Contact: Bev Harris 425-228-7131 Bevharriscontact@aol.com

Or Andy Stephenson 206-778-0524 stephenson_for_sos@yahoo.com

Bev Harris, author of *Black Box Voting*, and Andy Stephenson, Democratic candidate for Washington Secretary of State, have uncovered information that brings concerns about electronic voting to a new level. This information affects both optical scans and touch-screens; it also affects the security of absentee ballots.

What we have, in Washington State, is this:

We've got the state election director misstating when versions were certified, somebody at the secretary of state's office signing off on software with no NASED number, and when we try to find out what software is actually authorized, we get the buffalo shuffle. We've got a convicted drug dealer printing our ballots, a 23-count embezzler programming our voting system, and our absentee ballots are being funneled through a private company that hires mainly immigrants but also people straight out of prison.

We've now documented 10 states that are using unauthorized software, and internal memos that indicate that five Diebold programmers uploaded these unauthorized programs, knowing that this was not allowed.

Voter Security Concerns

Diebold left 40,000 files on an unprotected FTP Web site. On this site, they left their own software, but also left software belonging to other companies. Also sitting on that Web site was the private information for 310,000 Texans.

Distributing voter registration "walking lists," especially on the Internet, creates significant security risks. Identity thieves can work anonymously from anywhere in the world and, armed with your social security number and a few other details, can quite literally ruin your life. And all they need is your name, address and birthday to get your Social Security number.

Voter registration information can be misused by:

• Identity thieves

• Stalkers

• Child molestors

People have a right to privacy, even in the Internet age. Any woman who has an abusive ex-boyfriend will tell you that she doesn't want her apartment number published on an open web site. Child custody cases can get nasty.

Voter registration files typically contain birthdays. First, middle and last names. Street addresses. Apartment numbers. School districts. Political affiliations. Voting habits.

As we rethink public policy to bring it up to date with new computerized voting methods, we need to create public policy to prevent people who are patriotic and want to vote from having their personal security jeopardized. We also need to prohibit making these databases available for purchase unless they are privacy protected.

Sources to call:

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Andy Stephenson - 206-778-0524 - stephenson_for_sos@yahoo.com

Expert on Identity Theft: Johnny May 248-745-0286 **E-mail:** SECRES@prodigy.net

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Security of Absentee Ballots

Perhaps like most people, you believe that your absentee ballot goes from the elections office through the U.S. Post Office to you. After you cast your votes, you then send it through the U.S. Post Office to the elections division.

Not quite. There is a middleman, and apparently no regulations, criminal background checks, or auditing procedures apply to the middleman.

King County has been subcontracting out the processing for its 500,000 absentee ballots to Diebold Election Systems, who then subcontracts to PSI Group, Inc., a private for-profit company based in Omaha, Nebraska.

According to the "community release plan" obtained for two felons, Jeffrey W. Dean and John L. Elder, this absentee ballot sorting firm, PSI Group Inc., had agreed to hire them upon leaving prison, after they served time for embezzlement and drug dealing, respectively.

There are two ways to manipulate absentee election results if an unscrupulous person gains access to the mail sorting process:

• Vote suppression — Lose outgoing ballots to a portion of voters in key precincts, forcing them to call and ask for a replacement ballot.

• Vote reduction — Lose or replace incoming ballots for a portion of voters in key precincts.

PSI Group Inc. initially sorted just outgoing ballots, but now also sorts the incoming ballots. PSI Group employees have access to the most high-risk attack point for absentee ballot security.

Though King County may claim that it employs an audit method, counting the ballots received before they go out to PSI Group, in fact they are unable to do this consistently. Indeed, it would make no sense to sort them into precincts and count them and then contract with someone else to sort them. Also, on some days up to 60,000 ballots at a time arrive, and King County is not staffed to do this. Therefore – any ballots that disappear will have no audit trail.

We need some procedural safeguards:

1. Criminal background checks on anyone sorting absentee ballots, either outgoing or incoming

2. Tighter audit procedures designed to deter absentee ballot fraud.

Contact numbers:

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Use of unauthorized voting programs

While the certified version of the voting software sits in escrow at the secretary of state's office, unauthorized versions have been installed on our voting systems in four Washington State counties and in locations in California, Arizona, New Mexico, Kentucky, Kansas, Maryland, Florida, Colorado and Georgia.

Diebold programmers in Vancouver have been writing the software, uploading it to the FTP site and, from there, election officials and Diebold field techs have been downloading and installing it, overwriting the approved software.

You can determine whether the authorized version is being used by comparing the NASED version number to the version number installed on the voting system. After looking at every ITA-tested NASED authorized version number available, there can be no other conclusion: Diebold has been putting unauthorized software into our voting systems.

When Georgia Secretary of State Cathy Cox says, of ballot-tampering, "It would take a conspiracy beyond belief, of all these different poll workers … I don't see how this could happen in the real world," she's dead wrong. It doesn't take a conspiracy beyond belief. It takes *one person*, working alone at the office at night.

