies, the improvements already are remarkable: Eleven percent more voters were registered in the single month of February 2007 than in the entire year of 2005 in the 30 counties providing complete monthly data.
- Twenty-two of the 30 counties reporting complete monthly data registered more voters in the single month of February 2007 than they did in all of 2005. Many of these counties registered more than twice as many voters in February 2007 compared to all of 2005.
- Mecklenburg and Guilford Counties, two urban counties with sizable low-income populations, experienced significant gains in voter registrations. Guilford County registered over 30 times as many people in the single month of February 2007 as it did in all of 2005. Similarly, Mecklenburg County registered significantly more voters in February 2007 than in all of 2005.
- Beaufort County, a county with a 17.4 percent poverty rate, saw an increase of over 1,000 percent in voter registrations in March 2007 compared to 2005.

"The single greatest right, and responsibility, of any US citizen is the ability to vote," said Gary Bartlett, Executive Director of North Carolina's State Board of Elections. "The National Voter Registration Act charges all election officials with the responsibility to protect that privilege by ensuring that the opportunity to register to vote is readily available to all eligible citizens."

"North Carolina has always been committed to providing citizens with access to voter registration and certainly appreciates the information and resources provided to us by the NVRA Implementation Project. The revitalization of our agency voter registration program can be credited to the hard work and dedication of many individuals. It is our sincere desire to continuously improve our current efforts and to become a resource for any state working to improve their own compliance with Section 7 of NVRA."

To view the full report, *Expanding Voter Registration for Low-Income Citizens: How North Carolina is realizing the promise of the National Voter Registration Act*, visit www.demos.org.

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Note to editors: For more information on this report--or the letter submitted by ACORN, Project Vote, the Lawyers' Committee, and Demos to the House and Senate Judiciary Committees on May 8 calling for investigation into selective NVRA enforcement by the Department of Justice--please contact Tim Rusch or the contacts listed above. To schedule an interview with Lisa Danetz, lead report author and Demos Senior Counsel, please contact Tim Rusch.

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**Ohio
Man Accused Of Voting In 2 Counties**

WBNS-10TV News
May 08 2007 1:46PM

COLUMBUS, Ohio - A Reynoldsburg man was indicted by a grand jury on Tuesday, accused of casting votes in Franklin and Licking counties for the Nov. 7, 2006 general election.

Claudel Gilbert faces four felony counts of election law violation stemming from an investigation launched by election officials both counties, according to the Franklin County Board of Elections.

Election records indicate Gilbert registered to vote at a home located on Douglas Fir Drive in Franklin County after registering to vote at Reynoldswood Drive in Licking County 12 days earlier.

Gilbert's two addresses were discovered when Boards of Elections in both counties screened a statewide data base to verify voter registration, elections officials said.

"Registration in more than one county normally indicates a voter has moved from one county to another and registered at their new address without canceling their previous registration," said Matt Damschroder, director of the Franklin County Board of Elections. "When a voter is flagged on the statewide voter registration database as being a duplicate, the two counties research the voter's activity to determine which county should keep the voter. In this case, Mr. Gilbert had activity at the same election in both counties.

"By working closely with our colleagues in Licking County, we were able to determine that Gilbert was not only improperly registered at more than one address, but also voted in both counties in the same election," Damschroder added. "These are serious allegations."

The Franklin County Board of Elections referred the matter to Franklin County Prosecuting Attorney Ron O'Brien on Monday.

Watch 10TV News and refresh 10TV.com for additional information.

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**Rhode Island
House approves bill 'preregistering' voters (16-year-olds)**

Providence Journal
Wednesday, May 9, 2007
By Elizabeth Gudrais and Steve Peoples

Journal State House Bureau

PROVIDENCE – The idea of letting 16-year-olds "preregister" to vote is back.

The House passed a bill that would allow it yesterday. Governor Carcieri vetoed the measure last year; the sponsor, Rep. Edwin R. Pacheco, is hoping it will meet a better fate this year.

The goal, says Pacheco, is to foster civic engagement by making it more likely that young adults will vote in the first election in which they're eligible to do so.

Rhode Island law already allows 17-year-olds to register, as long as they will turn 18 before the next election. Pacheco's bill would allow anyone 16 or older to preregister, with that registration becoming active upon the voter's 18th birthday.

During discussion on a day when the Assembly also considered utility-service shutoffs, computer crimes and the structure of the Board of Elections, some of Pacheco's colleagues questioned whether the legislation was necessary.

"I just think this is another on the long list of things that young people should be doing for themselves, quite frankly," said Rep. Richard W. Singleton, R-Cumberland. "When you turn 18, it's your responsibility as an American citizen to vote in elections. ... What's wrong with this generation? They happen to be the most pampered generation in the history of the world, and have the most information at their fingertips in a second, and yet ... we have to drag them to the polls."

Others who opposed the bill said it would clog an already error-ridden voter registry, noting that it contains no provision for verifying when an 18-year-old's registration becomes active, or that he or she has not moved since registering. "I believe we should entice people to vote and make it easy for them to vote," said Rep. Rene R. Menard, D-Lincoln, "but let's clean up the list first."

In the end, the bill's backers prevailed. Rep. Donald J. Lally Jr., D-South Kingstown, said the bill might help, in particular, youths who enlist in the military at their 18th birthday and are deployed far from Rhode Island by the time an election rolls around and they realize they aren't registered to vote.

What happens on the Senate side will determine the bill's fate. Last year, the Senate did not approve the measure until the final night of the session. The governor's veto came in mid-July, and the Assembly never reconvened for an override vote.

Pacheco, D-Burrillville, said he's hopeful there won't be a repeat veto from Governor Carcieri, and that he's open to amendments that would make the bill more palatable to senators or the governor – for instance, delaying the bill's effective date to allow more time for updating the voter registry.

In the House yesterday, lawmakers also approved a bill that would change the definition of criminal activity with regard to computers. Specifically, it would no longer be a crime to "access, alter, damage or destroy a computer system, computer network, computer software, or computer program" "intentionally and without authorization" unless the action was performed "for fraudulent or illegal purposes." The bill's sponsor, Rep. Raymond J. Sullivan Jr., D-Coventry, said it was meant to prevent people from inadvertently committing a crime by surfing the Web over an unsecured wireless network.

Over the objections of Republican members, the House approved a bill to strip the governor of his authority to choose the chair and vice chair of the state Board of Elections. Instead, the board's seven members would appoint the leaders with a majority vote. (The board members are appointed by the governor, subject to Senate approval.)

The Senate, meanwhile, approved a bill aimed at helping low-income residents restore gas and electric shutoffs.

Current law allows customers to have service restored after paying 25 percent of the outstanding balance and setting up a three-year payment plan. But it has little leniency for those who miss payments.

The bill passed unanimously yesterday, sponsored by Sen. Joshua Miller, D-Cranston, and supported by the Wiley Center, would give residents an opportunity to miss three payments over the three-year period without losing service. A shutoff is prohibited so long as the missed payments are not consecutive and the amount due at the end of the payment plan is paid in full.

A companion bill is scheduled for a vote in the House today.

speoples@projo.com

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Bryan Whitener/EAC/GOV
05/10/2007 11:03 AM

To Donetta L. Davidson/EAC/GOV@EAC, Rosemary E. Rodriguez/EAC/GOV@EAC, Caroline C. Hunter/EAC/GOV@EAC, Gracia Hillman/EAC/GOV@EAC
cc Bert A. Benavides/EAC/GOV@EAC, Bola Olu/EAC/GOV@EAC, Brian Hancock/EAC/GOV@EAC, Curtis Crider/EAC/GOV@EAC, DeAnna M.
bcc

Subject FYI - Daily News (5-10-07, Thurs)

Commissioners:

The following items are in the news.

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National

- Congressional Hearing Reveals Voting Machine Flaws
- Karl Rove's big election-fraud hoax (EAC mentioned)
- Gonzales likely to face new questions on firings (LA Times; voter fraud questions in today's AG testimony)
- Missouri Prosecutor Says He Was Pushed to Resign (NYT; Todd Graves & voter registration lawsuit)
- U.S. Attorneys, Reloaded (NYT editorial on Todd Graves matter)
- Senator Bond's office faulted Todd Graves
- Fired prosecutors McKay, Iglesias expect charges
- DOJ Sanitizes Website To Remove Press Release Announcing Election-Eve Indictments
- Thomasesia Duncan Named FEC General Counsel

California

- Bowen wants hack-free voting systems
- SOS Debra Bowen Unveils Details On Top-to-Bottom Review of California's Voting Systems (press release)
- Voting Machines Test: A New Goal?

Florida

- Landslide of problems from new elections law (Palm Beach Post editorial)

Indiana

- Bugs surface in new vote machines
- Voters shut out in Marion County

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National

Congressional Hearing Reveals Voting Machine Flaws

NY1 Politics
Molly Kroon
May 08, 2007

After years of criticism that the state was moving too slowly in certifying new electronic voting machines, many states nationwide are taking a second look at the machines that cost taxpayers millions of dollars and some possibly their votes. NY1's Molly Kroon filed the following report.

Experts testified at a Congressional hearing Monday that states scrambled to meet federal deadlines after

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the widespread problems back in the 2000 presidential election. But now, many states may have to go back to the drawing board.

"The testing labs have approved systems that have lost thousands of votes, approved systems that are unreliable," said Dr. David Wagner, a computer scientist who testified at the hearings. "They've approved systems with serious security vulnerabilities."

One of those labs, Cyber Technologies, tested 70 percent of the electronic voting machines in use today, but is now barred from approving machines after it failed to properly document its inspections.

States may now have to recertify all the machines. The company's chief executive officer blamed the government for lax oversight.

"We were lulled to sleep by the process, which was not our fault," said CEO Mac Slingerland. "The fact that we slept was probably our fault."

Some states are waking up. The Florida Legislature last week voted to throw out its touch screen voting machines for ones that provide a paper trail, after thousands of ballots failed to record votes in last year's election. Maryland's doing the same and California's secretary of state will begin state wide testing of their machines next month.

But New York still hasn't certified any machines. The state has been a lightning rod of criticism for taking so long -- because the state legislature was slow to move, but also due to the Board of Elections' independent review process. It was sued by the federal government and risks losing \$50 million in federal funding for the new machines.

"What's really interesting to me is that all these other states have already spent their money but now have inferior equipment," said Douglas Kellner of the Board of Elections. "New York is committed to getting it right the first time."

A bill in Congress would extend the deadline so New York won't lose funding and create more transparency in the testing process nationwide.

The state hopes to have another company complete the process begun by Cyber to certify machines, which means New Yorkers will still be voting the old fashioned way in the presidential primaries in February. T

The new machines are expected to be in place for the fall election.

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National
Karl Rove's big election-fraud hoax (EAC mentioned)

Republican manipulation of the polls long predates the U.S. attorneys plot -- and the U.S. voting system needs an overhaul.

Salon.com
May 10, 2007
By Garrett Epps

May. 10, 2007 | By evil chance, I spent the Saturday night before Election Day 2000 at a jolly dinner for high-level Republicans. Most of the talk over the entrees concerned why then-candidate George W. Bush had been too pusillanimous to tell the voters that Al Gore was not just a liberal, but a Soviet-style Marxist-Leninist. But as the desserts circulated, so too did a piece of comic relief -- an anonymous leaflet explaining to voters that because of heavy voter registration, the rules had been changed: Republicans would vote on Tuesday, Democrats and independents on Wednesday.

I think of that dinner whenever I read about the widening scandal of the U.S. attorneys and the politicization of the Justice Department under Attorney General Alberto Gonzales. Gonzo is probably the most endangered man since William Tell's son Walter. The pattern behind the scandal, however, transcends Gonzales' fate or that of his underlings.

At least part of the U.S. attorneys plot seems to derive from the "election fraud" hoax that Republicans are trying to perpetrate in order to gain control of the country's voter lists. So nailing this inept crew of thugs won't be good enough. We need laws protecting the right to vote from the kind of phony, partisan prosecutors that Gonzales, Rove and Co. were trying to put in place, and from the punitive, restrictive voter-ID laws that are a prominent part of the far-right political agenda.

Republicans do cherish their little practical jokes -- the leaflets in African-American neighborhoods warning that voters must pay outstanding traffic tickets before voting; the calls in Virginia in 2006 from the mythical "Virginia Election Commission" warning voters they would be arrested if they showed up at the polls. The best way to steal an election is the old-fashioned way: control who shows up. It's widely known that Republicans do better when the turnout is lighter, whiter, older and richer; minorities, young people and the poor are easy game for hoaxes and intimidation.

