

August 22, 2006

Memorandum

To: Ohio Election Officials

SUBJECT: REPORT ON THE CUYAHOGA COUNTY MAY 2 PRIMARY ELECTION

In April 2006, prior to the May 2 primary, the Cuyahoga County Commission contracted with the Election Science Institute (ESI) to conduct a comprehensive review of how their new voting system actually worked on an election day. ESI's report, including the performance of the Diebold Accuvote TSX voting system, was released by the Cuyahoga County Commissioners. Since then, Diebold circulated a response to the report, to which ESI has responded (see attached).

ESI understands that Ohio's election officials have been under intense scrutiny and that the challenges of implementing both HAVA and House Bill No. 3 are enormous. ESI had the privilege of working with several Ohio county election officials on this report. We were impressed by their professionalism and commitment to the integrity of the elections process. For this reason, we are concerned that the findings of this report have been misinterpreted and misreported.

First and foremost, the ESI report is not an attack on the Diebold Accuvote TSX system. Indeed, the report findings include very positive reviews of the system from voters and booth workers.

ESI understands that a voting system is not just a piece of equipment: a voting system cannot be separated from the people who run the system – including the election officials, the booth workers and the voters – and the procedures for administering the system. While the Diebold equipment passed both federal and state certification requirements, the equipment has not been tested in the crucible of Election Day. ESI's goal was to test the system in the real-world and sometimes extreme conditions of an actual election.

In conducting this research, ESI's sole intention was to provide assistance to Cuyahoga County. The report does not affix blame to the vendor, the election staff, the booth workers or the voters; rather, the report describes what ESI found when researchers surveyed voters and booth workers, looked at the incidents reported by booth workers, and examined results recorded both on paper and electronically.

Criticism of the report by Diebold has focused on discrepancies between the Election Day memory card and the internal memory. ESI remains optimistic these discrepancies can be easily resolved. As Ohio election officials understand, however, the test of a voting system in a close election will be the ability to produce a paper record.

The good news from ESI's report is that only 3.9 percent of the incidents reports (the booth workers' Election Day report) concerned the printers. At the same time, members of the manual count team found that 10 percent of the paper ballots were physically compromised in some way. ESI believes having this information now, when there is still time to implement contingency measures and other solutions before the General Election, is better than finding it out in a recount. And that was our goal.

Are the issues raised in the report fixable? ESI believes they are. This county has immense talent and resources both in the elections community and in the science community to solve these issues.

The report also has information, that we believe can be very valuable to election officials. In particular, the booth worker survey findings provide information on booth workers' motivation for serving, recruitment, training and demographics. While you probably don't have time now, we hope you will look at other sections of this report later.

Having now worked with both Cuyahoga and Franklin Counties, ESI has witnessed remarkable dedication to sound implementation of new systems and laws despite contentious – almost poisonous – public controversy. ESI is proud to have been a part of the process.

Sincerely,
ELECTION SCIENCE INSTITUTE

Steven Hertzberg,
Project Director