

Will *your* vote count in '08?

Watch the Vote 2008 Project:

Election Monitoring in Pennsylvania, North Carolina, Indiana, and Maryland

Voter Action has partnered with the NAACP National Voter Fund and VoterStory.org to co-sponsor the Watch the Vote 2008 Project, a comprehensive election monitoring and election protection effort for the November 2008 general election. In collaboration with InfoVoter Technologies and the MYVOTE1 hotline (866-MyVote1), the project conducted pilot monitoring programs for the Pennsylvania, North Carolina, and Indiana primaries, and we were joined by attorneys with the Advancement Project for those efforts. The project provides voters with a toll free hotline and website that automatically links voters with their poll locations, records voice complaints, and transfers the voters to their local election board help lines. For the Maryland 2008 primary, Voter Action coordinated with VotersUnite.org and SaveOurVotes, a Maryland-based group, to survey poll watchers and election judges about the conduct of the February 12th primary. In November, the project will also partner with on-the-ground citizen networks in seven states to provide roving reporters in targeted counties who will assist in verifying election problems as they emerge via the hotline and who will help address such problems on election day.

Voter Action Testifies Before Congressional Committee

On April 9, 2008, Voter Action's Legal Director John Bonifaz presented testimony before the United States House Administration Committee on election privatization and the threat that it poses to the integrity of our election process. The committee hearing, focusing on the 2008 presidential primaries and caucuses and "What We've Learned So Far," also included testimony from Watch the Vote 2008 Project partner Greg Moore,

Executive Director of the NAACP National Voter Fund; Ken Smukler, President of InfoVoter Technologies; Cecilia Martinez, Executive Director of the Reform Institute; Tom Joyner, nationally syndicated radio talk show host and media partner of the MYVOTE1 hotline; and election officials from Arizona, Georgia, and Maryland.

[Click here](#) to watch or read the testimony



Voter Action's John Bonifaz, along with the NAACP Voter Education Fund and the Advancement Project, monitor voter reports in Pennsylvania during the primary on April 22, 2008, in collaboration with the MyVote1 hotline.

In Pennsylvania, the MYVOTE1 hotline received a significant percentage of voter complaint calls on primary day reporting voting machine malfunctions and breakdowns, leading to long lines in key precincts in primarily African-American neighborhoods in Philadelphia. Based on this data, which we monitored in real time, we worked with our partners and with attorneys with the Advancement Project, to file a lawsuit that day in state court in Philadelphia.

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Congressional Call Petition Update

To date, our Campaign to Reclaim has generated more than 35,000 letters to members of congress. **Join us** in our call for a full congressional investigation of US voting systems companies and what they have known about the products they are marketing across the country.

Watch the Vote 2008 Project (continued from page 1)

We sought to have emergency paper ballots be made available to voters where there were reports of machine breakdowns and to have polls remain open in Philadelphia County for two additional hours to accommodate voters who were unable to cast their ballots earlier in the day due to long lines. We filed the lawsuit on behalf of the Philadelphia area branch of the NAACP and on behalf of two Philadelphia voters who had been among those callers reporting voter machine problems and long lines.

A lawsuit on primary election day in Pennsylvania highlights the need for emergency paper ballots.

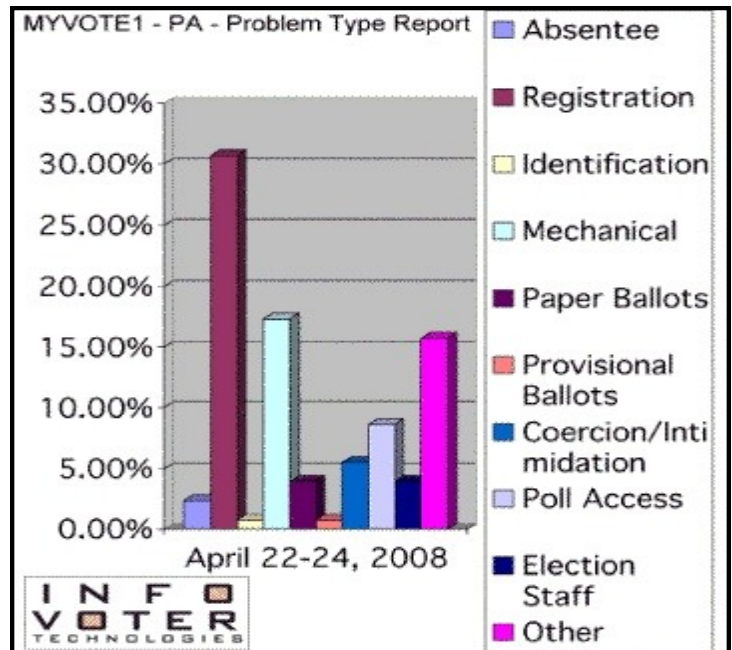
The Philadelphia law firm of Drinker Biddle & Reath LLP and Chester County attorney Marian K. Schneider also assisted with this filing. While ultimately the court did not grant us

the relief, we were able to highlight a serious concern as we prepare for November with respect to the allocation of emergency paper ballots when voters face machine breakdowns and faulty voting equipment. The data from the MYVOTE1 hotline will also serve as important new evidence supporting our claims in our pending cases, in Pennsylvania and elsewhere, seeking to decertify the use of electronic voting machines.