The latest and most elaborate of these jokes is the urban legend that American elections are rife with voter fraud, particularly in the kinds of poor and minority neighborhoods inhabited by Democrats. In 2002, Attorney General John Ashcroft announced that fraudulent voting would be a major target of the Department of Justice. As the New York Times reported last month, the main result of this massive effort was such coups as the deportation of a legal immigrant who mistakenly filled out a voter-registration card while waiting in line at the department of motor vehicles.

But the administration has remained ferociously committed to suppressing voter fraud -- as soon as it can find some. In April of last year, Karl Rove warned a Republican lawyers' group that "we have, as you know, an enormous and growing problem with elections in certain parts of America today. We are, in some parts of the country, I'm afraid to say, beginning to look like we have elections like those run in countries where the guys in charge are, you know, colonels in mirrored sunglasses. I mean, it's a real problem.

"I appreciate that all that you're doing in those hot spots around the country to ensure that the ballot -- the integrity of the ballot is protected, because it's important to our democracy."

One of the aims of the abortive purge of U.S. attorneys was to punish those who refused to toe the line on the new emphasis on alleged voter fraud. A few fired prosecutors would serve as examples to the rest -- either move to criminalize the election process or face dismissal.

But the assault on voter fraud was a solution looking for a problem. As part of the Help America Vote Act, Republicans insisted on creating the Election Assistance Commission, which commissioned studies of the asserted problem. When the studies failed to turn up evidence of fraud nationwide, appointed Republican officials on the EAC insisted that the language say only that "there is a great deal of debate on the pervasiveness of fraud in elections" -- the same approach to inconvenient evidence that's made the Bush global-warming policy the envy of the world.

The legend of massive voter fraud forms the backdrop to enactment of harsh voter-ID laws. As previously recounted in Salon, a state voter-ID law in Missouri nearly prevented the Democrats from retaking the U.S. Senate -- a prime example of how the voter fraud narrative was used to sell a law intended to keep Democrats from the polls.

In November 2000, Missouri Republican John Ashcroft lost his Senate seat in a close election in which the votes of African-Americans from St. Louis were crucial. Ashcroft's next job was U.S. attorney general. The Department of Justice and Missouri's two U.S. attorneys soon undertook multiple voter fraud investigations. They probed the 2000 election, the 2001 mayoral primary in St. Louis, and the 2004

election, convicting a total of four people. The resulting specter of fraud was used to float a voter-ID law in the Republican-dominated state Legislature, which was finally passed in May 2006.

By then, President Bush had already used a Patriot Act loophole to dispatch Bradley Schlozman, who had supervised the voting section of the DOJ's Civil Rights Division, to Kansas City as the Western District of Missouri's new U.S. attorney. Less than a week before Election Day 2006, Schlozman indicted four people for voter fraud. Schlozman's endeavors were first spotlighted by Salon in a report on March 21, helping to make him the target of increasing blogger and media scrutiny. As one former senior Justice official told Salon then, Schlozman's appointment had senior Justice Department officials "scratching their heads" because Schlozman "was not a very well-regarded trial attorney."

In the end, the voter-fraud scare didn't help Missouri Republicans. Schlozman may have been filing indictments, but the state Supreme Court had struck down Missouri's new voter-ID law a month before the election, finding that it contravened the state constitution. On Nov. 7, Democrat Claire McCaskill defeated incumbent Republican Jim Talent by fewer than 50,000 votes out of more than 2 million cast. The voter-ID law would've required about 170,000 registered voters to apply for a new ID just to be allowed to vote again.

We can't count on the U.S. Constitution to protect the election process. The Constitution does not explicitly protect the right to vote, and the conservative majority on the Rehnquist and Roberts courts has proved friendly to anti-turnout measures. As Mark Graber of the University of Maryland pointed out recently, the court echoed right-wing rhetoric about voter fraud in a little-noticed 2006 opinion allowing Arizona to implement its restrictive voter-ID law. "Voters who fear their legitimate votes will be outweighed by fraudulent ones will feel disenfranchised," the court's per curiam opinion stated. This is the argument that voter-restrictionists have fallen back on. There may be no voter fraud, but if people think there is, then we should tighten up anyway. That's the argument used in Missouri (with support from the White House), where studies showed elections were mostly clean. As Graber noted, to restrictionists, "such a 'feeling' offsets the interests of voters who are disenfranchised by voter-ID laws by *actually driving honest citizens out of the democratic process!*"

So we can't count on federal courts; and not every state constitution contains a guarantee as specific as Missouri's provision guaranteeing the vote to "all citizens of the United States." In 2007, the right to vote is a little like the swimmers in the film "Open Water" -- still afloat, but encircled by hungry sharks who sooner or later will move in for the kill.

The answer is in the hands of the new Democratic majority in Congress. Though most Americans believe that the states are in sole charge of voting and elections, the framers at Philadelphia recognized that state officials might abuse their authority over voting. That's why Article I, Section 4 of the Constitution gives states the initial power to supervise federal elections -- but adds that "Congress may at any time by Law make or alter such Regulations." This provision was hotly debated during ratification; but federalists insisted that Congress needed this backstop power to protect the republican character of the new government against state meddling.

The new Congress so far has considered only a few measures to protect the right to vote: Rep. Rush Holt, D-N.J., has proposed a bill to require voting machines to keep paper trails; Sen. Barack Obama, D-Ill., wants to outlaw certain deceptive practices aimed at voter suppression.

But such defensive measures amount to little more than swatting sharks' noses. We're going to need a bigger boat. In the 1970 case of *Oregon v. Mitchell*, a fractured court approved a statute lowering the voting age to 18 in federal elections, even if states insisted on keeping it at 21 for state voting. (The 26th Amendment subsequently lowered the age to 18 for all elections.) How about a bill making clear that every American who is not under active sentence for felony has a right to vote for those who will govern the country? The bill could go on to say that states could require reasonable identification for new registrants, but outlaw onerous provisions like Missouri's, which would, for example, have required that married women produce legal documentation of their name change. (I reviewed the Missouri law with my mother, who has voted in every election since 1944. We determined that, had she lived in Missouri, she would

have been barred from the polls in 2006.)

For that matter, why not just move the entire country to the vote-by-mail system we use in my home state of Oregon? It's quick, it's convenient, it leaves a paper trail, and we have had no credible accusations of voter fraud since it was adopted during the 1990s -- and a stunning 86 percent of registered voters cast ballots in the 2004 presidential election.

Voter fraud is a phony issue, and if restrictionists shape the dialogue, sooner or later our right to vote will become property of the Karl Roves, who will use the machinery of the criminal law to recreate the electorate in their own image.

The real issue is the right of every American citizen to vote, the right of the people to choose their rulers, rather than the reverse. Who can really oppose that, if asked about it in the light of day?

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National

Gonzales likely to face new questions on firings (LA Times; voter fraud questions in today's AG testimony)

Lawmakers are expected to press him for details about the replacement of two other attorneys from key election states.

Los Angeles Times

By Richard B. Schmitt and Tom Hamburger, Times Staff Writers

May 10, 2007

WASHINGTON — Atty. Gen. Alberto R. Gonzales, seeking to clear the air surrounding the firings last year of eight U.S. attorneys, is expected to face tough new questions today on Capitol Hill about the Justice Department's replacement of top prosecutors in two other battleground states.

Among other topics, members of the House Judiciary Committee are expected to ask Gonzales about turmoil in the U.S. attorney's office in Minnesota, where a young lawyer, Rachel Paulose, has generated controversy since she was named in 2006 to replace a department veteran, Tom Heffelfinger, who had served under both President Bush and his father.

Lawmakers also want to know whether another former U.S. attorney, Todd Graves of Kansas City, Mo., was forced out last year for not endorsing a voter-fraud lawsuit against Missouri in November 2005. That suit was launched by his successor, a conservative voting-rights advocate from Justice Department headquarters. It was dismissed by a court as baseless.

Heffelfinger, who resigned in February 2006, has said he did so voluntarily and was not aware of any pressure to leave. But congressional staffers confirm that his name appeared at one point on the list of U.S. attorneys to be removed.

Graves departed the following month, and has declined to discuss the circumstances of his departure. "What is going on now in D.C. is a three-ring circus, and I don't want anything to do with it," Graves said in a statement.

Neither man was among the eight U.S. attorneys whose dismissals last year have sparked allegations of political meddling by the White House and Justice Department in corruption investigations and voter fraud cases.

But both worked in states that had close Senate elections in November. Some Democrats have suggested that the Bush administration tried to manipulate Justice Department prosecutions to help tilt close races toward Republicans.

And both were apparently facing pressures from Washington late in their tenures. Justice Department e-mails released to congressional investigators in recent weeks indicate that other U.S. attorneys, who were not identified, would have been recommended for dismissal — if they had not resigned first.

Justice Department officials had unspecified "concerns" about Heffelfinger, according to a lawyer familiar with testimony given to congressional investigators who declined to be identified because the testimony is sealed.

On Wednesday, the office of Sen. Christopher S. Bond (R-Mo.), who recommended Graves for U.S. attorney, confirmed a report that a former staffer had urged the White House to replace Graves just months before he resigned from the post.

A freshman member of the judiciary panel, Rep. Keith Ellison (D-Minn.), said he planned to quiz Gonzales about the departure of Heffelfinger and his replacement by Paulose.

Ellison and the chairman of the panel, Rep. John Conyers Jr. (D-Mich.), co-signed a letter Tuesday asking the Justice Department to explain whether Heffelfinger's replacement was sought "as a matter of political loyalty."

Specifically, they asked whether actions related to enforcement of voter fraud statutes may have played a role in the departure of Heffelfinger and the selection of Paulose.

Paulose's leadership was challenged in mid-April, when three top lawyers in the Minnesota office resigned from their managerial posts after raising concerns about her management of the office. This week, members of the judiciary panel were provided copies of a new letter the three former managers sent to Paulose complaining about office morale and statements she made to the media about their actions.

In Missouri, Graves faced questions about his interest in pursuing voting fraud cases, but was also under fire because his wife had accepted lucrative contracts to run state automobile license offices.

Bond said in a statement Wednesday that he was unaware his aide had contacted the White House about Graves.

"With Missouri's long history of vote fraud concerns, it should be no surprise to anyone when law enforcement authorities pursue vote fraud allegations," he said.

"But I had no contact, including with anyone in the administration or the U.S. attorney's office on their work, the types of cases they should pursue or any specific cases."

The Kansas City Star has reported that in November 2005 Graves refused to sign a Justice Department complaint against the state of Missouri alleging that local election authorities, mostly in rural areas, had failed to properly maintain their voter registration lists.

Graves' replacement as U.S. attorney, Bradley Schlozman, had authorized the Justice Department lawsuit against Missouri when he was an official in the department's voting-rights section.

A U.S. district judge ruled against the government last month, saying that the Justice Department had produced no evidence of wrongdoing by state election officials.

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National

Missouri Prosecutor Says He Was Pushed to Resign (NYT; Todd Graves & voter registration lawsuit)

New York Times

May 10, 2007

By ERIC LIPTON

WASHINGTON, May 9 — The former United States attorney in Kansas City, Mo., said Wednesday that he was pushed to resign last year after disagreements with the Justice Department over politically sensitive cases. That would make him the ninth federal prosecutor forced out by department officials in Washington.

The prosecutor, Todd P. Graves, who held the office in Kansas City from 2001 until March 2006, was the subject of a complaint in 2005 from a staff member for Senator Christopher S. Bond, Republican of Missouri, a spokesman for Mr. Bond confirmed.

Mr. Graves said in an interview Wednesday that in early 2006 he was already planning to move into private practice in Kansas City. But he said he was unaware at the time that his name was on a January 2006 list of United States attorneys that Justice Department officials were considering dismissing.

He said that in early 2006, Michael Battle, then the executive director of the office that supervises federal prosecutors, told him he should look for another job. Mr. Battle, who has since resigned, is the same official who told the other prosecutors they were being dismissed.

Mr. Graves said he did not know the exact reason he was urged to resign. But he said it was clear now that he would probably have been among those dismissed if he had not agreed to leave.

"I was pushed," he said.

Justice Department officials declined to comment.

Mr. Graves said he had taken at least three stands on cases that may have alienated officials in Washington, adding, "I guess to them I wasn't a team player or something."

Two of those cases involved the civil rights division, which has been a focus of Congressional investigators because of accusations that it has become more partisan in the Bush administration, pushing Republican causes. In one case, Mr. Graves said, the civil rights division had wanted him to sue the State of Missouri for what federal officials thought was its failure to purge voter registration roles of people who had died, changed addresses or left the state.