* * * * *

The Diebold Memos made their first public appearance on BlackBoxVoting.org when 24 internal Diebold memos with a commentary about use of unapproved software appeared on BlackBoxVoting.org. Everyone yawned except Diebold, who hit BlackBoxVoting.org with a cease and desist.

You might be yawning now.

Boring. Mundane. Someone used 1.18.4 instead of 1.17.23. *Ho hum*.

Except for this: A programmer never changes a version number unless he changes the underlying computer code. If the versions are never submitted for certification, only the single individual who programmed the change knows for sure what he put in there.

"Maybe they'll say it was just to fix bugs," one reporter suggested. Sure. They'll say that. And they'll say it was just to add features and just to create a new report format. And that might all be true, but before you breathe a sigh of relief, let me give you a taste of just how out of control this problem has been.

Two of the five programmers who put uncertified software on the Diebold FTP site — Talbot Iredale and Guy Lancaster — were hired during the "Vancouver Maneuver" era, while the company was managed and promoted by a money launderer and an individual who had gone to jail for defrauding the Canadian government. We know little about Iredale and Lancaster and nothing about the other three programmers.

Through the HAVA Act, we're investing four billion dollars in voting machines, and certification is the foundation of the structure. Remove it, and the whole house of cards tumbles.

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"As far as we know, some guy from Russia could be controlling the outcome of computerized elections in the United States," Lynn Landes wrote.

Lynn, meet Dmitry Papushin, some guy from Russia. He is one of the five Diebold programmers who has been putting programs on the FTP site. Take a look at his memos. What he's doing here is placing uncertified software versions on a Web site, and people are using it.

Underlines represent versions that were never certified, or the implementation of poor security procedures.

18 Jan 2000 memo from Dmitry Papushin: "GEMS 1-14-5 is ready. The password is: ik12lld2n4mpd."

January 25, 2000 memo from Steve Knecht: "Will all future 1.14x versions be compatible with 1.14.5 if we burn mem cards in San Luis Obispo now?"

15 January 2003 memo from Dmitry Papushin: "Ballot Station 4-3-14 for Windows CE and Windows NT are ready."

10 February 2003 memo from Cathy Smothers: "Can anyone send me the BS CE 4.3.14 .ins file? I have a demo tomorrow morning and I need this to upgrade the TS units ..."

From 1999 to 2003, Dmitry uploaded voting system software onto the unprotected Diebold Web site over 180 times. Dmitry is a keeper of the passwords and the king of single-sentence memos. He knows the voting system programming intimately and has uploaded computer code that programs your smart card, captures your votes at the polling place, and accumulates and reports them at the county.

* * * * *

To examiners of the Diebold files, Ken Clark — one of the programmers who uploaded software modifications to the FTP site — has become somewhat famous for his blunt writing and ethical shortcuts. Clark's comments in the touch screen source code are quite a hoot, though not inspiring of confidence in the touch-screen system:

"the BOOL beeped flag is a hack so we don't beep twice. This is really a result of the key handling being gorped. (WriteIn.cpp,v)

" this is completely screwed up. the iIndex calculations are incorrectly based on nybbles for some unknown reason, and so the offsets are incorrect. This works only because the offsets are also incorrect when the card is read." (VoterCard.cpp,v)

"Reserve place in hell for person who renamed CRace and friends to CRaceKey." (BufferedSocket.cpp,v)

"determine issue type. This is the silliest case statement I have ever seen" (TSElectionDoc.cpp,v)

"The if (counted) reeks." (TransferResultsDlg.cpp,v)

"Add and comment out code to work around bogus -1 in ballot level IDs." (BallotRstDlg.cpp,v)

"Why is this here - should only be needed in DoDataExchange()" (ElectPollBookDlg.cpp,v)

"this is a sick hack to parse out a jurisdiction from a multi-line election title. The jurisdiction field should be eliminiated altogether and this code removed. This whole section is fairly broken wrt GEMS. GEMS doesn't store the "election information" in any kind of multilingual sense, let alone rich text. For now just stuff the english into all languages." (BuildElecDlg.cpp,v)

"The scaling stuff is complete voodo.*[sic]* Trust me or rewrite it to make more sense." (TextCell.cpp,v)

Deep magic is not working? Tried input of 6 and got back 1 which is not right." (CIssue.CPP,v)

"I justify the label by saying the existing code was crap structurally to begin with." (Votercard.cpp,v)

In a July 1999 memo, Ian Piper wrote, "What is GEMS written in?" Clark replied, "GEMS is written in my office."

So Clark programs the GEMS system that accumulates and reports votes from polling places. We have weak and sometimes unenforced procedures for comparing polling place results with the county tabulations, so the GEMS program is an especially tempting target. Clark repeatedly advises field technicians to skirt U.S. election law, telling them to go ahead and install software which he knows has not been certified.

From: Cathi Smothers, June 05, 2000, to Ken Clark: How do I know which version of GEMS (i.e. 1.16.3, 1.16.4, etc.) to use?"