Learn more about the program [here](#)

Get More Watch the Vote 2008 Information and Resources:

- [Listen](#) to a sample of reports from the MyVote1 hotline (if you do not have Windows Media Player, [listen here](#))
- [Read](#) our Pennsylvania Court Filing
- [Read](#) the Pennsylvania Court Order
- Read our Watch the Vote Press Releases: "[Civic Groups](#)" "[Tale of 2 Counties](#)" "[NC Reports](#)" "[Indiana Reports](#)"
- Read our Reports:
 - [2008](#) Maryland Report
 - [2006](#) Mid-Term Report



A special thanks to...

We would like to extend a special thank you to our partners, the NAACP National Voter Fund and Voterstory.org, who worked in collaboration with us and the MyVote1 hotline, to monitor the PA, NC and IN 2008 primaries. We would also like to thank the Advancement Project for its valuable participation in these monitoring efforts.

We further thank the following state-based groups and attorneys who helped make the primary watch program possible: Concerned Voters of Centre County, the Election Reform Network (PA), SaveOurVotes (MD), VotePA, PA attorney Marian Schneider, the Philadelphia law firm of Drinker Biddle and Reath, and the voters who called in their reports on election day--you are the very essence of this work.

Protect your vote.

Protect our democracy.

There are many ways to support this work.

Pass this information along and get your community involved.

If you haven't already, [sign our petition](#) to Congress.

[Make a contribution.](#) Your tax deductible donation will support future progress.

An Interview With Paul Hultin of Wheeler Trigg and Kennedy, Voter Action Partner and Lead Counsel in Conroy v Dennis

How did you first get involved in the concerns around electronic voting in Colorado?

I was an election protection attorney for John Kerry on Election Day in the 2004 presidential election and the precinct where I was working had a Sequoia DRE without a paper trail. At the end of the day, we went to tally the votes and the precinct had a 23% undervote rate. In other words, 23% of the voters who voted at that precinct didn't vote for the president. That was a disturbing experience for me. I then learned of the Voter Action litigation in New Mexico, and it was through that lawsuit that I became involved in Colorado.

You served as lead counsel in the Conroy v. Dennis case. Can you describe that case for our readers?

Conroy v. Dennis was a lawsuit where a non-partisan group of Wheeler Trigg & Kennedy attorneys represented a non-partisan group of plaintiffs who were challenging the use of electronic voting systems in our state. Over time, the issues in the case were limited to the adequacy of the certification standards and certification testing preformed by the Secretary of State. We developed proof that there were no qualified workers on staff with the state to competently certify these machines and that the Secretary of State had not adopted ANY security standards for electronic voting systems as required by Colorado law.

What was the outcome of that case?

We had sought to enjoin the use of electronic voting machines. We didn't get to trial until 5 weeks before the elections, and the injunction was not granted because of the short time that remained before the election. The judge did order that additional security procedures be adopted for the election and that the Secretary of State adopt security standards to be used in re-testing the electronic voting systems. The court ordered that those new regulations for the certification process specifically address the concerns raised in our challenges and be applied in a new certification that had to take place before the electronic voting machines could be used again. As a result of the recertification process, three of the four types of machines used in Colorado were decertified by the Secretary of State in December 2007.

What has occurred since that ruling?

Since the decertification of three of the four electronic voting systems, there has been increased public attention to these issues. The legislature also addressed these issues and gave the Secretary of State interim authority to retest and, on an interim basis, recertify the machines. The legislature

recognized this was only a "Band-Aid solution", so they passed a reform bill that created an Election Reform Commission that was charged to investigate in time for reform legislation to be introduced for the 2008 general election.

What impact do you think the case has had on developments today in Colorado on this issue?

We believe that the case has had a huge impact. Again, there has been more public awareness of the very serious issues posed by electronic voting, and it led to many counties

adopting paper ballots. In Jefferson and Denver counties, for example, which are two of most populous counties in Colorado, voters will have the option to vote on paper ballots. 70% of voters will have this option across the state, which is a dramatic change from when the case began. In addition, this fight is not over here in Colorado. The Election Reform Commission will be studying these

issues, holding Public Hearings and will be reporting its findings and recommendations to the Legislature in time for reform legislation in 2009.