Mr. Graves said he believed the suit would not succeed because local governments are responsible for registration records. After his refusal to sign off, the lawsuit was authorized by Bradley J. Schlozman, then the acting chief in the civil rights division in Washington. The department named Mr. Schlozman as Mr. Graves's interim successor.

The administration saw such lawsuits as a way to combat voter fraud. But Democrats have said the lawsuits were politically motivated because poor and elderly voters were more likely to be taken off registration rolls.

The lawsuit was dismissed when a federal judge concluded that the state could not enforce the purging of local voter registration rolls.

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Mr. Graves said he might also have alienated officials in Washington by giving Claire McCaskill, a Democrat who has since been elected to the United States Senate from Missouri, a letter in 2004 saying there had been insufficient evidence to file charges in a case from the 1990s that involved her office manager. Last year, Ms. McCaskill unseated Jim Talent, a Republican.

Mr. Graves said that in retrospect, he might have been seen as too independent and unwilling to push causes important to the Republican Party unless he felt action was merited by his reading of the law.

"As a prosecutor, I was always fiercely independent," he said. "I just called balls and strikes."

The contact from Mr. Bond's office concerned an accusation that Mr. Graves had a conflict of interest because his wife and his brother-in-law had been awarded a no-bid contract by the administration of Gov. Matt Blunt, a Republican. Shana Marchio, a spokesman for Mr. Bond, said the senator had not been aware that the former staff member had contacted a Bush administration official "to determine whether they would be replacing U.S. attorneys" and to say "there might be an interest in doing something different in this position for the second term."

Ms. Marchio said the call was motivated by the contract accusation, and was not based on Mr. Bond's interest in moving against voter fraud.

The Senate Judiciary Committee, which is investigating whether politics motivated the eight dismissals, has invited Mr. Schlozman to testify at a hearing next week.

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National
U.S. Attorneys, Reloaded (NYT editorial on Todd Graves matter)

New York Times
Editorial
May 10, 2007

As the United States attorney scandal grows, so does the number of prosecutors who seem to have been pushed out for partisan political reasons. Another highly suspicious case has emerged in the appointment of Bradley Schlozman, a controversial elections lawyer, to replace a respected United States attorney in Missouri. From the facts available, it looks like a main reason for installing Mr. Schlozman was to help Republicans win a pivotal Missouri Senate race.

Jim Talent, the Republican incumbent, was facing a strong challenge from Claire McCaskill last year when the United States attorney, Todd Graves, resigned suddenly. Mr. Graves suspects that he may have been pushed out in part because he refused to support a baseless lawsuit against the state of Missouri that could have led to voters' being wrongly removed from the rolls.

Mr. Graves was replaced by Mr. Schlozman, a high-level Justice Department lawyer who had made his name in the Bush administration by helping to turn the department away from its historic commitment to protecting the voting rights of minorities. Mr. Schlozman was one of the political appointees who approved Tom DeLay's Texas redistricting plan and Georgia's voter ID law, over the objection of career lawyers on the staff, who insisted that both violated the Voting Rights Act. McClatchy Newspapers reported that Mr. Schlozman also has been accused of hiring Justice Department lawyers based on their political party.

Mr. Schlozman injected the United States attorney's office directly into the Talent-McCaskill race. Days before the election, he announced indictments of four people who were registering voters for the liberal group Acorn on charges of submitting false registration forms. The Republicans turned the indictments into an issue in the campaign, although Ms. McCaskill won the election anyway. Congress should investigate whether the indictments violated Justice Department guidelines, which say that election crime

investigations should not be conducted right before an election, because they can themselves become a campaign issue.

Mr. Schlozman's short stint in Missouri — he left after about a year — appears to be another case of the Bush administration's politicizing federal prosecutors' offices. Mr. Graves was reportedly on a list to be fired, and clues are emerging about why. He said this week that when he interviewed for the job, he was asked to name one attribute that describes him. "I said independent," he said. "Apparently, that was the wrong attribute."

The Senate Judiciary Committee has asked to question Mr. Schlozman, and it should also question Mr. Graves. But Karl Rove and the former White House counsel Harriet Miers, who appear to have been deeply involved in the United States attorney firings, are likely to know the most about what happened, and should be made to testify as well.

A single Senate campaign may not seem that important. But Missouri's race was among the nation's closest, and if Mr. Talent had won, the Republicans would have kept their Senate majority. The American people have a right to know whether Mr. Schlozman was sent on his brief assignment in Missouri to pursue justice, or to affect the outcome of an election.

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**National
Senator Bond's office faulted Todd Graves**

Staff raised possibility of replacing U.S. attorney as patronage questions arose.

Kansas City Star
May 9, 2007
By DAVE HELLING and STEVE KRASKE
The Kansas City Star

Sen. Kit Bond's staff, worried about a potential scandal over Missouri's fee offices, suggested two years ago that the Bush administration should consider replacing then-U.S. Attorney Todd Graves.

Bond's office told The Kansas City Star that staff members were concerned about the political impact of Graves' participation in the controversial patronage system. In February 2005, Graves' wife, Tracy, was given a no-bid contract to run a lucrative fee office, where Missourians get car licenses and conduct other state business.

Such contracts, awarded by Gov. Matt Blunt's administration, led to fierce criticism from Democrats in Missouri. Eventually an investigation, conducted by a Republican U.S. attorney in Arkansas, found no wrongdoing.

Despite their concerns in 2005, Bond's office now says it has no evidence that the communication, or the fee office system, played any role in Graves' departure from the U.S. attorney's office.

Tuesday, in an interview and a statement, Graves flatly rejected the suggestion that his wife's involvement with a fee office led, directly or indirectly, to his departure.

"This would be humorous if we were not talking about the United States Department of Justice," Graves said.

Graves abruptly resigned in March 2006, roughly one year after Bond's office communicated its concerns. His departure has now been linked to the firings of several other U.S. attorneys and the resulting

controversy that threatens U.S. Attorney General Alberto Gonzales.

Bond spokeswoman Shana Marchio said in a statement to The Star that the communication was recently discovered.

"We have learned that staff in 2005, out of concern at the time over the fee office controversy, contacted the administration to determine whether they would be replacing U.S. attorneys at the end of their initial four-year terms," her statement said. The staff, she said, suggested "there might be an interest in doing something different in this (Graves') position."

Marchio's statement said this happened without Bond's knowledge. "The senator had no knowledge of this staff action, did not approve it, would not have approved it," she said.

But, Bond's office said, the senator did become directly involved with Graves' tenure in early 2006, when Graves' departure was imminent.

"Senator Bond ... upon (Graves') request personally called the White House to gain Todd extra time to wrap up case work before his departure," Marchio's statement said.

Graves' unexpected resignation as U.S. attorney for the Western District of Missouri is now under congressional scrutiny, along with the other U.S. attorney evictions. At the time he said his departure was voluntary so he could begin a private law practice.

McClatchy Newspapers has reported that Graves was one of at least 12 U.S. attorneys targeted by the Justice Department. The communication from Bond's office could help explain, at least in part, why Graves ended up on the removal list.

Other explanations include Graves' alleged reluctance to pursue voter fraud cases and the possibility that Graves, like the other dispatched prosecutors, was not, in the words of one Justice official's e-mail, a "loyal Bushie."

While he doesn't think the communication or the fee office scandal were directly responsible for Graves' departure, Bond said he doesn't know why Graves was pushed out. "I really couldn't speculate about any administration list," he said. "You would have to ask them about that."

The Justice Department declined to comment.

Graves said he doesn't know why he would have been a target for removal, but he suggested his "independence" may have played a role.

"When I first interviewed (with the department) ... I was asked to give the panel one attribute that describes me," Graves said. "I said independent. Apparently, that was the wrong attribute."

Missouri Democrats have argued that the state's fee offices, under the Blunt administration, were closely linked to campaign contributions. Tuesday they said news that Bond's office was worried about Graves' link to the fee office system may add to suspicions.

"It's alarming that there is now a connection between Todd Graves being pushed out of his job as U.S. attorney and his involvement in Matt Blunt's fee office scheme," said Jack Cardetti, spokesman for the Missouri Democratic Party.

Bond's office stressed that it had no evidence that Graves had been involved in anything improper with Missouri's fee offices, only that it was a potential political problem.

A person in Bond's office who asked not to be identified because of the sensitive nature of the discussions said the White House rejected Bond's efforts on Graves' behalf because of "performance" concerns.

E-mails from the Justice Department and the White House have used similar language in discussing the other U.S. attorneys who were fired.

Graves was replaced by Bradley Schlozman, who left the Kansas City office after the Senate confirmed John Wood to the post. Wood is Bond's cousin.

The Senate Judiciary Committee has invited Schlozman to testify on May 15.

The fee office system has been a source of dispute for decades, involving both Republican and Democratic administrations. Critics call it a last vestige of patronage that allows governors to reward supporters with lucrative appointments that pay \$200,000 to more than \$400,000 a year.

Democrats were particularly critical of Blunt for not only continuing the system, but expanding it to include a series of state-run offices, including the one in downtown Kansas City.

At the time Graves left, the Justice Department was investigating the system. That investigation, first revealed by The Star, was conducted by the U.S. attorney for the Eastern District of Arkansas, Bud Cummins.

Cummins also turned up on the administration's list of attorneys to be replaced. He says he was notified in June 2006 that he would be removed, but his firing did not become official until December 2006.

In October 2006, Cummins issued a press release that no wrongdoing in the fee office system was found. "The matter has been closed with no indictments sought or returned," Cummins said.

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National Fired prosecutors McKay, Iglesias expect charges

The Seattle Times
May 10, 2007
By David Bowermaster

SEATTLE - Two former U.S. attorneys said today they believe ongoing investigations into the dismissals last year of eight federal prosecutors could result in criminal charges against senior Justice Department officials.

John McKay, the former U.S. attorney for Western Washington, and David Iglesias, the former U.S. attorney for New Mexico, also said they believe White House political operative Karl Rove and his aides instigated the dismissals and ultimately decided who among the nation's 93 U.S. attorneys should be fired.

McKay and Iglesias, who were among those fired, made their assertions during a meeting Wednesday with Seattle Times editors and reporters. The two are scheduled to appear this afternoon along with Paul Charlton, the former U.S. attorney for Arizona, during a public-policy forum on the dismissals at Seattle University's School of Law.

"I think there will be a criminal case that will come out of this," McKay said during his meeting with Times journalists. "This is going to get worse, not better."

Ongoing inquiries

McKay cited ongoing investigations into the dismissals by the Senate and House Judiciary committees, and inquiries now under way by the Justice Department's inspector general and its Office of Professional Responsibility.

McKay said he believes obstruction-of-justice charges will be filed if investigators conclude that the dismissal of any of the eight prosecutors was motivated by an attempt to influence ongoing public-corruption or voter-fraud investigations.

McKay said he believes the strongest evidence of obstruction is related to the dismissals of Iglesias and Carol Lam, the former U.S. Attorney in San Diego.

Last fall, Iglesias received calls from U.S. Sen. Pete Domenici, R-N.M., and U.S. Rep. Heather Wilson, R-N.M., inquiring whether public-corruption charges would be filed against prominent Democrats in the state prior to the November elections. Former New Mexico state Senate President Manny Aragon, a Democrat, and three others were eventually charged in April in what prosecutors say was a kickback scheme during construction of a new courthouse in Albuquerque.

Rep. Cunningham

Lam was investigating former U.S. Rep. Randy "Duke" Cunningham, R-Calif., and Kyle "Dusty" Foggo, the former third-highest-

ranking CIA official, when senior Justice Department officials targeted her for dismissal. Bribery charges were ultimately filed against both men.

Additionally, McKay and Iglesias said they believe Attorney General Alberto Gonzales and Deputy Attorney General Paul McNulty lied under oath when they testified before Congress that the eight prosecutors were fired for

performance-related reasons and because of policy disputes with Justice Department headquarters.

Responding to the charges by McKay and Iglesias, Department of Justice spokesman Brian Roehrkasse issued a statement this afternoon that read, in part: "After several hours of testimony by the Attorney General, over 6,000 pages of documents released to Congress and hours of interviews with other senior DOJ officials, it is clear that the Attorney General did not ask for the resignation of any individual in order to interfere with or influence a particular prosecution for partisan political gain."

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National DOJ Sanitizes Website To Remove Press Release Announcing Election-Eve Indictments

Thomas Charles
May 10, 2007
Fired Up Missouri

- Abuse of Power
- Bush Administration

Former U.S. Attorney Bradley Schlozman is under fire for using his post as U.S. Attorney, as well as his previous positions at DOJ, to pursue a political agenda for the White House.

One key element of the case that he abused his power is the last minute voter fraud indictments that Schlozman issued on November 1, 2006. This violated the DOJ policy against issuing indictments just prior to elections.