From: Ken Clark, 5 Jun 2000: "... Baring any certification issues, the latest stable release is what you want to upgrade accounts to ... Right now 1.16.latest is considered stable, 1.16.4 being the current release by my mail … "Its fair to say the nature of this company and business make this process fairly informal, perhaps more so than I would like. Testing releases go out to customers when they shouldn't, and new features get added to stable branches when they shouldn't. It is not entirely undisciplined either though. Obviously you need to keep an eye on the support and bugtrack lists. Sometimes a bug slips into a stable branch, in which case its better to ship a version you trust, or wait for it to get corrected.
... "The DLL files shipped on the GEMS CD get updated from time-to-time as well, though not often. Is usually a good idea to order the CD [as opposed to downloading from the FTP site] for a long-haul upgrade. Its not really clear whether 1.11->1.14 qualifies as long haul or not. That really depends on your comfort level. There is never any harm in ordering a CD …"

From: Ken Clark, 6 Jul 1999: I hate more than anyone else in the company to bring up a certification issue with this, but a number of jurisdictions require a 'system test' before every election ... That is why the AccuVote displays the silly ***System Test Passed*** message on boot up instead of "memory test passed", which is all it actually tests. "No argument from me that it is pointless. You could probably get away with a batch file that prints "system test passed" for all I know."

From: Ken Clark, 7 Jan 2000: "*Any* testing we can do on 1.14 is a good idea. With the risk of sounding alarmist, 1.14 really needs more testing. Even though much of GEMS looks the same from the outside, the guts changed substantially between 1.11 and 1.14. That's why you see all kinds of things completely unrelated to shadow races broken in the early 1.14 releases."

From: Steve Knecht, 14 Jan 2000: "Is it the intention of development staff that California March election will be run on some version of 1.14 or will we end up in the 1.15 range ..."

(Answer from Ken Clark, 14 Jan 2000): "Needless to say, the changes were extensive. The paint is still wet

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We know nothing at all about Whitman Lee, another Vancouver programmer who uploads software to the FTP site. His memos consist of fixing bugs and uploading replacement software, which he did three dozen times over a 24-month time period.

From: Whitman Lee

"GEMS 1-5-3 is ready to download.

"GEMS has evolved so many times that it breaks some of the pre-election reports, and "Base Precincts with Cards" is one of them."

"Here is the latest changes since 1.5.8."
"AVTS-3-4-1.zip is up. Here is this short "upgrade" instructions."
"The password for ATTemplate-3-4-1.zip is msd8sdh3isohr."
"GEMS-Reports-1-9-6.zip is ready for download."
"GEMS 1.10.3 is ready. Password is 'lad073tm/p.sm."
... this package now includes the missing mfc42.dll (6.00.8267) file. These two files are included in the package and also available under ATFix directory: vbajet32.dll, mfc42.dll.6.00.8267.0"
"GEMS 1.11.2 is ready."
"AVTS 3.8.1 and its InstallShield package are ready."
"AVTS 3.9.2 and its InstallShield package are ready."
"The fix will be in GEMS-1-18-9."

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Guy Lancaster's speciality is programming the optical scan system, used in 37 states in the U.S. Lancaster has been retained only off-and-on as an independent contractor. He has also arranged for uncertified software to enter our optical scan machines. A lot of it, apparently.

From: **Guy Lancaster**, 27 Jan 1999: "For those romantics that fell in love with 1.94f, the latest flavor incorporates all the changes made since 1.94f<. This includes the changes in 1.94q, r, s, t*, and u. Pass your orders on to McKinney. "* Note: The PC 1.94t release was preempted by 1.94u."

From: Guy Lancaster, 25 Feb 1999: "Our latest 1.94 releases have been rushed out to fix a bug that slipped out with 1.94u and 1.94f>. Namely, 1.94u and 1.94f> fail to detect unvoted ballots and therefore cannot return blank ballots ..."

From Ken Clark, July 2, 2002: "You have to be careful when talking about 1.94f firmware. There is a symbol after each f that corresponds to the actual release of the firmware. They very probably have a 194f that is in reality r, s, t etc."

From Don Bizmaier, Support services specialist, July 2, 2002: "I am not sure where they came from ... but Jeff Co [Jefferson County] KY uses an "S" chip in the Absentee and Mail in AVOS [Diebold optical scan machine] to ignore sequence nimbers *[sic]*."

From Nel Finberg, 27 Feb 2001: "Wyandotte County ... Firmware is 1.94s."

From Tari Runyan August 22, 2002: "Which version of AVOS firmware allows the modems to stay open for regional uploads and then hangs up. This is very important for an account to be finalized by sept 15."

(reply from Ken Clark August 22, 2002): "Any firmware release since 1.94s, IIRC. If it is "very important" to you, then you know what to do."

From Ian S. Piper 8 Jul 1999: "Almost all of Alaska's AccuVote units are using PC 1.94o firmware. A few of them have PC 1.94s firmware but I don't know which ones."