What work still remains to be done in Colorado on this question?

The tasks sent to the Election Reform Commission will require a significant effort—a significant political and technical effort. We will need new legislation that addresses the many issues and threats posed by electronic voting technology. There remain serious issues about audit requirements, issues regarding HAVA mandated voter registration databases—we are anticipating problems with that this year, issues with the lack of competence and responsiveness in the Secretary of State's office and lack of responsiveness of County Clerks. These are all areas that need attention if we are to have meaningful election reform in Colorado.

For those counties in Colorado still using electronic voting machines, what dangers remain for the integrity of the November election there?

Dangers remain because of lack of security, the risks of tampering, and the overall unreliability of these machines. At best, these machines simply do not work well. The lack of an adequate paper record for a recount is another huge problem. Fundamentally, the problem is that people's votes may not be recorded and counted as intended; this is the most serious risk of using electronic voting machines in our elections.



Congratulations, Paul!

Voter Action legal partner and voting rights advocate Paul Hultin, seen left, was appointed in August 2008 to the Colorado Election Reform Commission.

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Voter Action In The News

“Coming election to test statewide voter registration databases”

John Bonifaz highlights warning signs from this year’s primary elections in this August 14, 2008 article from Gannett News Service.

[View the article here.](#)

“Did Washington waste millions on faulty voting machines?”

We think so, and so does Ohio Secretary of State Jennifer Brunner, who is seeking to recover millions of dollars her state spent on the electronic voting machines. Learn more about how and why Ohio is suing Premier (Diebold).

[View the article here.](#)

“Great strides in Pennsylvania”

On July 22, 2008, Centre County Board of Commissioners voted to buy M100 scanners and AutoMARK ballot markers. This means Centre County voters will cast their ballots using pens and papers — not the current touch-screen machines — in the November election.

[View the article here.](#)

“Progress report from Colorado”

The Rocky Mountain news reported on June 24, 2008, that e-voting opponents and activists have contributed to significant voting systems reforms in Colorado and other states.

[View the article here.](#)

“Back to paper ballots”

Denver County has made the switch back to paper ballots for the November election. [View the article here.](#)

* Spotlight on: *

Mary Vollero and Marybeth Kuznik, whose hard work and dedication helped push the Centre County Commissioners of Pennsylvania to buy M100 scanners and AutoMARK ballot markers, a transition that will be made in time for the November election. This is a great step toward ensuring verifiable elections in PA. Thank you, Mary and Marybeth! Great work!

Voter Action Statements

“Statement in Opposition to Senate Bill 3212”

On June 30, 2008, Voter Action issued a statement in opposition to Senate Bill 3212 introduced by Senators Dianne Feinstein and Robert Bennett, which sanctions the continued use of electronic voting machines in our elections.

[Read the statement here.](#)

John Bonifaz discusses further the implications of Senate Bill 3212 on CNN.

[Watch “Votes Without A Trail” here.](#)

“Voter Action Issues Joint Statement on Supreme Court Voter ID Ruling”

On April 28, 2008, following the Supreme Court’s ruling upholding Indiana’s onerous voter ID law, Voter Action and the Fair Elections Legal Network issued a joint statement opposing the decision and calling for broad reform to make it easier for voters to exercise the franchise. Our [press release](#) highlighted the need for a uniform and fair system across the country that encourages, rather than deters, voter participation.

An interview with Paul Hultin (continued from page 3)

Would emergency paper ballots make a difference for voters facing machine breakdowns and long lines?

Absolutely. Here in Colorado, some of our County Clerks, such as Stephanie O’Malley, with the support of local activists, are involved in making this happen.

Do you think the private companies that have marketed these electronic voting systems should be held accountable? If so, why and how would you propose to hold them accountable?

Absolutely. I think that the private companies that have marketed these defective products have been, at best, careless with the representations they’ve made. The Ohio Secretary of State has recently asserted fraud claims against Diebold (Premier Election Systems) in her lawsuit against that company. Evidence produced by leading experts in the field and by Secretary of State reports, like California Secretary Debra Bowen’s Top-to-Bottom Review, for example, show that these machines are vulnerable to undetectable hacking and tampering, and there is significant evidence that there is a fundamental lack of reliability with these machines. They simply don’t work and are highly vulnerable. The way for private companies to be held accountable for their products is for public officials to seek redress for breach of contract, breach of warranty, fraudulent inducement, misrepresentation and other claims, depending on the circumstances.

Is there anything that has surprised you in doing this work?

The thing that has surprised me the most is the broad-based, non-partisan work of the election integrity community and the incredible amount of dedicated and selfless work that has gone into helping to ensure that every vote is counted and that this dubious technology is not allowed to be used without challenge.