So doesn't it make you curious that the DOJ has scrubbed their website of the press release announcing those indictments? (See November 1, 2006 press releases)

Who removed the press release and under who's orders?

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**National
Thomasenia Duncan Named FEC General Counsel**

Federal Election Commission
Press Release
May 9, 2007

WASHINGTON – The Federal Election Commission (FEC) announced today that Thomasenia (Tommie) Duncan has been selected to serve as the Commission's General Counsel. "We're very happy to announce that Tommie has agreed to serve as General Counsel," said Commission Chairman Robert Lenhard. "We are confident that she has the legal skills and leadership abilities needed to help lead this agency."

Ms. Duncan has been serving as Acting General Counsel since February 2007 when Lawrence H. Norton stepped down to enter private law practice.

"I'm honored by the confidence the Commission has shown in selecting me," said Ms. Duncan, "and I'm looking forward to continuing to work with our excellent staff to fulfill the Commission's mission."

Prior to her appointment as Acting General Counsel Ms. Duncan was FEC Associate General Counsel for General Law and Advice. Before joining the FEC in February of 2004, Ms. Duncan was General Counsel for America's Promise – The Alliance for Youth. She also has had a distinguished career in government service. She worked as Senior Legal Advisor to the Administrator of the Federal Aviation Administration; General Counsel of the Corporation for National and Community Service; and Acting Deputy Solicitor and Special Assistant to the Solicitor of the U.S. Department of Labor. She began the practice of law with the firm Covington and Burling LLP.

Ms. Duncan is a graduate of Brown University and the University of Pennsylvania Law School, and also attended Yale University Law School.

The Federal Election Commission (FEC) is an independent regulatory agency that administers and enforces federal campaign finance laws. The FEC has jurisdiction over the financing of campaigns for the U.S. House, the U.S. Senate, the Presidency and the Vice Presidency. Established in 1975, the FEC is composed of six Commissioners who are nominated by the President and confirmed by the U.S. Senate.

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**California
Bowen wants hack-free voting systems**

Sacramento Bee
By Peter Hecht
Bee Capitol Bureau
Published 1:59 pm PDT Wednesday, May 9, 2007

Secretary of State Debra Bowen is asking computer scientists from UC Davis and UC Berkeley to try to

hack into election systems across California to ensure that voting equipment is safe from fraud or abuse.

The effort is part of an \$1.8 million program Bowen announced Wednesday to test the performance and investigate the security of different voting machines and technologies in use in California.

"California has spent about \$450 million on new voting systems over the past few years and yet the result is that people have more questions about whether votes are being counted as they are cast," Bowen said in a telephone conference with reporters.

The program is intended to secure voting systems before the state's Feb 5 presidential primary, one of three statewide elections to be held in 2008.

Under a "top to bottom review" Bowen announced three University of California investigative teams will test voting system computer technology, paper record-keeping and also attempt to hack into voter systems.

The tests of voting systems in counties across the state will be paid for by \$750,000 federal Help America Vote Act grant and funding from voting machine vendors providing equipment in California, Bowen said.

The project will be led by Matthew Bishop, director of the computer security laboratory at UC Davis, and David Wagner, a computer science professor at UC Berkeley who specializes in electronic voting and computer security.

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California
SOS Debra Bowen Unveils Details On Top-to-Bottom Review of California's Voting Systems (press release)

Scheduled To Begin Next Week

FOR IMMEDIATE RELEASE

Contact: Evan Goldberg

May 9, 2007

(916) 653-6575

SACRAMENTO - Secretary of State Debra Bowen today unveiled the project plan that will be used to conduct her promised top-to-bottom review of the voting systems certified for use in California.

"California voters are entitled to have their votes counted exactly as they were cast," said Secretary Bowen, the state's chief elections officer. "This top-to-bottom review is designed with one goal in mind: to ensure that California's voters cast their ballots on voting systems that are secure, accurate, reliable, and accessible."

The Secretary of State is entering into an interagency agreement with the University of California to conduct the review - the first of its kind in the nation - that is scheduled to begin the week of May 14 and conclude in late July. UC will assemble three top-to-bottom review teams, drawing specialists from throughout the university system, as well as from public and private universities and private sector companies throughout the country. Each team will consist of approximately seven people and will conduct a review of documents and studies associated with each voting system, a review of the computer source code each machine relies on, and a red team penetration attack to see if the system's security can be compromised.

"My goal is to get California to a place where voters, elections officials, candidates, and activists have confidence in the results of every election," continued Bowen. "This kind of a comprehensive review is

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essential in getting us to that point. One of three things will happen to each voting system that's being reviewed. The first possibility is that a system will be found to be secure, accurate, reliable and accessible as it stands, so voters can have confidence when they use it on Election Day. Second, a system may be required to use additional safeguards, such as an expanded post-election audit process. The third possibility is that a voting system can't be made secure, accurate, reliable and accessible even with additional safeguards, so that system may be decertified, which means it could not be used for any election in 2008."

Details on the project plan, the people who will be conducting the review, and other information can be found in the attached "Frequently Asked Questions" document or by clicking http://www.sos.ca.gov/elections/elections_vsr.htm.

"One of the concerns people had with the draft criteria was that the vendors would be held to a new set of standards that would be impossible for them to meet by February 2008," continued Bowen. "This final project plan makes it clear that the top-to-bottom review is going to determine whether the voting systems certified for use in California comply with existing state and federal laws that require them to be secure, accurate, reliable and accessible."

In March, Secretary Bowen issued draft criteria and gathered public comments on her proposal. Those comments - over 125 in all - are posted on the Secretary of State's website at http://www.sos.ca.gov/elections/elections_vsr.htm. The Secretary of State welcomes further comments from the public about the review while it's underway and she will continue to provide updates on the website. Comments may be submitted to the Secretary of State's Office by e-mail to votingsystems@sos.ca.gov or by mail to Secretary Debra Bowen, 1500 11th Street, Sacramento, CA 95814, ATTN: Voting Systems Review, 6th Floor.

"Democracy, by definition, is about free, fair and open elections," concluded Bowen. "My goal is to have election results that are beyond question or doubt. Right now, far too many voters are wondering about the accuracy of California's election results. We have three statewide elections next year, which makes it even more essential that our voting equipment be secure, accurate, reliable and accessible."

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California
Voting Machines Test: A New Goal?

John Myers is Sacramento Bureau Chief for KQED's "The California Report," heard on 24 public radio stations including 88.5 FM in San Francisco and 89.3 FM in Sacramento, weekdays at 6:50 a.m. and 8:50 a.m.

KQED's Capitol Notes
KQED's John Myers
May 09, 2007

For the past month, everyone from local elections officials to activists have waited for word from Secretary of State Debra Bowen about exactly how she will conduct her upcoming review of voting machines currently used in California.

Today, she announced that the testing will focus on whether the machines comply with existing election laws-- and not whether they meet a set of standards that she first suggested in late March.

That resolves one of the initial criticisms of Bowen's plan-- where manufacturers argued that there isn't time for brand new voting machine standards, given that local elections officials need to know by early August which machines are approved for next February's presidential primary.

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Instead, Secretary Bowen is now leaving many of the details of the voting machine tests to a panel of researchers she has personally selected. "We have asked the experts to create measuring sticks," she said today in a conference call with reporters. "They need to tell us where the greatest threats are, and what conditions pose the greatest real world risk."

But so far, the early reaction from local elections officials has been... skepticism.

Steve Weir, Contra Costa County registrar and president of the California Association of Clerks & Election Officials, says there's been almost no dialogue between Bowen and the people who actually conduct elections in California's 58 counties. Several weeks ago, Weir offered up a group of registrars to participate in the testing. "They've never been engaged in this," he said this afternoon.

And there are some eyebrows being raised over the researchers Bowen has picked to do the actual testing, which is supposed to begin as soon as Monday. Many of the people on the list released today have been very vocal critics of electronic voting machines. A quick Google search of many of the individuals finds some pretty strong opinions on the issue.

How, I asked Bowen today, can they be anything but predisposed to a particular recommendation? "Anybody who's looked at voting systems does tend to have developed some fairly strong opinions," she said. She went on to explain that no one on the panel of testers has advocated for a universal ban on electronic machines.

(Paper-based systems, it should be noted, will also be tested.)

Step one of the new voting machine testing-- a review of all manufacturer documentation-- begins next week. After that, the source code of machines will be examined. And finally, a "red team" hack test will be conducted... the first state-sanctioned test of its kind in the nation, says Bowen.

The voting test documents can be found [here](#).

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Florida
Landslide of problems from new elections law (Palm Beach Post editorial)

Palm Beach Post
Editorial
Wednesday, May 09, 2007

Some will hail Gov. Crist and U.S. Rep. Robert Wexler, D-Delray Beach, for ending the state's ill-fated infatuation with touch-screen voting. In fact, to free voters from the fear of electronic doom, they've eliminated the ease, certainty and low cost of touch-screen voting.

The elections bill that the Legislature passed last week and Gov. Crist surely will sign also squanders many millions spent by local governments, especially big counties, on touch screens. Palm Beach County spent \$14 million, Broward \$20 million and Miami-Dade \$25 million. A spokesman for the secretary of state says the market for used touch screens, "especially from Florida," is virtually nonexistent.

Gov. Crist and Rep. Wexler played to the fiction that touch screens can't be trusted, drawing acclaim for their bipartisan plan in February at a packed meeting of south Palm Beach County Democrats. The distrust among some voters goes back to 2000, when punch-card ballots routinely failed to capture voter intent. With the state's blessing, the five largest counties - Palm Beach, Miami-Dade, Broward, Pinellas and Hillsborough - turned to touch screens to avoid the recurring cost of optical-scan paper ballots, a cost they now will be forced to absorb.

The bill converts \$28 million in federal assistance for voter registration into money for new election equipment. The five large counties plus 10 smaller ones, including Martin and Indian River, will divvy up \$23 million to buy one scanner for every precinct. Voters insert the fill-in-the-bubble ballot into the scanner before leaving the polling place. The scanners reject improper ballots, giving voters a chance to make corrections. Voters can't leave until the ballots are scanned, even if there's a line.

Additionally, 29 counties can divvy up \$5 million for printing optical-scan ballots on demand at early voting sites. This is the state's untested solution to replacing the easily programmed, but paperless, touch screens. Estimates for a single printer range from \$30,000 to \$45,000. Under the state's formula, based on the number of registered voters, Palm Beach County would get about \$500,000 for ballot-on-demand printers. Supervisor of Elections Arthur Anderson estimates his cost to be \$3.3 million.

The deficit widens. Palm Beach County is eligible for about \$4 million to buy optical scanners, but Dr. Anderson estimates that he'll need \$18.8 million. That includes two scanners per precinct, to avoid long lines. The state will pay for just one. The estimated cost for paper, printing and transport is \$2.5 million. In Martin, Supervisor Vicki Davis estimates that she'll spend at least \$300,000 on top of about \$330,000 from the state to replace a system that cost \$2.4 million. Miami-Dade, in line for about \$4 million, expects to spend \$6 million to \$11 million.

That's the worst, but the bill is bad throughout. Petition drives for constitutional amendments will be tougher. State politicians, though, get to run for federal office without resigning. The Legislature rejected an "I choose not to vote" option to determine voter intent. That wouldn't be nearly as dramatic as spending millions on new equipment, though it probably would have resolved the dispute from Sarasota County's congressional election.

While legislators were blasting local government for "frivolous" spending, they dumped onto local government most of the expense for a politically motivated change in election law. Gov. Crist's commitment to pay the bill is as verifiable as a paperless ballot. Remind us again why this is so popular.

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Indiana
Bugs surface in new vote machines

Tally-card mistakes at 8 sites delayed results

Fort Wayne Journal Gazette
May 10, 2007
By Amanda Iacone
aiacone@jg.net

Problems at Allen County polls were few Tuesday, but election workers ran into glitches tallying votes from new machines after the polls closed, delaying efforts to determine final numbers.

Poll workers in some locations had used the wrong tally cards to read voting machines.

Although election workers realized the mistake, they had to return to about eight polling sites throughout Fort Wayne and find people to unlock those buildings so they could obtain information from voting machines, election director Pam Finlayson said Wednesday.

Last November, election workers experienced similar problems at two or three polling sites.

But most polling places had only one of the new voting machines then. On Tuesday, only the new equipment was used, Finlayson said.

She said she's already working on contingency plans to pre-empt similar problems in the November general election.

Some issues could be addressed during training sessions, she said, and it's possible the tally cards should be labeled better.

She called Tuesday's night's problems a "user issue."

The problems put elections staff behind by only an hour. They finished about 11 p.m. – their goal was to finish by 10 p.m., Finlayson said.