From: Guy Lancaster, 14 Feb 2000: After almost a year, it's time for an update. AV-OS-PC 1.94x is a general upgrade which brings a number of new features and fixes ... I would rather avoid it but someone will

probably want a 1.94f [certified] equivalent of this. If you can, <u>wait for 1.94x to prove itself in the field</u> before requesting the "f" version."

From: Guy Lancaster, 28 Feb 2000: "<u>Precinct Count 1.94x</u> is being re-released due to fix the modem detection bug discovered by Puerto Rico."

From: Guy Lancaster, 11 Dec 2000: "Another Beta release of <u>1.94y</u> is ready for order from McKinney that restores feeder operation. It seems that feeder control has been disabled since <u>1.94x</u>. Oops!
<u>"Features of this release will be needed in Yavapai</u> so the general release should be out soon. While it's rather late to add new stuff, please review the release notes if there is anything in particular that you were expecting in this release. Otherwise, any and all final testing is appreciated."

From: Guy Lancaster**,** 17 Apr 2001: "The <u>1.95 AccuBasic compiler </u>has been fixed to generate the correct code for the AccuVote release. The <u>195anoka</u>, <u>195usmn</u>, and <u>195uswi</u> abo files <u>have been recompiled with the fixed compiler</u> and are <u>available on our FTP site"</u>

<p style="text-align:center">* * * * *</p>

Talbot "Tab" Iredale, Senior V.P. Research & Development, was hired when the company was still called North American Professional Technologies. He became a stockholder in Global Election Systems, and he oversees the programming. You will find his work in the most sensitive sections of the touch screen source code, and he also programs the Windows CE operating system. According to Rob Behler, Iredale wrote the Georgia Windows CE patches, which violated Georgia law.

From Ian S. Piper 12 Jul 2002 re: Windows CE changes: "Upgrading from <u>WinCE 3.0 (June 7th edition</u>) to <u>WinCE 3.0 (July 5th edition</u>.) When upgrading from the June 7th edition of WinCE 3.0 to the July 5th edition of WinCE 3.0 (we're ignoring the <u>July 2nd</u> and <u>July 4th editions</u>), the settings should remain in the internal Flash memory..."

From Tari Runyan Tue, 2 Jul 2002: "<u>Is it necessary to upgrade at this point - Early voting starts in 1month</u> and I am hesitant due to tight timelines for testing."

(reply from Talbot Iredale 16 Aug 2002): "<u>Yes, it is recommended to upgrad *[sic]* all units</u> to this version."

From: Jeff Hintz, 31 Aug 2000: "I am going out to LA next week, and <u>I would like to know what software version of Gems & AVTS is being sent out on their equipment</u>."

From: Rodney D Turner , 31 Aug 2000: "Hi Jeff, I have completed the computer for LA and Alameda. The computer for LA has <u>GEMS 1-16-9</u> and the <u>AVTS units have 3-13-1-4</u>. The computer for Alameda has <u>GEMS 1-16-10</u> and <u>GEMS 1-16-9</u> (there is a <s>short-cut on the desktop for GEMS 1-16-9) the AVTS units have</s> <s>3-13-1-4</s>. "

From: Talbot Iredale, 31 Aug 2000 Re: Software for Los Angelas, CA
"Jeff and Rodney, <u>LA and Alameda will need a revised version of GEMS and maybe BallotStation</u> to support the import/export that they require. <u>I am working on it now but I am certain there will be more change</u>s."

From: Larry Dix, 31 Aug 2000 Subject: RE: Software for Los Angelas, CA
"Tab – <u>Would you be willing to venture an outside guess as to when the revised GEMS version will be ready</u>. This really becomes an issue since I need to coordinate staff to be onsite. <u>Is this also the case for Alameda? Coordination of time and staff is everything on these 2 installs</u>."

From: Ken Clark, 31 Aug 2000 Subject: RE: GEMS-1-17-1: "Is this a "testing" release or not? (Ashamed to ask). I think the hallucinations ought to be resurfacing with Steve already."

From: Talbot Iredale, 31 Aug 2000 Subject: Re: GEMS-1-17-1: This is no more of a test release than <u>1.16.9</u> was though <u>I would not be surprised if we have to make more changes</u> to fully support LA and Alameda.

From: Talbot Iredale, 29 Oct 2002: "... We have found a serious bug in GEMS <u>1-18-14</u> ... We will be releasing a GEMS <u>1-18-15</u> that fixes this bug within the next 2 days. Please ensure that all accounts that are using GEMS 1-18-14 upgrade to GEMS 1-18-15 prior to the election. Tab"

[However, 1-18-14 was never certified and 1-18-15 was not certified until December 2002.]

Here are a couple odd memos pertaining to how they should handle the inconvenience of an uncertified version number popping up on the screen in Florida:

From: Greg Forsythe, 17 Feb 2000: "Just received a call from Beverly Hill, Alachua County [Florida]. She has a survey form from the state regarding versions and things. She is at the SA screen and the version is 1.92-15 ... This copy has 1.92-14. 1.92-14 is certified, 1.92-15 is not. SOLUTION REQUIRED!

