

Press Release:

Today Councilmember Marc Elrich (Takoma Park) wrote an open letter to the Montgomery County Board of Elections calling on them to ask the State to decertify the Diebold voting machines. Councilmember Elrich is the Democrat in the lawsuit against the State of Maryland over the use of the current voting machines which do not provide a secure, auditable paper trail. In light of recent revelations from Pennsylvania, the infamous Hursti Hack of Diebold Machines in Florida, and the newly issued California report on the Diebold machines, there is no longer any doubt that these machines ought to be decertified. The California report finds numerous problems with these machines, but because their model generates a paper trail that can be audited, they can afford to wait for Diebold to fix the computer code, or for new machines from a new vendor. But Maryland doesn't have that luxury because our machines don't generate an auditable paper trail, and thus remain extremely vulnerable. I am calling on the local Board to ask the State to decertify these machines and contract for new machines to be used in the up-coming primary and general elections.

Marc Elrich, Takoma Park Councilmember
Candidate Montgomery County Council

for further information, Marc can be reached at 301-502-9168

Authorized by Friends of Marc Elrich, Dale Tibbitts, Campaign Chair

Councilman Seeks Ban on Diebold Voting System Asks for Diebold 'De-certification'

Montgomery County Board of Elections
751 Twinbrook Parkway
Rockville, Maryland 20851
March, 2, 2006

To the Montgomery County Board of Elections,

I have seen copies of letters sent between Diebold and State Elections Administrator Linda Lamone and the State Board of Elections from December 2003 to December 2004. The letters state that the Diebold machines used in the State of Maryland in the March 2004 primary election were uncertified. Due to the lack of certification, the State withheld payment from Diebold until the machines were certified in July 2004. I have also seen documentation that votes were lost in Baltimore on the Diebold machines in the last election. And finally, I have heard statements that Diebold employees were involved in counting votes in Montgomery County in the September 2002 primary in violation of State election law.

My questions to the Board are this:

- Were you aware that the machines were uncertified and, therefore, in violation Maryland law?
- Were you aware of any correspondence between the State and Diebold regarding certification?
- Were you, or are you, aware of votes lost in Baltimore County in the 2004 election?
- Were Diebold employees involved, in any manner, in counting votes in the 2002 or 2004 elections?

Finally, I would like to ask this Board to request the decertification of the Diebold machines based on the following information that is now available.

* Maryland law requires that all voting machines comply with the Federal voting system standards. (http://www.elections.state.md.us/citizens/law/el9/el_9-102.htm)(Sections 9-102 and 9-103)

* The Federal standards require testing AND that the machines and memory cards not contain what is known as interpreted software code. (See Section 4.2.2 http://www.eac.gov/election_resources/vss.html)

- Diebold sent a letter to the State of Pennsylvania in which they acknowledged that the Accu-Vote TS voting machines used in Maryland do contain the banned AccuBasic interpreted software code. http://truevotemd.org/images/stories//diebold_pa_response.pdf)
- The just released, and much awaited, report from California is out. It also confirms the presence of the disapproved AccuBasic code and it reports that the machines are vulnerable to hacking. California's remedy did not require immediate de-certification because their machines also produce a recountable paper trail (though the report indicates that that, too, may be hackable. But Maryland has no paper trail and, thus, cannot use California's remedy. (http://www.ss.ca.gov/elections/voting_systems/security_analysis_of_the_diebold_accubasic_interpreter.pdf)
- It follows that if Maryland law requires adherence to Federal standards and those standards ban interpreted code, and we discover, as we have, that Maryland's machines do have interpreted code, then we have no choice but to decertify the Diebold machines.

I believe that it may be possible for the State to pursue remedies against NASED and/or the testers, since the State relied on their certification of the machines as the basis for accepting the compliance of the Diebold machines, but the immediate situation appears to be straight-forward and amenable to a simple remedy.

My request is, in light of the State law that mandates compliance with the Federal technical standards, and Diebold's admission that the machines contain code prohibited by the standards, that the County uphold state law and request the decertification of the Diebold machines, and inform the State that the County will look to use other machines in the up-coming election, if the State doesn't act of its own accord to remedy the situation.

I look forward to your response.

Sincerely,

Marc Elrich

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CC: Inspector General, Montgomery County

County Executive Doug Duncan

Montgomery County Council