Counting votes in the fall should go faster because Finlayson hopes to buy additional equipment allowing workers to obtain data faster. Election staff also would have more time to resolve problems like those experienced Tuesday, she said.

Election board member and Allen County Clerk Therese Brown said the board might need to revamp the hour-long training session poll workers are required to attend before each election.

She said the training should be more hands-on and include role-playing. Currently, the training consists mostly of a PowerPoint presentation and an explanation of how to operate the machines.

In general, most workers are used to the old voting machines and are now learning to use the new machines plus changes in election law, Brown said.

"Mechanically there's only so much you can do," she said of Tuesday night's delays. "I think we did the best we could with that."

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Indiana Voters shut out in Marion County

In a chaotic day, 5 precincts fail to open; 45 others open late

Indianapolis Star
By Robert King
robert.king@indystar.com
May 9, 2007

Beth White's first Election Day as Marion County clerk started going downhill long before the sun rose, when 150 precinct inspectors -- the folks in charge of the polls -- never showed up to collect ballots and voter lists.

But by the end of perhaps the most chaotic, confused and bumbling election in Marion County's history, things got so bad that questions were raised about whether White should resign and whether major election reform is needed to prevent another debacle.

The problems were countywide and profound.

Five of the county's 917 precincts never opened.

At least 45 more opened late.

Ballots and precinct voting lists were shipped in several cases to the wrong voting location, forcing election

officials to print new ones, some as late as 4 p.m. -- 10 hours into the 12-hour voting day.

Poll clerks and poll judges with no inspector training were deputized on the spot to fill in for the 150 missing inspectors.

In some cases where both poll workers and voting materials were present, voting machines couldn't be turned on because poll workers had been given the wrong keys.

Bobbie Nichols' experience at the Hawthorne Community Center on the Westside seemed to capture the spirit of the day, when he showed up to vote just after noon only to find the voting machines untouched and no sign of an election.

"I almost thought I had the wrong day," Nichols said.

Republicans held the clerk's post for almost 30 uninterrupted years until voters selected White, a Democrat, in November. So Republican leaders, who have spent years watching GOP clerks get blistered for smaller gaffes, teed off on White.

"It was very easy for them to throw stones when they were on the outside. She learned today that governing is very hard, and clearly she's not up to the task," said Marion County GOP Chairman Tom John. He said White "showed a complete lack of leadership and poor planning" and should have seen warning signs earlier.

Asked whether White should resign, John said: "I think she should."

White and Democratic Party Chairman Michael O'Connor made no excuses.

At a midmorning news conference, White apologized repeatedly and said she knew some people who wanted to vote but couldn't. Her biggest failure, she said, was not having backups ready in the event that poll inspectors were no-shows. Asked how she would respond to Republican critics who were by then calling her incompetent, White said she would simply try to do better.

"I take responsibility for what happened. If anybody wants to call me incompetent, then that is their business," she said. "I am going to spend the rest of my time between now and November figuring out how this is not going to happen again."

She has no plans to resign.

O'Connor said he saw no reason for White to resign and that she could fix the problems in time for the general election. But he said the Republicans were justified in their strong reaction to the problems.

"I live in a grown-up world," he said. "I think that is fair criticism."

The first clue that trouble was afoot came around 7 p.m. Monday, White said, when her office held a last-minute opportunity for poll inspectors to pick up the boxes of ballots and voting lists needed for their precincts. By night's end, there were still 150 unclaimed boxes.

White and her staff worked through the night, without sleep, to come up with another plan, she said. At 4 a.m., she sent her workers out with dozens of the boxes in hand for delivery to the precincts.

Meanwhile, she tried to persuade various poll workers, whose job is to sign in voters, and judges, whose duty is to aid the disabled and raise voter-identification questions when necessary, to accept the role of inspector, who has ultimate responsibility for opening and closing the precincts.

Many poll workers stepped up. The problem was that in some cases, her staffers delivered the ballots -- and lists of voters entitled to use them -- to the wrong precincts.

"It was more of a human error compounding what was already a frustrating situation," she said.

The problems were bad enough that White considered, but opted against, seeking a court order to extend voting hours. She said the logistics for such an issue -- tired workers who couldn't stay late and reprogramming machines to operate past 6 p.m. -- were too much.

John said he knew of only one election do-over in Indiana, when the Supreme Court ordered a new vote in East Chicago after evidence of fraud. He said it is possible here that a candidate in a close race might legally challenge the results if the irregularities appear to have affected the outcome. In any case, he wants an investigation into what went wrong.

The day's problems were such that some suggested that major reforms were needed. Chairmen from both parties said reducing the number of precincts -- and thus the needed workers -- might help. And neither would rule out exploring voting centers, which would centralize the polling places even more.

Asked whether political parties need to be removed from poll staffing decisions, White said she would be "all ears" if the legislature wanted to change things. Above all, White's long day seemed to give her a new understanding of the gravity of her responsibility.

"I think what is clear," she told reporters midmorning, "is that I have to do better, that my preparation and my work to get ready for this election was not sufficient. And I have to take full responsibility for that."

Recent glitches during elections

Election troubles are nothing new for Marion County. Here's a look:

- November 2006: More than 200 polling places in Marion County got off to a rocky start when poll workers couldn't immediately get electronic machines to work properly. Vote counting was delayed because of a mistake in preparation of voting machines made by the company that supplied them. The programming error told the machines the election was supposed to end at 8 p.m. instead of 6 p.m.
- May 2006: Twelve poll inspectors appointed by the Republican Party failed to pick up voting materials from the Marion County clerk's office the night before the election. In turn, some voting sites didn't open on time. Some election workers mistakenly provided some voters with two ballots for some School Board races.
- November 2004: Marion County election workers mistakenly deleted more than 3,300 voter registrations of people thought to be dead. About 300 people were allowed to cast votes after election officials realized they had wrongly been listed as deceased. Hundreds of other Marion County residents were left off the voter list because the registration forms used to sign them up were outdated. The Voter Registration Board later decided to accept the registrations, but not in time to include the names in the poll books sent to the precincts. People left off the rolls were able to vote after election workers consulted a separate list to make sure they were registered.
- May 2004: Marion County election officials called for an overhaul of training and poll procedures after some polling places ran out of ballots. Because of high voter turnout for competitive races, 60 precincts requested more ballots. That forced voters to leave without voting or to wait to cast their votes. Election officials also found some uncounted absentee ballots. They decided not to include those newly found ballots in results because they couldn't be sure they hadn't already been counted.
- November 2003: Despite a new, \$11.1 million optical-scan voting system, there still was trouble counting ballots. It took six weeks after the election for results to be tallied and for Democrats to officially win control of the City-County Council. Also, machine trouble delayed the counting of nearly 10,000 absentee ballots for days.

Source: Star library research

Call Star reporter Robert King at (317) 444-6089.

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Bryan Whitener/EAC/GOV
05/10/2007 05:45 PM

To Donetta L. Davidson/EAC/GOV@EAC, Rosemary E. Rodriguez/EAC/GOV@EAC, Caroline C. Hunter/EAC/GOV@EAC, Gracia Hillman/EAC/GOV@EAC
cc Bert A. Benavides/EAC/GOV@EAC, Bola Olu/EAC/GOV@EAC, Brian Hancock/EAC/GOV@EAC, Curtis Crider/EAC/GOV@EAC, DeAnna M.
bcc

Subject FYI - Today's media inquiries (5-10-07, Thurs)

Commissioners:

Today we had the following media inquiries:

(1) Leslie Robinson, a reporter for the news blog, ColoradoConfidential.com inquired about the rules and regulations that EAC board members must adhere to. She said that one of the EAC members from Colorado, Dan Kopelman, has recently been cited by the Secretary of State for his business of selling voter lists and consulting partisan candidates. She asked if these infractions cause Kopelman to withdraw from the EAC board. We explained that, according to SEC. 213 of the Help America Vote Act of 2002 (HAVA), there are two EAC Standards Board representatives from each state, that one is a local official, one is a state official and that both individuals represent their state on the Board. We said that the state representatives are selected by the Chief State election official from each state. We said that, with respect to Colorado, Mr. Kopelman was selected to serve on the Board by Colorado Secretary of State Michael Coffman. We suggested Ms. Robinson contact their office for questions regarding the appointment of state representatives from Colorado.

(2) Rose Marie Berger, Associate Editor of Sojourners/Call to Renewal, asked for the document on voter fraud authored by Tova Wang and Job Serebrov. We replied that our Inspector General is currently reviewing the circumstances surrounding this research and noted page two of the following memo from the chair. We said that when that process is complete we'll be glad to discuss it further. 04/16/07 - EAC Requests Review of Voter ID, Vote Fraud & Voter Intimidation Research Projects

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Bryan Whitener/EAC/GOV
05/11/2007 09:59 AM

To Donetta L. Davidson/EAC/GOV@EAC, Rosemary E. Rodriguez/EAC/GOV@EAC, Caroline C. Hunter/EAC/GOV@EAC, Gracia Hillman/EAC/GOV@EAC
cc Bert A. Benavides/EAC/GOV@EAC, Bola Olu/EAC/GOV@EAC, Brian Hancock/EAC/GOV@EAC, Curtis Crider/EAC/GOV@EAC, DeAnna M.
bcc

Subject FYI - Daily News (5-11-07, Frid)

Commissioners:

The following items are in the news.

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National

- White House sought investigations of voter fraud allegations before elections
- Congress to vote on paper trail for e-voting systems
- House panel approves e-voting paper trails
- Survey reports rise in voting by Americans overseas (to view the report click here)
- Committee won't endorse Real ID Act
- Dodd, Shelby Unveil Bill To Overhaul CFIUS (regarding overseas companies attempting to take over sensitive U.S. holdings)

Connecticut

- Old Lever Voting Machines Free for Taking (free for EAC's collection)

Florida

- Republicans Hit Jennings' Call to Put Aside Her Florida Court Case

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Also included below is the weekly summary of election reform news and opinion that appears in electionline.org today.

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National

White House sought investigations of voter fraud allegations before elections

McClatchy Newspapers

By Margaret Talev and Marisa Taylor

May 10, 2007

WASHINGTON - Only weeks before last year's pivotal midterm elections, the White House urged the Justice Department to pursue voter-fraud allegations against Democrats in three battleground states, a high-ranking Justice official has told congressional investigators.

In two instances in October 2006, President Bush's political adviser, Karl Rove, or his deputies passed the allegations on to Attorney General Alberto Gonzales' then-chief of staff, Kyle Sampson.

Sampson tapped Gonzales aide Matthew Friedrich, who'd just left his post as chief of staff of the criminal

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division. In the first case, Friedrich agreed to find out whether Justice officials knew of "rampant" voter fraud or "lax" enforcement in parts of New Mexico, Pennsylvania and Wisconsin, and report back.

But Friedrich declined to pursue a related matter from Wisconsin, he told congressional investigators, because an inquiry so close to an election could inappropriately sway voting results. Friedrich decided not to pass the matter on to the criminal division for investigation, even though Sampson gave him a 30-page report prepared by Republican activists that made claims of voting fraud.

Late Thursday night, a Justice Department spokesman disputed McClatchy's characterization, saying that the White House asked for an inquiry, but never ordered an investigation to be opened.

While it was known that Rove and the White House had complained about prosecutors not aggressively investigating voter fraud, Friedrich's testimony suggests that the Justice Department itself was under pressure to open voter fraud cases despite a department policy that discourages such action so close to an election.

The new details from Friedrich's closed-door testimony were provided to McClatchy Newspapers as Gonzales made his third appearance Thursday before Congress to answer questions about the firings of eight U.S. attorneys.

Congressional investigators are looking into whether the firings were motivated in part by prosecutors' failure to bring voter-fraud charges against Democrats.

In New Mexico, one of the states where voter-fraud allegations surfaced, the U.S. attorney, David Iglesias, was fired. The U.S. attorney in Wisconsin, Steve Biskupic, was targeted for removal but wasn't fired. Sampson told investigators that Biskupic may have been spared because Justice officials were wary of angering Rep. James Sensenbrenner, R-Wis., then chairman of the judiciary panel.

Gonzales revealed little in the daylong testimony, as Democrats grew increasingly upset with his failure to offer specifics about who decided whom to fire and why.

Rep. Robert Wexler, D-Fla., accused Gonzales of lying when he couldn't be pinned down on who decided to add Iglesias to the list in the eleventh hour. "Are you the attorney general?" he asked. "Do you run the Department of Justice? You know who put him on the list, but you won't tell us."

The Justice Department issued a statement after the hearing, saying "it is again clear that the Attorney General did not ask for the resignation of any individual in order to interfere with or influence a particular prosecution for partisan political gain."