From: Greg Forsythe, 17 Feb 2000: "... Solution might be to make the copy the official database showing the correct version."

From: Nel Finberg, 17 Feb 2000: "The problem has been fixed."

From: Nel Finberg, 17 Feb 2000: "... It would be a good idea to get rid of the original diskette in order to remove the perception of version conflicts."

From: Don Vopalensky, 12 Sep 2002: "Ken,Texas now requires ITA certification ... ITA certifications, state certifications, and time constraints play a big part in what needs to be done, and sometimes that means putting fixes or additions back into versions that are already in use ..."

Nel Finberg September 25, 2002: "What will be run in Texas will depend on the outcome of the Texas certification decision, won't it?"

From: Ken 25 Sep 2002: "Hard to say. It never has in the past."

Tari Runyan, July 15, 2002: "this bug affects Co [Colorado] - primary Aug 13 and Ga [Georgia] Primary Aug 20 are we proposing to upgrade again this close to an election?

From Ken - "That would be up to you."

Tari Runyan: "what about the start button with no "start" in it? this is also a critical bug for this election?"

From Ken - "This is critical, but not yet fixed. It is being worked on. "

Jeff Hallmark, October 08, 2002: RE: Tippacanoe, IN upgrade to 4-3 first then downgrade to 4-1-11, this is quite fast if one sets up 3 or 4 machines at a time. no backdoor humm..
Sue Page, October 16, 2002: - Maryland ... "We had some units that we downgraded from 4.1.11 to 4.1.6."

From Tyler to Ken Clark, 15 Feb 1999: "... But then again, with regards to the entire NASED certification process, I can never quite get a handle on the relationship between "ostensible" and "reality."... :-)"

Unknown programmers are putting unlooked-at code into our software. As long as it functions relatively decently, no one seems to mind. Probably, these programmers are honest, but we really have no idea. Regardless of whether they are honest or not, it is idiotic to put seven million votes into the hands of a few unknown people without even doing a background check.

This problem isn't limited just to Diebold, and it isn't just the vendors. County officials may or may not know the implications of using uncertified version numbers — perhaps no one even told them this is something they should check. But state officials absolutely know better. In the state of Washington, voting software must have a NASED number and must be signed off by the secretary of state.

Dozens of us had gone out looking for the most recent NASED version numbers, and all of us were coming up empty handed. Finally, after asking Washington State Elections Director David Elliott for these documents in front of members of the Washington State Legislature (I did this while giving public testimony, a breach of protocol which mortified the legislators and resulted in a reprimand), I was able to obtain a supposedly complete set of NASED certification documents. I say "supposedly" because Elliott seems to have taken a pen — at least, the handwriting appears to match the signed memo he provided with the list — and wrote a version number on it that wasn't there originally. In another case, a version number was overwritten in pen but its approval number was not overwritten, resulting in a mismatch.

After looking at these official verson numbers, one wonders why Ralph Munro, who is now the chairman of VoteHere but was Washington secretary of state until January 2001, signed off on GEMS version 1.11.2. (Or did he?) Why did current secretary of state Sam Reed sign off on GEMS 1.18.18. (Or did he?) Who's minding the store here, guys? Here is an e-mail from Dean Logan, former Washington state elections director, now director of King County Records, Elections and Licensing Services:

Tuesday, November 25, 2003 From Dean Logan to Andy Stephenson: "King County currently operates GEMS Software version <u>1.18.18</u>. This version of the software was installed in August 2003 and was used for the September 16, 2003 Primary and the November 4, 2003 General Election. GEMS Version 1.18.18 was <u>certified by the Washington Secretary of State on August 12, 2003</u> ... From 1999 through August 2003, King County operated GEMS Software version <u>1.11.2</u> ... <u>No additional software patches or upgrades have been installed or in use in King County</u>."

Wed, 03 Dec 2003 From Bev Harris to David Elliott: "As I mentioned to you after the meeting, I was astonished when Andy Stephenson, Democratic candidate for Secretary of State, discovered that King County, Washington has been using uncertified software for four years ... In the case of King County -- perhaps there is some old, obscure NASED document that has never been published on the NASED web site, which goes out of order numerically, and which is for some reason missing from the discovery documents obtained for a recent citizen lawsuit?

"You did tell me today that you have the complete set and that you will provide it, I really appreciate your help. Because you sat on the NASED committee for so many years and according to your testimony today, even helped to write the standards, your expertise is quite valuable and therefore I would like to get your signature with the documents indicating that what you provide does represent the "complete set" of version numbers certified since NASED began doing this about 10 years ago, or whenever it started. You would know that better than I."

Dec 4, 2003 From David Elliott to Bev Harris: " ... <u>I can not offer a 'complete set' of the NASED information</u> although they serve as a continuous log of the work done by the ITA's. The last should provide all that came before it. I have contacted the FEC about whether there is an update to the list past 6/5/03 and I was told that they are working on it."

