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**STATEMENT OF JULIE PENNY
TO
U.S. ELECTION ASSISTANCE COMMISSION
1225 New York Ave., Suite 1100, Washington, D.C. 20005
ON
VOLUNTARY VOTING SYSTEMS GUIDELINES (VVSG)**

MAY 2, 2008

For the record, my name is Julie Penny, and I reside in Sag Harbor, New York and I am a member of many civic, environmental, and voting integrity organizations including the League of Women Voters and Eastern Long Island's Democracy for America. I am also one of the columnists who write for the "Our Town" column in *The Sag Harbor Express* where I have penned several columns since 2005 on the failures of electronic voting which has been, and, is, antithetical to a democracy. While the Election Assistance Commission is taking public comments on proposed guidelines for voting technology for VVSG, your website for public comments is so narrowly defined that I am compelled to submit this into the public record for the EAC misses the whole point. On principal, and in light of the disaster that HAVA and electronic voting has so far wrought upon our voting system these last eight years, I reject HAVA, I reject the EAC as formulated, and, I reject the notion of technology-based elections which now seems to be based on support for the "verifiable voting" concept for it has taken the process out of the hands of the voters and put it into the hands of government insiders and their vendors who use secret, proprietary software.

Any voting system should be as simple and as easy for any individual to understand (and, as transparent) as marking a paper ballot, placing it in a locked box (that was inspected by the public to be empty at the start of the process), and then watching those paper ballots that were cast be counted up at the end of election night under the watchful eyes of the public. Not what's been foisted upon the public—without our consent. As it now stands, there is no way for an individual to know for certain if his/her vote is ever accurately cast or accurately counted. Such a system is totally untenable. Your VVSG is an attempt to put lipstick on a pig.

I have appeared before, and, submitted testimony to, the NYS BOE and the Suffolk County Legislature to stress the need for an entirely transparent and accurate voting system where our hand-marked paper ballots (or a paper ballot marked by us with a ballot-marking device) can be verified by us, then accurately cast, and, then, finally at the end of election night, accurately counted under the watchful eyes of the public. DREs must be jettisoned altogether. When optical scanners count the ballots, they should be precinct-based AND all mandatory random "audits" (with very large samplings) performed the night of the election (and any later "recounts") must be predicated upon the results of the paper ballots themselves, not upon the results of the electronic machine's memory cards. Strict **chain-of-custody** of voting systems and of paper ballots before, during, and after elections must be enforced by multi-partisan citizen observers. As it's our taxpayer money, we want voting done by the cheapest

method and with utter transparency and security. Not the secretive, hackable, vote-flipping, glitch-ridden, overpriced cash cow bonanza it is now for a few electronic voting machine companies and political insiders who control it. We are against the privatization of our voting—it's antithetical to a democracy, and our founding fathers would be aghast at how the process has been hijacked and taken out of the hands of its citizens. We want voting systems and electoral tabulation that would be publicly owned and "open source." (We are also against electronic registration poll books which are being done by these same errant vendors and government insiders that are disenfranchising voters as last year's report from the Brennan Center made so abundantly clear.)

The last time I looked into Canada's voting methods (2006), I found it interesting that in Canada's Parliamentary election they used hand-marked paper ballots and hand-counted them in 4 hours! They achieve this by having many precincts with no more than about 500 (I believe) people in each precinct.

A simple, publicly owned, publicly run, understandable and utterly transparent voting system is the only system we should be using. And, if using (PBOS) it should use "Open Source" software which is free and available to the public—no secret, proprietary software/hardware; and no "for-profit" vendors. The results of mandatory election night audits of paper ballots for each randomly chosen precinct should be posted on the web in real time on election night.

I greatly appreciate the work of Bev Harris of Black Box Voting.org, Ellen Theisen and John Gideon of Voters Unite.org, and Brad Friedman of The Brad Blog.com to name a few election integrity advocates. The problems with, the dangers of, the snafus encountered to date, have been catalogued by these individuals and I incorporate herein by reference their submissions to the EAC (of their "Public Comments" and materials for the EAC's "Voting Advocates Round Table" on April 24, 08) and the information found on their respective websites, and, in their previous discussions with the EAC. (And, also the information presented by their surrogates.) Additionally, I see that Brad Friedman had Dr. Rebecca Mercuri speak at the EAC's "Advocates Round Table" and so I also incorporate herein Dr. Rebecca Mercuri's remarks and written submissions to the EAC for the public record as they reflect what I want to convey to you myself.

I am quoting Bev Harris of Black Box Voting who has put it very well:

"The entire premise of technology-based elections is based on support for the 'verifiable voting' concept. But before designing technology for elections, we must first determine how it will empower citizen controls, enabling the counting of votes in public rather than counting them in secret. We do not consent to any form of secret vote counting, administered and controlled by government insiders and their vendors.

Any system that forces the citizenry to trust government insiders to count their votes represents a change in the original design of this nation. The United States of America was designed to uphold the right of citizen sovereignty over the government. In addition to hiding the counting of votes from public view, computer-counted elections hide the chain of custody of the vote data. Citizens are never allowed to view the original input in order to compare it to the output, and are relegated to trusting circumstantial evidence controlled by insiders. Such a system is, in fact, a transfer of power.

The people were never asked to approve such a transfer of power, have never consented to it, and indeed cannot consent, because the right of sovereignty over the instruments of government which we have created is an inalienable right, one which cannot be given away, nor can this right be removed through legislation. It is, admittedly, possible for a government to decline to honor this right, but such an act would justify extreme measures by the people subjected to such abuse of power.

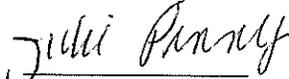
It is the public counting that is key to citizen sovereignty, not computer verification. 'Verification' of a computer report is not at all the same as public vote counting.

*The core of elections was and again must return to the principle of citizen sovereignty over government. Elections can never be based on a requirement to trust government insiders and their vendors to count our votes, nor can elections be dependent on experts to tell the citizenry that the system is okay, nor should the detailed mechanics of elections be impossible for the average citizen to understand. Models which depend on experts and insiders create centralized control, and remove all control from government's rightful owners – the citizens. This represents a violation of the principles laid out in the Declaration of Independence...
.. 'We do not consent.'... "*

The closing paragraph of Dr. Rebecca Mercuri's written testimony to the EAC on April 24, 2008 puts it succinctly: ***"...The 2007 draft VVSG continues the tradition of providing a set of straw hurdles that must be jumped over (or skirted around) in order to attain certification, while resulting in no true assurances. Another VVSG rewrite, novel designs, or more extensive testing cannot begin to solve these problems until voters' demands for transparency, reliability, security, accuracy and auditability have first been defined and addressed. So long as the goal of certification trumps the need to ensure election integrity, the resulting systems, no matter whose imprimatur they bear, will be invalid and must be rejected..."***

The information and remarks provided by all these aforementioned individuals speak to my concerns as well and I concur with them. I do not concur with the EAC's "verifiable voting concept" as it's stated; nor with HAVA.

Submitted by



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Cc: Rep Tim Bishop
Suffolk County Executive Steve Levy
Assemblyman Fred Thiele