A portion of the transcript of Friedrich's testimony was released during the hearing before the House Judiciary Committee. Other redacted portions were described to McClatchy Newspapers by a senior congressional aide familiar with the testimony. The aide spoke on condition of anonymity because the full transcript hasn't been released. Friedrich couldn't be reached for comment.

White House spokesman Tony Fratto downplayed the importance of Friedrich's testimony, saying, "It's no secret that we and others had long-standing concerns about voter fraud in a number of places - including Wisconsin, Pennsylvania and New Mexico."

He also criticized members of Congress for their "selective leaking of testimony" and "breathless reaction to any mention of Karl Rove."

Gonzales remained unwavering in his insistence that the firings weren't improper as Republicans called for an end to the investigation.

"As we have gone forward, the list of accusations has mushroomed, but the evidence of genuine wrongdoing has not," said Rep. Lamar Smith, R-Texas. "Mr. Attorney General, this investigation may find

that you and your staff did only what you were accused of at the start - the unremarkable and perfectly legal act of considering ordinary politics in the appointment and oversight of political appointees."

Although the Justice Department has released thousands of documents related to the inquiry, officials haven't said whether they considered firing more prosecutors.

McClatchy Newspapers has reported that the department targeted at least four other prosecutors, including Biskupic.

Another former U.S. attorney, Todd Graves of Kansas City, Mo., revealed this week that he was asked to step aside for another candidate. He also said he had refused to sign off on a voting-rights lawsuit, which another Justice Department official later approved in Washington. The official, Brad Schlozman, later became Graves' temporary replacement.

Gonzales denied that the department considered removing Graves as part of the same firing plan.

Asked whether Graves may have been fired for refusing to sign off on the lawsuit, Gonzales said, "I have no basis to believe that particular case had anything to do with Mr. Graves' departure."

He also denied that the department considered firing former Los Angeles U.S. Attorney Debra Yang, despite reports that former White House counsel Harriet Miers had inquired about whether she would be leaving. Yang left to join a law firm representing Rep. Jerry Lewis, R-Calif., as her office was investigating him. She has said she left voluntarily.

In addition to Graves and Biskupic, the department targeted at least two other U.S. attorneys before settling on the eight late last year.

The other prosecutors, Thomas Heffelfinger of Minneapolis and Thomas Marino of Pennsylvania, were located in states that Rove identified as election battleground states.

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National Congress to vote on paper trail for e-voting systems

Computerworld
Marc L. Songini
May 10, 2007

A U.S. House of Representatives committee has decided to send a bill to the floor that would require all touch-screen voting systems to produce a paper receipt for each ballot cast.

The House Administration Committee, which oversees elections, approved the bill on Tuesday. A vote on the Voter Confidence and Increased Accessibility Act ([download PDF](#)) could be voted on as early as next week, according to Rep. Rush Holt (D-N.J.), the bill's sponsor. The bill also mandates routine random audits of election results to ensure the accuracy of voting tallies.

Holt has long been a critic of touch-screen systems that fail to provide a voter-verified paper trail that can be used for canvassing or recount. Last year, he was unable to get the House to act on an earlier version of the bill, which he [refiled in February](#). "Until we require that voting systems produce a voter-verified paper ballot, the results of our elections will always be uncertain," Holt said yesterday in an e-mail statement. "I hope and expect that Congress will move quickly to pass this legislation so that all voters can be confident that their votes are counted as cast."

Holt said that the bill offers elections officials a flexible timeline on rolling out the new e-voting hardware and boosts the amount of federal funding earmarked in earlier versions of the measure. It also provides for

more intellectual property protection for the makers of e-voting hardware and software.

The committee vote drew mixed responses from e-voting experts and critics. "In November, 18,000 votes went missing on voting machines in Sarasota County, Fla.," said Ralph Neas, president of the People for the American Way Foundation, which supports the bill. "If voting machine problems are a sickness, the Holt bill is good medicine. We must make every effort possible to ensure that an injustice like Sarasota never happens again. This bill will end paperless voting -- period."

But Michael Shamos, a professor who specializes in e-voting issues at Carnegie Mellon University in Pittsburgh, called the bill "terrible." He said that, in effect, it outlaws direct recording electronic (DRE) machines by imposing standards so strict -- such as banning roll-to-roll printing configurations -- that they can't be met by any system now in use. The bill would eliminate the entire touch-screen/DRE technology over security problems that he argued have never really been exploited by hackers and could be easily be addressed in other ways.

Moreover, Shamos said, the bill also assumes that optical scan systems are better, safer or more secure than DREs. "The catalog of manipulations of optical scan systems is as long as your arm," he said.

One DRE critic said the Holt bill doesn't go far enough. The systems should be eliminated outright, as the Florida state legislature recently voted to do, according to blogger and e-voting critic Brad Friedman. "Once again: DREs are antithetical to democracy in that no voter -- no human being, in fact -- can ever verify their ballot before it is cast and counted on a DRE system," he said. "A 'paper trail' added to such systems, as the Holt bill currently does, is never actually counted."

A spokesman for Holt said the legislation is designed to preserve verifiability and the ability to conduct audits. It's not intended to prescribe what specific voting systems states and localities must use.

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National
House panel approves e-voting paper trails

http://news.com.com/House+panel+approves+e-voting+paper+trails/2100-1028_3-6182590.html
http://news.com.com/2102-1028_3-6182590.html?tag=st.util.print

By Anne Broache
Staff Writer, CNET News.com
Published: May 9, 2007, 3:03 PM PDT
Story last modified Thu May 10 06:26:48 PDT 2007

All U.S. voting systems would be required to produce or make use of verifiable paper ballots in time for the next presidential election under a bill approved this week by a House of Representatives panel.

By a 6-3 vote along party lines, the House Administration Committee on Tuesday afternoon approved an amended version (PDF) of the Voter Confidence and Increased Accessibility Act, chiefly sponsored by Rep. Rush Holt (D-N.J.) and backed by 212 other members of Congress.

Aside from the paper trail requirement, the bill also imposes a number of new security obligations, such as a general ban on any wireless technology in the machines and on connecting devices used to record or tabulate ballots to the Internet. In addition, only equipment preapproved by accredited test laboratories would be eligible for use in federal elections--a move aimed at keeping potentially flawed software from being slipped in at the last minute.

All voting precincts nationwide would generally have to conform to the new requirements in time for the general federal election in November 2008 and for each subsequent election. The bill sets aside an extra \$1 billion--more than triple the amount proposed in the original bill--to distribute to states in the 2007 fiscal

year to help them make their systems compliant.

State and local election officials have long complained that they wouldn't have enough funding or time to make all of the changes. Failure to amend the bill in ways that would meaningfully address those concerns prompted the committee's three Republicans to reject it after hours of debate on Tuesday, said Salley Collins, a spokeswoman for the committee.

"We're told these requirements are unrealistic and problematic and impossible for them to reach by 2008," she said in a telephone interview.

Lofgren, for her part, said in a statement e-mailed to CNET News.com Wednesday evening that politics shouldn't get in the way of passing the bill, which she called "a vital first step in ensuring that we restore the public's trust in its government."

Many districts that employed machines with paper-based ballots or receipts in the last election are expected to qualify for a reprieve, extending that deadline for full compliance to the first federal election in 2010. But Collins said that's likely not enough time either.

Whether the proposal will actually proceed through the necessary channels and become law this year is less certain. Sen. Dianne Feinstein (D-Calif.) signaled early this year that she plans to introduce a companion bill in the Senate, but it was not immediately clear when that would happen. Similar bills have stalled in previous congressional sessions.

Meanwhile, 27 states have already passed laws requiring current or future use of voter-verified paper ballots, and eight more use them statewide even though they aren't required by law, according to Verified Voting, which advocates for paper trails.

Now on News.com

Jobs brushes aside backdating concerns Microsoft slims its virtualization software Can plankton slow climate change? Care and feeding of a Webkinz Extra: The best games to play at work Video: Hydrogen cars--the hybrids of the future?

Computer scientists and watchdog groups have long charged that paper ballots are the only way that voters can truly verify their intent was recorded, particularly in the case of touch screen machines that have earned a reputation for security flaws and glitches and cannot be independently audited.

Public-interest groups blamed buggy touch screen machines for what appeared to be an 18,000 undervote in the congressional race in Sarasota County, Fla., last year and have argued that voter-verified paper trails could have helped to resolve that apparent anomaly. (Florida has since opted to ditch those machines entirely.)

The approved House bill would automatically consider the paper version the ballot of record except in special cases, such as if there is "clear and convincing" evidence that enough paper records have been compromised to influence the race's outcome. But critics of that approach say it's unwise because paper ballots can easily be mangled or lost. Supporters of the bill say it addresses that concern by prescribing that the paper ballots be printed on "durable paper of archival quality."

They also said the bill is praiseworthy because it would require all states to conduct random, hand-counted audits of select percentages of the voter-verified paper ballots cast in a race, except when a candidate ran uncontested or racked up 80 percent or more of the vote count.

"We've never had that in elections, even before voting machines came in," said Barbara Simons, the Association of Computing Machinery's past president and chairwoman of its e-voting study group. "This is a really enormous change, and just from a security perspective, it really makes a big difference."

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National

Survey reports rise in voting by Americans overseas (to view the report click here)

International Herald Tribune

By Brian Knowlton

Wednesday, May 9, 2007

WASHINGTON: Absentee voting by Americans overseas, both military and civilian, appears to have risen substantially in the November elections, according to a new survey that said the trends suggested record overseas participation in 2008.

The survey, by the nonprofit Overseas Vote Foundation, found that half of the local election jurisdictions that responded had observed an increase in civilian voting from abroad, when compared with the previous midterm elections in 2002, while only 12 percent had noted a decrease. Similarly, half of local offices reported increased military voting, while just 14 percent saw a decrease.

The report cited three explanations: the growing number of Americans abroad, including soldiers and civilian contractors in Iraq, for example; heightened voter interest because of recent polarizing elections; and accelerated efforts by partisan and nonpartisan groups to contact, inform and mobilize overseas voters, including through the Internet.

"These trends may indicate that the 2008 elections will be one in which local election jurisdictions may face new record numbers" of overseas votes, the report said.

But the survey also found that substantial numbers of overseas ballots were still being rejected, chiefly because ballot request forms, or the ballots themselves, arrived too late. The second leading cause was request forms or ballots that were improperly filled out or illegible. This was particularly a problem among voters in the 18-to-29 age group.

And such problems mostly have to be resolved by mail, which imposes additional delays.

In addition, the relative mobility of overseas voters - military personnel in particular - meant that many were not receiving ballots.

The Overseas Vote Foundation sent its survey to 3,814 local elections officials across the country; 18 percent responded.

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National

Committee won't endorse Real ID Act

Federal Computer Week

BY Alice Lipowicz

Published on May 9, 2007

The Real ID Act of 2005 raises serious concerns about privacy, data security, cost, fairness and mission creep that should be fully scrutinized before the act is implemented, an advisory committee to the Homeland Security Department recommended May 7.

Because those concerns are unresolved, the DHS Data Privacy and Integrity Advisory Committee said it cannot endorse the Real ID Act or the notice of proposed rulemaking at this time.

"Given that these issues have not received adequate consideration, the committee feels that it is important

that the following comments do not constitute an endorsement of Real ID or the regulations as workable or appropriate," the panel wrote in comments about the Real ID Act issued May 7.

Congress approved the Real ID Act in 2005 to establish a national system to strengthen the integrity of state driver's licenses. Governors have said the act will cost up to \$11 billion to implement over five years.

The data privacy committee said DHS Chief Privacy Officer Hugo Teufel asked it to review the notice of proposed rulemaking. In an eight-page comment letter, the panel issued 12 recommendations for improving the rulemaking.

Given the magnitude and potentially serious consequences of the Real ID Act's national identity management system, the federal government and states need to examine more seriously issues of privacy, accountability and data security, among others, the advisory committee wrote.

For example, under the current rulemaking, states are asked to submit comprehensive plans for protecting the personal data to be collected from individuals. However, the plans are likely to be "inconsistent" and "ineffective" because there are no minimum national standards that need to be met, the advisory group said. It recommends that the final rule include such a standard.

In addition, the comprehensive plans must address privacy, which they currently are not required to do, the advisory group said. There should be rules for accountability and storage of the data, notice to individuals on information being collected, provisions for redress and access, and provisions explicitly limiting what the cards can be used for, among others.

The advisory group also said encryption might not be effective if each state is applying it differently. "Critics of encryption would argue that proper implementation depends on managing encryption keys across the multiple jurisdictions, which is unlikely to be efficient or effective," the report states.