Dec 4, 2003 From Bev Harris to David Elliott: "Thank you for responding so promptly ... I did not get your response until too late to pick up the documents. But that's okay, because the answer is insufficient and perhaps we can rectify that so that when I pick them up next Tuesday, we will have what we need.

"Your response raises several questions:

>I have contacted the FEC about whether there is an update to
>the list past 6/5/03 and I was told that they are working on it.

"This is not an acceptable answer. In fact, I can't tell whether or not any versions were certified after 6/5/03 or not. <u>Are there any new versions after the June 2003 report, or not</u>? Where is the June 2003 report posted? If there are new versions since June, what are they?

"I'm [sure] that you, as state elections director, will want to have this information as to which versions are NASED certified on hand also.

"... I would assume that NASED would have some system to inform the secretary of state when they certify new versions. If new versions have been certified since June, surely we have that information here in Washington State? If so, where is it and <u>why do you have to call the FEC for it?</u>

I will arrange to come to Olympia by 4:30 p.m. on Tuesday, and at that time I really do need ALL the NASED certified version numbers.

By the way, what version numbers did the SAIC report test? Can you tell me, as a state election director, are you able to obtain the version numbers tested by the SAIC? Have you read the SAIC report? As the state elections director, have you been able to read the unredacted portion of this report?"

Dec. 8 2003 from David Elliott to Bev Harris: " ... I am providing you with copies of the lists that I have received. As to your questions about the SAIC report. I share your frustration about the redactions contained in that report. I have read what was published in its redacted form. I have not been able to secure an un-edited copy ...

"Concerning the Diebold certifications: The optical scan reader was originally certified as the Global CF-1 in 1991. In 1992 software called Vote Tally System VTS version 1.81 was certified and the hardware was re-named the Accu-vote. The VTS software was rewritten and renamed GEMS and was re-certified in 1998.

"GEMS was re-examined again in 2001 as a part of the certification of the Accu-vote touch screen (DRE) finalized in September of 2002 as version 1.17.17. The most recent examination was completed in July and August of 2003 for GEMS version 1.18.18."

OK, now we get into some problems. The current optical scan machines were not purchased in 1991, they were purchased in 1998. The VTS software wasn't renamed, GEMS is something completely different. VTS ran on Unix, GEMS runs on Windows; these systems are entirely different. There was no official GEMS 1.18.18 NASED number on the documents Elliott provided. Who signed the certification of GEMS 1.18.18 before it was used in two King County Elections? Secretary of State Sam Reed?

And according to Dean Logan, the previous version was GEMS 1.11.2, and there were no upgrades or patches, but this cannot have been certified in 1998 as Elliott states, because it wasn't developed until 1999.

From: Whitman Lee Wed, 7 Jul 1999: "GEMS 1.11.2 is ready and the password is "nn2ecvobmjpju"

This file was on the Diebold FTP site. Whitman's password opens it.

The release notes confirm the date: "GEMS 1.11.2 Release Notes Jul-7-99"

And if there were no upgrades or patches, why did Sophia Lee send a memo in 2001 referencing the version "GEMS 1.17.16" being used in King County?

The use of unauthorized software is out of control:

Chelan County Washington is using GEMS version 1.17.21. Not certified.
King County Washington GEMS 1.11.2, 1.17.16, 1.18.18. Not certified.
Placer County used GEMS version 1.17.20. Not certified.
El Paso County Texas used GEMS version 1.17.21. Not certified.
Johnson County Kansas GEMS version 1.18.14. Not certified.
Alameda County California used GEMS version 1.18.13.9. Not certified.
Alameda County California also used GEMS version 1.18.14. Not certified.
Yavapai County Arizona optical scan version 2.0.11. Not certified.
Pima County Arizona optical scan version 2.0.11. Not certified.
City of Tucson Arizona optical scan version 1.94y. Not certified.
Johnson County Kansas optical scan version 2.00g. Not certified.
Yavapai County Arizona touch screen firmware 4.3.11. Not certified.
Los Angeles County California touch screen version 4.3.8. Not certified.
El Paso touch screen firmware version 4.3.9* Not certified at the time
Alameda County California touch screen firmware 4.3.11. Not certified.
Johnson County Kansas touch screen firmware 4.3.11. Not certified.

It's not just Diebold. On the Mike Webb radio show, Snohomish County (Washington) Auditor Bob Terwilliger admitted that one of his staff members wrote a program modification for his Sequoia touch-screen software. He said it was for the WinEDS central tabulating software (the Sequoia equivalent of GEMS, and this software was also found on an unprotected web site, during the fall of 2003). Terwilliger said it was "to help run some reports."

During a commercial break, Mike Webb and I quizzed Terwilliger. What was this patch for? "Just to help run some reports." But it has to access the votes to do that. "It just uses the database." But the database consists of the votes. "I trust the person who made the changes."

