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Around the States

Volusia County's Recurring Nightmare (Part 2)



By Susan Pynchon, Executive Director, Florida Fair Elections Coalition

December 12, 2005

*This report is being published in Three Parts: **Part 1: In the Face of Threats, Intimidation, and Disinformation**, **Part 2: A County Divided**, and **Part 3: "Volusia County is like the Bermuda Triangle"**.*

Part 2: A County Divided

The voting machine issue has, sadly, divided Volusia County. The fight over verifiable elections began a series of events that eventually caused the resignation of County Manager Cindy Coto. The issue has soured the council's relationship with County Attorney Dan Eckert, who adamantly told the council it had to obey the July 1 purchase date or face possible criminal prosecution.

The voting-machine issue has also affected the working relationship between Supervisor of Elections Ann McFall, an adamant Diebold proponent, and some members of the county council. McFall, who was formerly chairperson of the county council before being elected SOE, threatened to personally sue the council if they did not approve the Diebold touch-screens by the July 1 date. In addition, she told at least two council members they faced personal financial ruin if lawsuits were to be filed against them individually. In apparent retribution for her attacks against the council, McFall was taken off the list of speakers for the dedication of the new elections office, whereby she threatened to prevent an open-house tour of the facility, saying she could prevent the tour because she "had the keys." The hard feelings between McFall and some council members were so pronounced that the disagreement made headlines in the local newspaper.

McFall twice continued her verbal assault against the council on a local radio program. She also instigated a libelous whisper campaign against a well-respected local judge, a member in 2000 of the 3-person election canvassing board, who spoke out in favor of paper ballots. McFall sent a letter to each county councilor incorrectly asserting that the judge was part owner of a voting-machine company, a statement she was later forced to publicly retract.

The voting machine debate has also divided the disabled community, where emotions run high on the voting-machine issue. The local chapter of the National Federation of the Blind, which supports Diebold, has broken off its

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Iowa Voters**

Louisiana

Louisiana Counts

Maine

Maine Citizens for Clean Elections

Maryland

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Missouri

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Ohio

**Citizen's Alliance for Secure Elections
J30 Voting Coalition
Ohio Voters Reform**

Oregon

Oregon Voter Rights Coalition

Pennsylvania

formerly good relations with the Handicapped Adults of Volusia County (HAVOC). The NFB supports the Diebold touch-screens, while HAVOC members voted unanimously in favor of verifiable elections and in favor of waiting for the AutoMark ballot-marker to be certified by the state.

NFB and HAVOC are also on opposite sides of a lawsuit on the voting-machine issue. On July 5, one week after the council rejected the Diebold touch-screens for the second time, members of NFB's local chapter filed a lawsuit against Volusia County in federal court, NFB vs. Volusia County, seeking an emergency injunction to force the county to immediately purchase the Diebold touch-screen machines. HAVOC weighed in on the opposite side of the issue. Represented by California attorney Matt Zimmerman of the **Electronic Frontier Foundation**, HAVOC filed a brief opposing the touch-screens and supporting the county's position in favor of verifiable elections. The NFB lost its bid for an emergency injunction, both in federal court and in the 11th Circuit Court of Appeals, but the case itself continues with the next hearing scheduled for January 6, 2006.

The local media has editorialized in favor of paper-ballots and verifiable elections. However, several local articles added fuel to the fire by incorrectly portraying the situation in Volusia as a fight between paper-ballot proponents and disabled-rights advocates. These articles ignored the often repeated statement that accessibility and verifiability should not be mutually exclusive, and further ignored the fact that voter-rights activists prefer the AutoMark in part because it is the most inclusive voting system for voters with disabilities.

Disinformation Campaign by Diebold and the State of Florida

Diebold and the state have employed a variety of tactics in their attempts to sway the county council. One Diebold tactic was to bring in its "big guns," -- a few nationally known individuals who have, for whatever reason, promoted Diebold around the country.