The panel's 12 recommendations are:

The final rule should include an explicit data security standard for states to follow.

The final rule shall recommend specific steps to prevent unauthorized access to information on the card. The standards should be modeled on procedures used by the American Association of Motor Vehicle Administrators.

The final rule must require that states be accountable for the personal information they collect and store. States should institute procedures for individuals to file complaints and obtain information on compliance with the states' comprehensive security plans.

DHS should evaluate the privacy notices contained in the states' comprehensive security plans.

DHS should evaluate whether individuals may opt out from secondary uses of the card.

DHS should evaluate whether individuals have adequate access to the personal information contained in the Real ID Act databases.

DHS should evaluate whether states have included a principle of limited purpose for use of the cards, with restrictions on unauthorized, commercial or secondary uses.

DHS should re-evaluate the technologies to be used in storing machine-readable information on the card.

All state driver's license databases should include restrictions on access, transfer and secondary uses of the information.

DHS should conduct initial background checks on employees involved in production of the identity cards.

Alice Lipowicz writes for Washington Technology, an 1105 Government Information Group publication.

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National

Dodd, Shelby Unveil Bill To Overhaul CFIUS (regarding overseas companies attempting to take over sensitive U.S. holdings)

Congress Daily

HILL BRIEFS

May 11, 2007

Senate Banking Chairman Dodd and ranking member Richard Shelby, R-Ala., said Thursday they have reached agreement on legislation to revamp the Committee on Foreign Investment in the United States, which handles applications for overseas companies attempting to take over sensitive U.S. holdings.

The two said in a statement they would mark up the bill next week, but offered few details. An aide said the measure was a mixture between last year's Senate bill and CFIUS legislation the House passed Feb. 28.

Business groups opposed last year's Senate legislation, driven by Shelby, because they said it would dampen foreign investment in the United States.

That bill would let the CFIUS board extend national security reviews beyond the current 30-day maximum and would require notification to Congress of CFIUS reviews before those reviews were completed.

Dodd said the bill would establish a new procedure for vetting applications that have national security implication. "It does so in a systematic way, but through timely and clear procedures so as to not discourage investors," he said.

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Connecticut

Old Lever Voting Machines Free for Taking (free for EAC's collection)

WestportNow.com

Westport, CT

May 9, 2007

By Jennifer Connic

They're now pieces of Westport's history, but no one has come forward to take the lever machines off the hands of the registrars of voters.

The town's registrars of voters said today they are making the lever machines—which have been replaced by electronic equipment this fall—available to anyone who wants to take them.

The two registrars had tried to sell the machines, but there were no takers, said Registrar Nita Cohen.

Now the two registrars need space in the schools to store some of the new equipment, and the machines need to go before July 1 in order to make room for the giant storage bins, she said.

The storage bins—which cost nearly \$1,600 each—will hold everything except the actual electronic equipment, which are locked away at Town Hall, she said.

If no one takes the lever machines, Cohen said, they will be taken to the dump for salvage.

"Other towns are in the same boat," she said. "We have 30 of them. Imagine some place like Bridgeport."

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Some towns are using the old lever machines for the fall municipal elections—and they will continue to be allowed for municipal elections—but the registrars feel it would be a good time for Westporters to gain experience with the machines before the 2008 presidential election, Cohen said.

Whoever wants the machines would need to provide their own transportation, she said, but it could be difficult because each machine weighs about 900 pounds each.

“I hope someone does save one or two,” she said. “Maybe the Historical Society will take one.”

First Selectman Gordon Joseloff said, who has a collection of Westport artifacts, said he wouldn't mind having a machine since he is a Westport history buff.

“At 900 pounds, though, it's a heavy souvenir,” he said. “I hope that if we leave them to the free market someone will determine them to be valuable.”

Joseloff also said he wonders if the voting machines could be placed on eBay.

Anyone interested in one of the machines should contact the registrars' office at (203) 341-1115.

Posted 05/09 at 01:35 PM

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Florida Republicans Hit Jennings' Call to Put Aside Her Florida Court Case

Roll Call
By Matthew Murray
Roll Call
Thursday, May 10; 4:27 pm

House Republicans are criticizing a recent request by Christine Jennings (D) to put her court case on hold while federal auditors explore whether faulty voting equipment cost her the election in Florida's 13th district in November.

A Jennings spokesman confirmed Thursday that lawyers for her campaign filed a motion last week to temporarily stay her case, which has been trickling through the Florida court system for months. Jennings filed her case soon after her 369-vote defeat by now-Rep. Vern Buchanan (R-Fla.). Jennings and some Democrats claim that malfunctioning electronic voting machines resulted in 18,000 “undervotes” from heavily Democratic areas.

Last week, a three-Member elections task force from the House Administration Committee, which was organized to manage the Jennings-Buchanan dispute, voted to hand the matter over to the Government Accountability Office. A GAO investigation is expected to take at least 45 days.

House Democratic leaders reluctantly seated Buchanan at the beginning of the 110th Congress, but held open the possibility of removing Buchanan and seating Jennings if evidence surfaced during her court case or the House investigation to suggest that the Democrat had actually won. But Jennings is seeking to delay the court case, for now.

“We asked for the court proceedings to be put on hold,” Jennings spokesman David Kochman confirmed on Thursday. “It's almost six months since we filed the case and four months since we filed the appeal. It's become clear that the best chance for a quick solution ... is from the [House] task force and the [GAO].”

But freshman Rep. Kevin McCarthy (R-Calif.) and other House Republicans claim Jennings' move is tantamount to throwing in the towel and sidesteps a critical judicial component of the appeal process. Stalling litigation in the state court system, McCarthy suggests, may prevent crucial evidence from surfacing in a case that still has not gone to trial.

"I'm surprised that Ms. Jennings and her lawyers have suddenly decided to give up on the Florida court proceedings that she initiated," said McCarthy, the lone Republican on the House elections task force. "There is a reason that the House has encouraged contestants to exhaust state remedies before coming to the House with a contest. By suddenly giving up on the court proceedings while awaiting a ruling, Ms. Jennings is denying the task force crucial input from the courts that we need to utilize in our own deliberations."

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Also included below is the weekly summary of election reform news and opinion that appears in electionline.org today.

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--- Forwarded by Bryan Whitener/EAC/GOV on 05/11/2007 09:57 AM ---



listadmin@electionline.org

05/10/2007 02:22 PM

Please respond to
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To bwhitener@eac.gov

cc

Subject electionline Weekly--May 10, 2007

[electionline Weekly - May 10, 2007](http://electionline.org)
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I. In Focus This Week

Holt Bill Clears Committee as Republican Amendments Shot Down
Few changes but much controversy over reform legislation

By [Kat Zambon](#)
electionline.org

Arguing that they were acting on behalf of state and local elections officials concerned about the implications of election reform legislation, Republicans in the [Committee on House Administration](#) were nonetheless thwarted this week in their attempts to amend the bill by Democrats who say the bill is necessary to safeguard the 2008 vote.

In his opening statement, [Rep. Vernon Ehlers](#), R-Mich., ranking member on the committee, reiterated his concerns about [H.R. 811](#), the "Voter Confidence and Increased Accessibility Act of

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2007."

"Unfortunately, the additional time for review has not changed my perception of this bill," he said. "As we all saw in the 2000 elections, in the days of hanging and pregnant chad, paper is far from fool-proof."

Ehlers displayed a stack of letters he received from elections officials from across the country opposing the bill.

"These are the people who are most familiar with our elections systems, telling us that they simply cannot effectively administer the 2008 election if Congress ignores their pleas and forces this legislation upon them," he said.

GOP lawmakers on the committee introduced a dozen amendments, with issues directly relevant to the bill, including altering the legislation's source code disclosure requirements, its timetable for meeting federal mandates for voter-verified paper audit trails, what would constitute the ballot recording in a recount, cost issues and the future of thermal paper printing currently in use in a number of states.

Other amendments reflected the party's legislative priorities in election reform, including two introduced by Rep. Kevin McCarthy, R-Calif., that would have required voters to show photo identification at the polls. The subject is not addressed in the original bill nor a substitute offered by Rep. Zoe Lofgren, D-Calif., who also chairs the subcommittee on elections.

Democrats, however, said they had the voters on their side.

Lofgren's staff countered Ehlers' stack of letters with boxes of petitions signed by citizens in favor of the bill.

"We have heard the concerns of state and local elections officials and we have tried to address them in the substitute bill," Lofgren said. "We believe this substitute deals with all of the issues that can be dealt with."

Lofgren's substitute would increase the authorization for replacing touch-screen voting machines to \$1 billion from the \$300 million offered originally in H.R. 811. It would allow states to use the audit standards issued in H.R. 811 or develop another audit system with approval from the National Institute of Standards and Technology (NIST). NIST would be required to establish guidelines and a process for states to receive approval by May 1.

While thermal paper doesn't fall under the definition of "durable paper," which the substitute described as capable of withstanding hand counts and recounts and able to be preserved for 22 months, Lofgren's substitute would allow states that currently use electronic voting machines with thermal paper to receive a waiver, allowing them to keep using their voting technology until 2010.

Under Lofgren's substitute, the Election Assistance Commission (EAC) would be responsible for notifying Congress, states and the public when a voting machine testing laboratory's accreditation is revoked, terminated, suspended or restored and when there is "credible evidence of significant security failure at an accredited laboratory." EAC would also be required to set up an escrow account through which vendors will pay testing labs.

Ehlers offered a substitute that would delay implementation until 2010 and give states the authority to determine their own audit procedures. States say the process in the bill is worse than nothing because it interferes with the recount process, according to Ehlers, and the National Association of Counties (NACo) supported Ehlers' substitute. It's impossible to measure the successes of the Help America Vote Act (HAVA) until states have finished implementing it, Ehlers said, and H.R. 811 undermines HAVA's gains. Ehlers' substitute failed.

After Ehlers' bill was voted down, Rep. Michael Capuano, D-Mass., introduced an amendment that would give voters the ability to choose between casting a paper ballot at the polls or at an electronic voting machine. The amendment also would require polling places to carry enough paper ballots for each voter and display a sign reminding voters to verify their ballots. Capuano's amendment passed.

After Capuano's amendment was introduced and approved, the mark-up fell into a routine whereby a minority member of the committee would propose an amendment, a majority committee member, usually Lofgren, would explain their opposition to the amendment, then the amendment would be defeated in a vote.

At the close of the hearing, Ehlers stated, "I just register my dismay that the bill is passing in this form." Lofgren's substitute passed.

Citing the 18,000 lost votes in Sarasota, Fla. during the 2006 general election, Ralph Neas, People for the American Way (PFAW) president urged Congress to consider the new H.R. 811 in a timely fashion. "If voting machines are a sickness, the Holt bill is good medicine. We must make every effort possible to ensure that an injustice like Sarasota never happens again," he said in a press release.

However, PFAW's assertion that a voter-verifiable paper audit trail would have prevented the election meltdown and ensuing confusion in Sarasota is "despicable," according to Brad Friedman.

"Neas well knows - because we personally discussed it at length with him - that 'paper trails' on the paperless touch-screen voting machines used in the FL-13 election would likely have made no difference whatsoever in the outcome of that election," Friedman wrote. "Apparently a paper ballot - one that is actually counted - for every vote cast in America is of little interest to either the Democratic or Republican members of the committee."

When asked if the Holt bill that was approved in committee was an improvement, Alysoun

McLaughlin, associate legislative director for NaCO said, "Not even close . there's still no DRE on the market" that meets H.R. 811's requirements.

McLaughlin pointed out that H.R. 811 would force states to conduct audits by hand and ban the use of handheld scanners to tally ballots for the official count. "Fundamentally there are some bottom line assumptions in this bill that cannot go. The notion that electronic scanners should never be used in conducting a recount . is impossibly cumbersome," she said.

"What I keep hearing is that people are going to quit their jobs if this becomes law," he said. "It can't be implemented - hand recounts statewide? You just can't do that."

Statewide Voter Lists Are Still Works in Progress *States have faced lawsuits, technical challenges*

By Sean Greene
electionline.org

The creation of statewide voter registration databases, one of the most costly and complex requirements of the Help America Vote Act (HAVA), has caused delays and technical problems in several states, leading to questions about the effectiveness of the systems as well as federal lawsuits.

electionline.org profiles four states that have faced some of those challenges: Alabama and New Jersey, which have been sued by the U.S. Department of Justice (DOJ) for missing the January 1, 2006 HAVA database deadline; and Texas and Wisconsin, which have experienced problems during system implementation.