Let's suppose everyone is honest. That's not likely, but let's pretend. Here is an incomplete list of the bugs fixed on just one release of the Diebold software:

From: **Whitman Lee,** 23 Jan 2003
- Items are not being recorded in the Audit Log.
- Connect to Data Base security crack.
- Ballots printed from Ballot Viewer do not correctly reflect selections.
- Non-administrator users can assign themselves administrator privileges.
- Cannot backup/restore elections with large AVTS results.
- Races marked "Not Counted" can be downloaded and appear in reports.
- Regional users can unset the election's status.
- No error message is displayed if 'Confirm password' and 'Password' fields don't match.
- Loading a file from backup results in the backup copy being deleted.
- Central Count drops a batch if a race on the ballot has headers.
- Unable to deselect 'Set For Election' option when Result Server is running but hidden.
- Incorrectly enabled functions and settings when election status is "Set for Election".
- LA County Export: Election Id incorrect for Nov. 2002 election.
- Incorrect IP address displayed on the AccuVote-TS Server console.
- Resetting election on non-Host database gives "Internal Error".
- Voter registration (VReg) totals do not add up properly
- Summary Reports Cards Cast totals are incorrect

It's bugs like these that get elections wrong. Would you rather have bugs in the software, or get them fixed by unknown people sticking uncertified modifications into your voting machines?

None of the above? In one memo, in some frustration, Ken Clark writes that if each version must go through certification before it can be used, it won't be possible to fix bugs or add any new features. He's absolutely right. We need software that works, without subjecting our entire electoral system to the risk of fraud when one bad apple gets inside access.

This requires effective fraud-deterring audit procedures, which we do not have and aren't even on the legislative agenda.

How Many Felons Does It Take to Count a Vote?

In King County, an individual named Jeffrey Dean obtained a contract to program the voter registration system. According to the Diebold Memos, and a source within the King County Elections Office, Dean urged upgrades to new uncertified software, sometimes right before elections.

Jeffrey Dean was reportedly given 24-hour access to the building and the computer room, and had direct access to both the personal information in the King County voter registration database and to the GEMS vote tabulation program itself. He has been allowed access to our personal information and he has had access to the programs that count 800,000 votes, but what he is not allowed to have is access to handling any checks. That is because he was sentenced to twenty-three counts of Theft in the First Degree, and according to the (felony) findings of fact in case no. 89-1-04034-1:

"Defendant's thefts occurred over a 2 1/2 year period of time, there were multiple incidents, more than the standard range can account for, the actual monetary loss was substantially greater than typical for the offense, the crimes and their cover-up involved a high degree of sophistication and planning in the use and alteration of records in the computerized accounting system that defendant maintained for the victim, and the defendant used his

position of trust and fiduciary responsibility as a computer systems and accounting consultant for the victim to facilitate the commission of the offenses."

While in prison, Jeffrey Dean met and became friends with John Elder, who did five years on a cocaine-dealing conviction. Elder is still on Diebold's payroll; in fact, he manages a division and oversees the printing of both ballots and punch cards for several states.

Elder's division prints and mails the absentee ballots, and when voters mail their absentee ballots, they are brought to the King County Elections office in trays. A PSI Group truck picks up these ballots, takes them away, sorts them, and then returns them to King County. According to the officials I spoke with, John Elder also manages this process.

Jeffrey Dean was released from prison in August, 1995 and Elder was released in November 1996. In their prison release documents, both wrote that they had lined up employment at PSI Group Inc.

Jeffrey Dean, when released from prison, had $87 in his inmate account. He was ordered to pay $385,227 in restitution for his embezzlements. For most of us, this would be a crushing financial blow, and we would find it difficult to bankroll a printing and graphics business, yet somehow Dean (and his wife, Deborah M. Dean) managed to become the owners of Spectrum Printing and Mailing. This Seattle-area firm, which was founded in Mountlake Terrace in 1995, was incorporated registered in Canada, and was purchased for $1 million by Global Election Systems.

 "Defendant shall be required to notify anyone for whom he works, either as an employee or an an independant *[sic]* contractor of his convictions, and shall not be allowed possess or have control over money or checks belonging to another person," his sentence read. But when Diebold bought Global Election Systems in January 2002, Jeffrey Dean was a director of Global Election Systems and also its senior vice president.

So here we have the absentee ballots for 500,000 voters being handled by a firm that hires people straight out of prison; the printing of the ballots and punch cards for King County and several other states managed by a former drug dealer; the voter registration system for King County voters programmed by a 23-count embezzler, the central count tabulator that adds up and creates reports for 800,000 King County votes made available for after-hours programming by the embezzler.

This, after Norton Cooper, who had been in jail for defrauding the government, marketed the original company that became Global Election Systems, and Charles Hong Lee, who was ordered to pay $555,380 in restitution over allegations of fraudulent stock transactions, was its director. Global Election Systems later installed Michael K. Graye on its board of directors. Graye misappropriated $18 million from four companies before taking a seat on the board of Global Election Systems during 1991 and 1992; when he was apprehended for the theft, his bail was set at $1 million. Unable to come up with all of it, a Hong Kong-based shell company was set up and unwitting investors put money into it, which went to pay Graye's bail. However, he was not able to complete his legal proceedings in Canada because he was arrested in the U.S. for stock fraud, where he spent four years in jail. In April 2003, Graye was returned to jail in Canada after admitting to tax evasion and the theft of $18 million.