These "big guns" included Jim Dickson of the American Association of People with Disabilities (AAPD), who came in person from Washington D.C.; Dr. Ted Selker of MIT (piped in by live video feed); Diebold's notorious Mark Radke (of "VoterGate" fame); Diebold's Mark Earley (prominent in the Diebold internal emails); and a couple of Diebold's top executives, one of whom, when he came forward to speak, choked up and wiped away tears because the integrity of his company was being impugned. This poor man had just transferred from a lifetime career in the security side of Diebold's business, where he was apparently used to getting respect. He explained that Diebold's security systems are guarding the Hope Diamond, the Declaration of Independence and the U.S. Constitution, and got so emotional that the council chairman had to advise him to "relax." The comments he found upsetting boiled down to the fact that the Diebold touch-screens are not secure, not reliable, not verifiable

Legislation

Model Legislation

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(\$params); break; } ?>**State Pages****Alabama****Alaska****Arizona****Arkansas****California****Colorado****Connecticut****Delaware****District of Columbia****Florida****Georgia****Hawaii****Idaho****Illinois****Indiana****Iowa****Kansas****Kentucky****Louisiana****Maine****Maryland****Massachusetts****Michigan****Minnesota****Mississippi****Missouri****Montana****Nebraska****Nevada****New Jersey****New Hampshire****New Mexico****New York****North Carolina****North Dakota****Ohio****Oklahoma****Oregon****Pennsylvania****Rhode Island**

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Washburn's World

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Previous State Articles

**Florida: Miami-Herald
Supports Sancho in
Tremendous Editorial**

**Colorado Political Party
Hires Colorado's
Elections Director**

**Maryland: Paper Ballot
Bill Passes in state
House 137-0**

**Legal Proceedings
Launched Against
Diebold in Florida**

**Maryland: TrueVoteMD
Releases Documents
Detailing Diebold
Failures, Violations of
State Law**

**Florida: Ion Sancho
Fights Back**

**California: San Francisco
Stays All Paper**

**California: E-Vote
Pioneer Will Return To
Paper Ballots**

and are not in compliance with Help America Vote Act requirements, as well as the fact that Diebold has been convicted of breaking the law in California and has been caught installing uncertified software in voting machines in California, Georgia and other states. These comments, which are all true, have been repeated nationwide, but one couldn't help but feel sympathetic to this Diebold executive who was apparently hearing them for the first time.

Jim Dickson of the AAPD, who is blind, initially was given a warm welcome by the county council chairman. In his remarks, Dickson threatened a lawsuit, telling the councilors it would cost the county "millions" to fight the AAPD. This tactic backfired, however, as the councilors were alienated by Dickson's superior attitude, his threats of legal action, and his sick jokes ("Do you know what bald people wish? We wish you were BLIND").

Dickson couldn't rouse enough support locally among disabled voters because our citizens have been educated about the problems with touch-screens, so he arranged for a busload of disabled individuals to be bused in from another county to demand the Diebold machines. Dickson's orchestrated efforts were countered by members of the Handicapped Adults of Volusia County (HAVOC), Volusia's oldest and most respected organization for the disabled, who turned out to oppose Diebold. HAVOC members, led by HAVOC President David Dixon, had previously voted unanimously to support verifiable elections and against the touch-screen machines.

The NFB's lawsuit demanding the Diebold machines is highly suspect since both organizations refer to each other as "partners" on both the NFB website and the Diebold website. Diebold also donated \$1,000,000 to the NFB, documented on the NFB website. While this partnering refers to Diebold's ATM machines and not voting machines, it is a strong bond between the two organizations, as reflected by several hundred Diebold articles on the NFB website.

Florida's disinformation campaign included a highly inaccurate editorial, in favor of touch-screens, written by then Secretary of State Glenda Hood. In her editorial, Hood famously and incorrectly said that "voting machines are not computers" and falsely lumped paper ballots in the same category as punch-cards and butterfly ballots.

The need for paper ballots is well known in Volusia County, where a voting machine in the 2000 election subtracted 16,022 votes for Al Gore and added 10,000 votes for George Bush in a precinct where only 219 votes were cast. Again in 2004, Volusia re-counted its paper ballots when a memory-card failure at the Daytona Beach City Island early voting site resulted in the loss of over 13,000 votes and the re-scanning of all 13,000+ ballots. In both cases, Volusia would not have been able to certify its elections if it had not been able to re-count its paper ballots.

Diebold Lies

**South Carolina
South Dakota
Tennessee
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**Guide to VTUSA
Website**

New York: Department of Justice Moves for Preliminary Injunction

Diebold's disinformation campaign included lying to try to convince the council that touch-screens would be a secure and certified answer to paper ballots.

Maryland: Touch-Screen Voting Fallible, Ehrlich Says

Senior Diebold representative Robert Pickett, who is so entrenched at the Division of Elections that he has a state email address, attempted to discredit me, misquoting my statement that the Diebold touch-screens proposed to Volusia County are not qualified by **NASED - The National Association of State Election Directors** (NASED qualification is the same as "federal certification").