Alabama

Alabama's path to completing its voter registration list has been long and at times contentious. In 2005, state attempts to find a company to build a new database failed. By May 2006, DOJ sued then-Secretary of State Nancy Worley (D) for missing the deadline. The suit led to a court-ordered appointment of a special master to implement the system, Gov. Bob Riley (R).

Some Democrats saw the move as politically charged.

"It is impossible to ignore the partisan colorations of the court's intervention..It is also striking that in no instance has the Department of Justice under the Bush Administration ever sought such an aggressive intervention in a state's election process," said Rep. Artur Davis, D-Ala., in a letter to Attorney General Alberto Gonzales last August. (Davis recently became a member of the Committee on House Administration which handles oversight of federal elections, filling the vacancy left by the death of Rep. Juanita Millender-McDonald.)

The Department of Justice defended its actions.

"This administration also has filed voting lawsuits against state officials of both parties in

Georgia, Indiana, Maine, Missouri, North Carolina, Oklahoma, Pennsylvania, Tennessee and Texas. Facts, not party affiliations, drive our litigation decisions," responded Wan J. Kim, assistant attorney general for the civil rights division.

Politics aside, efforts to meet the court-mandated August 31 deadline have forged ahead. In September 2006 Riley appointed a committee to oversee the creation of the system and in March 2007 he announced that Omaha-based Election Systems & Software (ES&S) had been selected as the vendor, stating Alabama was "on track to meet this important deadline."

New Jersey

New Jersey was also sued by DOJ and entered into an agreement last October because of troubles with its registration system that arose during its debut a year ago. The agreement mandates full HAVA compliance by the end of this month.

"The statewide voter registration system was deployed [in May] but significant problems were uncovered in testing and programming the system. Problems remaining include data conversion problems, the accurate issuance of absentee ballots, and the inability to verify a registrant's identity," according to an October 2006 press release from the state's attorney general.

While the state did not respond to requests for comment, difficulties are being addressed, reported Portland, Ore.-based Saber Corporation, the vendor creating the list. The company also has election management systems in Rhode Island, New Hampshire, Idaho, Oregon, Maryland, Iowa, Missouri and Montana and has systems in development in Colorado and Wyoming.

"The May 30 deadline will be met from our perspective," said Todd Weinberg, Saber's New Jersey portfolio manager.

Texas

The state's registration system (TEAM), built by IBM and Austin, Tex.-based Hart InterCivic, experienced some problems during the just-completed early voting period for Saturday's constitutional amendment election. In all, 224 of the state's 254 counties currently use the system.

Ann McGeehan, the state's election director, acknowledged the system had hit some rough spots but added changes have been made and the issues are being worked out.

"The implementation of TEAM was not as smooth as we had hoped. Response time was exceedingly slow at times, and this meant that some counties had to work outside regular business hours to get their work done. However, we have made several changes and response time has greatly improved," she stated.

In addition to slow response times, some county officials reported that they did not receive up-to-date voter lists until the first day of early voting.

The vendors made changes, McGeehan said, and the process of generating lists for Election Day is working well and with no backlog.

While news reports have indicated some county election officials were disheartened by these problems, McGeehan is still hopeful the system will be a success.

"We continue to be optimistic that, in the long run, the state will provide a system that will result in greater functionality and a more accurate list."

Wisconsin

Wisconsin, which signed a contract with the Bermuda-based Accenture to build its registration system in November 2004, has faced ongoing criticism from local officials and state lawmakers. (Accenture had database contracts terminated or ended by mutual agreement in three other states - Colorado, Kansas and Wyoming.)

In March, *The Milwaukee Journal Sentinel* reported that some Wisconsin election officials complained that the system is much slower than local systems they worked with previously and that it was too complex and error-prone.

Kevin Kennedy, executive director of the State Elections Board (SEB), agreed some challenges remain but also noted how far the state has come.

"There are functionality and performance issues that must be addressed under the requirements of the state's contract with Accenture. [However}, in implementing a statewide voter registration system, Wisconsin's county and municipal election officials, along with SEB staff, have overcome some monumental challenges not faced by other states," Kennedy said.

He pointed out that prior to 2006, 1,539 municipalities with a population of less than 5,000 were not required to register voters and that more than 325 municipalities that did have voter lists had them in variety of formats. This left the state essentially starting from scratch as well as collecting registration data for the first time from more than one million residents in the smaller municipalities.

And while the system is not yet fully HAVA-compliant, the state has stayed in close contact with DOJ about its compliance efforts.

Kennedy also described recent progress, including work with Accenture to improve the system's efficiency, work with local election officials to improve the accuracy of voter matching functions and a partnership with the University of Wisconsin to create a web-based training program for clerks and staff involving specific aspects of the system.

This and the successful use of parts of the system in three previous statewide elections have led him to view the statewide voter registration system as an integral component of well-run elections.

"The statewide registration system is helpful in performing some key essential tasks required to manage an election in which the public can have confidence, including capturing voter

information, printing poll books, and recording voter participation."

NOTE: The Pew Center on the States (PCS) has released answers to frequently asked questions about the recent Pew/JEHT \$2 million Request for Proposals. More details about the RFP are available at the PCS web page. Responses are due Monday, June 4.

II. Election Reform News This Week

- Elections were held in several states this week to varying degrees of success. In Marion County, Ind., five of the county's precincts never opened while 45 opened late. *The Indianapolis Star* described the vote as "perhaps the most chaotic, confused and bumbling election in Marion County's history."
- In Cuyahoga County, Ohio, Election Day reportedly went smoothly, with few, if any problems reported in the county's 164 precincts. According to the *Columbus Dispatch*, there were two "glitches" with electronic memory cards—one was missing, but found left in a machine and the other was corrupted, but with no votes lost. "This is about as close to flawless as we could get," Elections Board spokesman Alan Melamed told the paper.
- The election board in St. Louis, Mo. raised some eyebrows recently when it allowed two churches to use city voting machines to conduct elections for new pastors. As part of a community outreach program, the Election Board has held electronic voting machines demonstrations for many community groups, but there have only been two cases when the machines have been used in non-municipal, but real elections. Despite the educational aspect, church-state separation advocates told the *St. Louis Post-Dispatch* that they have never heard of another local government lending its voting technology to places of worship. "Internal church business is absolutely, positively no business of the St. Louis Board of Elections," said Barry Lynn, executive director of Americans United for the Separation of Church and State. But the city Board insists it's a good program. "A lot of people, especially seniors, are afraid to use them on Election Day and choose not to," board member Mary Wheeler Jones told the paper. "But take (the machines) to their church where there's no other way for them to vote, and you get 93-year-olds using them."
- They've rolled die, they've drawn cards and now they are relying on bingo balls to decide tied elections. With two candidates in the race for Crete Village (Ill.) Board tied with 553 votes each, including absentee ballots, Will County Clerk Nancy Schultz Voots used two bingo balls in a glass container to determine the final outcome. According the *Northwest Indiana Times*, Illinois county clerks can use whatever method they like to break a tie. Will County also uses the bingo ball lottery to determine the position of names on ballots. This was Will County's first tie since 2002.

III. Opinion This Week

National: Voting machines, Primary elections

Colorado: Partisan election offices

Florida: Paper trails, Primaries, Voting machines

Indiana: Modernization

Maryland: Voter registration

Mississippi: [Voter ID, II](#)
New York: [Voting machines, II](#)
Ohio: [Cuyahoga County](#)
South Carolina: [Voter registration](#)
Texas: [Felon voting rights, Voter ID, II](#)

Some sites require registration

IV. Job Postings

All job listings must be received by 12 p.m. Eastern on Wednesday for publication in our Thursday newsletter. Job listings are free but may be edited for length. Whenever possible, include Internet information. Please email job postings to mmoretti@electionline.org

ELECTIONS DIRECTOR - Navajo County, Ariz. Looking for a rewarding career while enjoying a relaxing country lifestyle? Navajo County and the White Mountains are for you! Navajo County is accepting applications for an Elections Director. This position is responsible for managing the Elections Department to include: planning, organizing and directing County wide elections; establishing policies, procedures and guidelines; ensuring voting and voting procedures are in compliance with Arizona State statutes; making public presentations; certifying results of elections; and developing and administering the department's budget. The successful candidate should have a Bachelor's Degree in Public or Business Administration, Political Science, or a closely related field; and three years of progressively responsible experience in conducting governmental elections, including one year in a supervisory or management capacity; **OR** equivalent combination of education, training and experience; and must pass the Arizona State Election Certification program. Salary range is \$50,750 - \$63,438 per year, depending on qualifications. Benefits include paid leave. Please submit a Navajo County application to: Navajo County Governmental Complex; Attn: Human Resources; PO Box 668; Holbrook, AZ 86025. Position description and application information is available at www.co.navajo.az.us. EOE.

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Bryan Whitener/EAC/GOV
05/11/2007 06:18 PM

To Donetta L. Davidson/EAC/GOV@EAC, Rosemary E. Rodriguez/EAC/GOV@EAC, Caroline C. Hunter/EAC/GOV@EAC, Gracia Hillman/EAC/GOV@EAC
cc Bert A. Benavides/EAC/GOV@EAC, Bola Olu/EAC/GOV@EAC, Brian Hancock/EAC/GOV@EAC, Curtis Crider/EAC/GOV@EAC, DeAnna M.
bcc

Subject FYI - Today's media inquiries (5-11-07, Frid)

Commissioners:

Today we had the following media inquiries:

(1) Meg Cox, a freelance journalist in Chicago is working on an article about voter fraud and voter ID laws. She asked the following two questions:

- 1) Is the EAC still sending its "Elections Crimes" report to journalists who request the report on voter fraud and intimidation authored by Wang and Serebrov?
- 2) If the answer to #1 is yes, is the EAC still sending the "Election Crimes" report in these cases without comment--in other words, without indicating that it is not the Wang/Serebrov report?

We forwarded her questions to Curtis and replied to Ms. Cox that the chair has asked our Inspector General to review the circumstances surrounding this research project, as well as research done about voter ID. We said he has requested that EAC not comment on either one of these projects while his review is ongoing. We referred her to the following link: [here](#). and said we'd be glad to make sure she receives the IG's review when it is completed.

(2) Jenna Portnoy of the Doylestown Intelligencia in Bucks Co., PA called again to ask about EAC's progress in determining the status of Pennsylvania's 102 funds. She wants to know the amount of money, if any, that they will have to return. We said that EAC is still reviewing the certifications submitted by the states and we hope to have this process completed as soon as possible. We said we are also evaluating all the reports submitted by the states regarding their 101 and 251 funds expenditures.

025909

Bryan Whitener/EAC/GOV
05/14/2007 06:18 PM

To Donetta L. Davidson/EAC/GOV@EAC, Rosemary E. Rodriguez/EAC/GOV@EAC, Caroline C. Hunter/EAC/GOV@EAC, Gracia Hillman/EAC/GOV@EAC
cc Bert A. Benavides/EAC/GOV@EAC, Bola Olu/EAC/GOV@EAC, Brian Hancock/EAC/GOV@EAC, Curtis Crider/EAC/GOV@EAC, DeAnna M.
bcc

Subject FYI - Today's media inquiries (5-14-07, Mon)

Commissioners:

Today Meg Cox, a freelance journalist in Chicago, sent us the same two questions she sent us last Friday (see below). She had not been satisfied with our response. She is working on an article about voter fraud and voter ID laws. She said she is concerned that journalists are receiving a substitute report from EAC and not the real thing. We replied that we directed her to the one and only report adopted by EAC -- Election Crimes: An Initial Review and Recommendations for Future Study -- We noted that it contains clear language about the role of the consultants, identifies them by name and that their bios are included in the EAC report as Appendix D here. We said we would notify her when the IG has completed his review of this subject. We also noted the following contents of the report:

- Page one: "EAC staff along with two, bipartisan consultants reviewed the existing information available about voting fraud and voter intimidation, including reading articles, books and reports; interviewing subject matter experts; reviewing media reports of fraud and intimidation; and studying reported cases of prosecutions of these types of crimes.
- Page three: To accomplish these tasks, EAC employed two consultants, Job Serebrov and Tova Wang, who worked with EAC staff and interns to conduct the research that forms the basis of this report.
- Page four: The consultants drafted a report for EAC that included their summaries of relevant cases, studies and reports on voting fraud and voter intimidation as well as summaries of the interviews that they conducted. The draft report also provided a definition of voting fraud and intimidation and made certain recommendations developed by the consultants or by the working group on how to pursue further study of this subject. This document was vetted and edited by EAC staff to produce this final report.

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BACKGROUND: Last Friday's Q&A.

Meg Cox, a freelance journalist in Chicago is working on an article about voter fraud and voter ID laws. She asked the following two questions:

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025910

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