Graye, Cooper and Lee helped to bring down the Vancouver Stock Exchange. In part due to their activities, Forbes Magazine wrote that the VSE was "the scam capital of the world." While these three men have been absent from the elections company for a decade, it did not completely clean up its act. Global Election Systems CEO Bob Urosevich wrote to welcome embezzler Jeffrey Dean into "a key position in senior management." Urosevich is now president of Diebold Election Systems, Dean apparently ceased working with King County after it became Diebold, and Elder is still managing a national division for Diebold Elections Systems.

So we've got the state election director misstating when versions were certified, somebody at the secretary of state's office signing off on software with no NASED number, and when we try

to find out what software is actually authorized, we get the buffalo shuffle. We've got a convicted felon printing our ballots, an embezzler programming our voting system, and our absentee ballots are being funneled through a private company that hires people right out of prison.

Can we *please* audit?

Memo to the King County Council: Can we do a public hearing on this?

What they don't tell you about the history of Diebold Election Systems

North American Professional Technologies (NAPT), a subsidiary of Macrotrends International Ventures Inc., was formed 1988. Their assignment was to develop a computerized voting system for Macrotrends/NAPT.

Macrotrends and NAPT were marketed by Norton Cooper. Cooper had been jailed for defrauding the Canadian government in 1974. This did not keep him out of trouble; he became a stock promoter who sold so much stock in flawed companies though Macrotrends that Jaye Scholl, a writer for *Barron's*, portrayed him as a "hazard" and cautioned the well-heeled to avoid him at the golf course. In 1989, members of the Vancouver Stock Exchange (VSE) ordered Macrotrends to cease any doings with Cooper, because his deals went south too often and *Forbes* had written an article describing the VSE as "The Scam Capital of the World," causing an erosion of confidence in the entire trading exchange.

Charles Hong Lee, a director of both Macrotrends and NAPT, was a childhood friend of Cooper. In 1989 Lee was ordered to pay $555,380 in restitution when Lee was sued, together with Norton Cooper, by investors in a Macrotrends venture called Image West Entertainment. Cooper settled but Lee failed to answer the complaint, and also failed to list the lawsuit on his

personal disclosure form with immigration officials. In 1994, Lee and his partner Michael K. Graye allegedly bilked 43 Chinese immigrants, mostly small businessmen, out of $614,547 more in fees than was authorized by the agreement. The unauthorized fees were paid to United Pacific Management Ltd., controlled by Graye and Lee.

In 1991, NAPT and Macrotrends were reorganized and the name was changed to Global Election Systems. At this time, Michael K. Graye became a director, a position he held for two years. Earlier, Graye had misappropriated $18 million from four corporations, but the law had not yet caught up with him. In 1996, Graye was arrested on charges of tax fraud, conspiracy to commit tax fraud, and money laundering, stemming from activities from 1987 through 1991 with four other companies. In order to make bail, a Hong King-based shell company called Nexus Ventures Ltd. obtained $300,000 from unwitting investors in Eron Mortgage and used it to pay Graye's bail. Before Graye's sentence could be pronounced in Canada, he was indicted in the U.S. on stock fraud charges for his involvement with Vinex Wines Inc., a company he and Charles Hong Lee ran. Graye spent four years in jail on the charges related to Vinex Wines and was returned to Canada in May 2000; in April, 2003 he admitted that he misappropriated $18 million and committed tax fraud, and was sent back to jail.

These founding partners, along with Clinton Rickards (sometimes listed as C. H. Richards), set up Macrotrends, NAPT, and then Global Election Systems.

During these early years, programmers Talbot Iredale and Guy Lancaster nurtured the ES-2000 voting system into existence. The company appears to have washed its hands of Cooper, Lee and Graye, and under Clinton Rickards' management achieved more respectability and, for a time, became solvent.

Musical chairs-style management followed; Howard Van Pelt came on board about the time that Graye left; Bob Urosevich, who had co-founded ES&S, left the reins to that company in current U.S. Senator Chuck Hagel's hands in 1993 and later founded a company called I-Mark Systems. This company was acquired by Global Election Systems in 1997. Van Pelt took a position with Advanced Voting Solutions, taking with him his Global Elections sidekick, Larry Ensminger. Mike Rasmussen, a CFO whom Urosevich had worked with at ES&S, came with him to Global while Todd Urosevich, his brother, continued as a vice president of ES&S.

By 2001, the company had grown steadily, but had accumulated a pile of debt. Global Election Systems was purchased by Diebold Inc. effective January 31, 2002 and, six weeks later, landed the biggest voting machine order in history, the state of Georgia.