Maryland House Committee Votes 20-3 to Scrap Diebold Touch-Screens in State

Ohio: Voting Machine Support Costly

Mr. Pickett inaccurately said the following at the **June 29 council meeting**:

Colorado: Say NO To Email And Fax Voting

"I don't know where Ms. Pynchon got her information, but yes, we are NASED certified for our voting system. We're certified in Florida for it. We're certified in other states. We're certified in the state of Ohio for what we're looking at now. We're certified. None of these states would buy these voting systems, or certify them in their states, just like Florida, unless it had a NASED certification number. So we are NASED certified."

New York Voters and Civic Groups Intervene in DOJ Lawsuit

Iowa: Will Vilsack Follow Richardson's Lead?

New Mexico: Actually Paper Is Cheaper

Unfortunately for Mr. Pickett, there is concrete evidence that he misspoke. In addition to the fact that the Florida version of the Diebold TSX does not match the components of the federally qualified TSX systems, Paul Craft, Chief of the Bureau of Voting Systems Certification, wrote the following in response to questions by the Flagler County Supervisor of Elections, Peggy Rae Border, in a letter dated July 15, 2005, four months after the state certified the Diebold system:

Pennsylvania: Touchscreens Are The Problems Looking For a Solution

"Neither the Diebold "2005B (Blended) + (Plus Audio) system certified in Florida nor any of the AutoMark systems with pending application for certification in Florida, have a qualification number in the NASED / ITA process."

Maryland: State Board of Elections Admits That Diebold Touchscreens Are Hackable

California: Critics Say State Rush On Touch Screens Risks Secure Voting

New Mexico Governor To Sign Bill Guaranteeing a Paper Ballot For The States Voters

The AutoMark has since obtained NASED qualification. While other versions of the Diebold TSX do have federal qualification, the TSX system proposed to Volusia County and sold in 28 other Florida counties is a hybrid system that has never been, and is not now, NASED qualified.

California: Where's The Hearing on Diebold's Security Flaws Discovered By The Secretary of State?

Mr. Pickett, who boasted of 25 years in the election business, certainly knew that the Florida system is not NASED qualified. Another Diebold representative had acknowledged as much at an earlier council meeting by noting that NASED qualification could not be included in the Volusia contract "because Florida certifies to different standards."

Florida: Wexler Urges Secretary of State To Implement Paper Trail

Pennsylvania: Citizens Respond To Allegations

Although Florida does not require NASED qualification as a

That Lawsuit Delayed Voting Machines

Maryland: We Can't See As Votes Get Counted In A Black Box

After HAVA Delay, Now HAVA Hurry: An Update From New York

California: State Senator Calls On Secretary of State To Reverse Re-Certification of Diebold

California: Integrity of E-Balloting System Still In Doubt

Florida: Elections Integrity at Risk In Volusia County

Cobb Demands Reinstatement of Ohio Recount Lawsuit

Voter Action Expresses Dissatisfaction with California's Conditional Certification of Diebold

South Dakota: New Machines Will Help Voters

Washington: HB-2532 – A Bill Providing for Election Audits - Dies In House Rules Committee

Diebold in California: Who's Responsible?

Documents Show Maryland Held Election, Primary On Uncertified, Illegal Diebold Voting Machines

California: State Senator Bowen On Decision To Re-Certify Diebold

Diebold's Press Release Makes The Most of California's "Conditional" Certification

California: Secretary of State Bruce McPherson

prerequisite to state certification, Pickett rightly sensed the county would consider NASED qualification to be a plus in his sales presentation to the council. Additionally, Diebold's lack of it is significant because the state, in a blatant display of preferential treatment towards Diebold, required the AutoMark to get NASED qualified before it would even BEGIN the AutoMark state certification process.

The other Diebold lies were the usual tripe about its voting machines being "100% secure" and "100% reliable", statements that are patently untrue and which Diebold has repeated in sales pitches around the country. The vulnerabilities and problems with Diebold's electronic voting machines are exposed in the recent election **report** by the Government Accountability Office (GAO), a federal bipartisan reporting agency. The report dedicates 12 pages to describing the myriad problems with touch-screen machines reported nationwide and calls for paper audits of all elections.

Read Part 3: "Volusia County is like the Bermuda Triangle"

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New Mexico: Paper Ballot Bill Passes State House

Pennsylvania Citizens' Right To Choose Voting Machines Upheld In Court

California: Vendors, Testers, and Secretary of State Decline Invitation To Voting System Hearing

Are Chicago and Cook County Wasting \$25 million on Inferior, Non-Compliant Voting Technology?
