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VotePA STATEMENT ON ALLEGHENY COUNTY SOFTWARE VERIFICATION TESTING

Yesterday afternoon, Allegheny County announced that it had tested and verified the firmware on a random sample of eighteen of its ES&S iVotronic voting machines. The tests were said to be conducted at the County's elections warehouse on Saturday and Monday under the supervision of County Election officials following protocols developed in conjunction with the Pennsylvania Department of State. The County said the actual testing was done by SysTest Labs, which is the private consulting firm that performed the original testing of the iVotronic to the 2002 "federal" standards, allowing its current certification in Pennsylvania and other states.

While VotePA commends officials in Allegheny County and at the Pennsylvania Department of State for at least making an effort to help assure that this software-dependent voting equipment is ready to accurately record votes in this historic election, we believe these tests were limited and flawed by several problems with the way they were performed.

First and foremost, all testing of voting equipment should be done publicly, but the public was never informed of Allegheny County's software testing or permitted to observe it in any way. This is wrong. Citizens have a right to see and follow the process of how our elections are run. Tests of voting machines that are done in secret as these were, with citizens having no knowledge or opportunity to observe, simply do not inspire public confidence in the electoral process. At worst secret testing may even undermine the public's trust in election results.

The Pennsylvania Election Code clearly provides avenues for members of the public to observe the operation of our elections. We call on all officials to follow the letter, intent, and spirit of

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these laws at all times and through all steps of the electoral process. The public must be able to follow and observe testing and preparation of voting systems including not only software verification, but also parallel testing, certification testing, and any other testing that is done at the county or state level. A videotape made available after the fact is simply not acceptable, because it is not enough. Elections belong to the people, and the people must be able to observe their elections while they are being prepared and conducted.

Second, although VotePA recognizes the time constraints placed on Allegheny County by the impending election, we note that a token test of eighteen machines out of approximately 4700 units simply does not support a blanket statement that all of the county's machines are safe and running correct software. This small number of tested machines allows us to surmise at best that *some* (but not necessarily all) of Allegheny County's voting machines are running the certified version of software, assuming of course that these tests were performed correctly. In the future we look forward to a true statistically significant sample being tested adequately and publicly in advance of Election Day, so that greater confidence can be had in the security of the entire population of the county's voting machines.

Finally, VotePA strongly suggests that protocols be developed and training instituted so that sworn County employees can conduct future testing of voting machines. We urge all counties to distance our electoral process from private, for-profit vendors whenever possible. It does not inspire confidence when the exact same private company that tested and passed the iVotronic voting machine and its software through "federal" ITA testing (with the tests paid for by the machine's vendor) are now the ones telling us that everything is fine in Allegheny County.

All counties that continue to use software-dependent voting machines must take strong steps to verify that their machines are running only certified versions of software. This is important because absent any independent means such as a voter-verified paper ballot to confirm their choices, the public is forced to completely trust this software to record and count every vote. VotePA appreciates the fact that Allegheny County did try to respond to citizen requests for software verification, and once again we commend them for making an effort. But we view the flawed and limited tests conducted over the weekend as only a tiny first step, with improvements needed for a better, more public testing process in future elections.

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