

# Continuing the Fight for Election Integrity in 2008

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## Watch the Vote 2008— Pennsylvania Primary

**Primary Date: April 22<sup>nd</sup>, 2008**

Voter Action is gearing up for our Watch the Vote program in the Pennsylvania Primary Election. We are working to identify counties for targeted oversight efforts; partner with national and state-based civil and voting rights organizations which have an existing network of volunteers in these counties; enhance our problem reporting system; and develop and distribute “tip sheets” based on specific state election code and county election practices which will help to inform voters and observers of their rights if voting machines should fail or if they are denied access to vote due to malfunctions with electronic poll books or voter databases.

[Learn more about our Watch the Vote program](#)

[Read our 2006 Watch the Vote Report](#)

## Volume 1, Issue 1,



[View appearances](#) by Voter Action's John Bonifaz and Holly Jacobson on several segments of CNN's "Lou Dobbs Tonight" as coverage on the state of our elections continues.

[View more Voter Action news](#)

## Dan Rather Reports "How do we -- as a nation -- vote?"



**Feb 21, 2008 | Dan Rather continues reporting on in-depth investigations into the reliability and vulnerability of our nation's voting machines.**

"In the wake of the disputed 2000 Presidential Election and Florida's hanging chads, states across the country rushed out and spent billions of federal tax dollars trying to solve -- once and for all -- the voting problem. Many states bought the touch-screen machines, and now many state officials are having buyer's remorse over these machines, and the tax payers are once again footing the bill. For this report tonight, we come to you from the Franklin County Courthouse in Columbus, Ohio—the site of yet another chapter in the saga over

how we vote." [View "How do we -- as a nation -- vote?" by Dan Rather.](#)

15,000 or more potentially defective voting machines were shipped to the United States and used in our elections.  
-Dan Rather Reports, 2007

→ The findings from HDNet's Dan Rather Reports have provided shocking [evidence](#) that exposes potential commercial fraud associated with the marketing and sale of defective voting systems throughout the country.

→ In response to these new revelations, Voter Action has launched its '[Campaign to Reclaim](#)', calling for a [full Congressional investigation](#) into US voting systems companies and whether these companies have violated federal and state anti-fraud statutes. The campaign seeks to apply heightened scrutiny to the US voting systems industry, akin to the scrutiny Congress once applied to Big Tobacco. The campaign also seeks to further expose the dangers posed to the integrity of our democracy when we outsource to private vendors key functions for the conducting of our elections. We believe **the American public deserves answers.**

The New Jersey primary on Feb 5th, 2008 led to reports of serious problems with Sequoia voting machines. See our recent letter to NJ Attorney General Anne Milgram calling for a full investigation.

## Call to Action

YOU are the antidote to help ensure that our elections properly function; publicly controlled elections require increased citizen involvement and oversight. [Click here](#) for more information on ways to get involved and take action!

## State Action Updates

**In Ohio**, Secretary of State Jennifer Brunner has issued a report finding that the electronic voting systems in the state are unreliable. While she has called on Ohio counties to shift by November to paper ballot systems using optical scan technology, she has yet to use her power to decertify these systems and force such a change. Voter Action continues to assist in the case of [Callen v. Blackwell](#), which challenges the certification of electronic voting machines in Ohio and which is scheduled to go to trial in early June 2008. Our pro bono partner, Pamela Hultin of Smith & Hultin LLC in Chagrin Falls, Ohio, serves as lead counsel for the voter-plaintiffs in the case.

**In Pennsylvania**, a group of voters continues their challenge of the use of electronic voting machines in their state on the grounds that it violates the state election code and the state constitution's guarantee of the right to vote ([Banfield v. Cortés](#)). On February 22, 2008, the voter-plaintiffs filed a motion to lift the stay in the case and allow the challenge to move toward trial in time for any potential shift to a paper ballot system for the November election. Voter Action continues to assist in this case, led by its pro bono partners in Pennsylvania: Drinker Biddle & Reath LLP, the Public Interest Law Center of Philadelphia, and Chester County attorney Marian Schneider.

**In Colorado** in December 2007, the Secretary of State announced that, based on the re-testing ordered by the court, he was decertifying electronic voting machines manufactured by two companies, Election Systems & Software and Sequoia Voting Systems, but was recertifying electronic voting machines manufactured by two other companies, Premier Election Systems (formerly Diebold Election Systems) and Hart InterCivic. In January 2008, the Governor and the bipartisan leadership of the Colorado General Assembly announced support for proposed legislation for a statewide paper ballot system using optical scan technology. On February 25, 2008, the Secretary of State reversed himself and announced that, based on new testing, he was recertifying the electronic voting machines manufactured by Election Systems & Software and Sequoia Voting Systems. These decisions stand in contrast to the August 2007 decision by the California Secretary of State to decertify the electronic voting systems of all four companies based on an [independent and comprehensive review](#) involving leading computer science experts across the country. Efforts in this state are led by the Denver law firm Wheeler Trigg Kennedy LLP (which served as lead counsel in our 2006 case, [Conroy v. Dennis](#)).

**In 2008**, the Legal Advocacy Project will continue its work to protect our vote and the integrity of our election process. This work will include ongoing proceedings in key states, including Ohio, Pennsylvania, and Colorado.

See how your state is responding to the culminating body of evidence that highlights the dangers inherent in the use of electronic voting machines.

[Summary of State Actions:](#)  
[A Voter Action Report](#)



**DENVER — A plan to conduct this year's election mostly by paper ballots passed its first test Wed. at the state Capitol... Both Republicans and Democrats on the Senate State, Veterans and Military Affairs Committee backed the measure...**