

**Oral testimony of Robert Ferraro, Co-Director of SAVE our Votes
Before the Task Force on Voting Irregularities - January 24, 2008 in Baltimore City:**

The following documents were referenced:

2004 True Vote Pollwatcher Report:

http://truevotemd.org/Election_Report.pdf

<http://truevotemd.org/Resources/MDproblems04map.pdf> (map)

Montgomery County Lessons Learned Report (2004):

http://truevotemd.org/Resources/Lessons_Learned.pdf (relevant section on page 11)

Use of Uncertified Voting System in apparent Violation of Maryland Law

Links to the documents below can be found at:

<http://truevotemd.org/content/view/430/152/> (Scroll to “Exhibit 7”)

This exhibit contains correspondence and other materials discussing the problem of Diebold, Inc. delivered an uncertified voting system to Maryland in November and December of 2003. The system was not certified until May 20, 2004. (There was a March 2004 presidential primary during that time.) Using a system that has not passed testing for compliance with the federal voting system standards is illegal under Maryland law (See Title 9, Subtitle 1, Section 9-102 entitled Certification of Voting Systems). Web links for these and related letters are included below.

A. December 22, 2003 - February, 13, 2004, [Two letters from the SBE to Diebold](#) with complaints that they provided uncertified soft/hardware to the State and that this lack of testing and certification violated the original contract with Diebold. The February letter is a request to Diebold for the SBE to be reimbursed for a second set of tests to be performed.

B. February 3, 2004, [Waiver of Certification](#) from State Elections Administrator Linda Lamone to Diebold for the encoders for voter access cards and the key card that assigns passwords and keys. The waiver is good through April 16th, 2004.

C. February 27, 2004, [Request from Diebold for another waiver of certification](#), due to an update of their Ballot Station, from v 4.3.15 to v4.3.15C.

D. April 5, 2004, Letter to Diebold from Linda Lamone again requesting the software upgrades from Diebold. On page 2 it specifically refers to Diebold providing unqualified (federally uncertified) software and the need for testing to the standards.

E. April 15, 2004, Dated after the 2004 primary, [this letter contains information that on April 5, 2004 the SBE had still not received NASED certified soft/firmware from Diebold.](#)

F. April 26, 2004, [Letter from Diebold to Alameda County](#) discussing decertification of the new model TSx in CA. Diebold Election Systems, Inc. Report of Assurances to Alameda County.

G. May 4, 2004, [Letter to Diebold from Lamone](#), in which she states that the SBE has not received certification for the voting system.

H. May 5, 2004- [Letter from Diebold to Lamone](#), commenting on the NASED certification. Diebold states: DESI also will have a certified NASED system for the state of MD implemented prior to the November Election.

I. June 21, 2004- [Letter to Diebold from Lamone](#)

J. December 23, 2004- [Letter from Lamone to Diebold](#) in which she cites sections of the contract which Diebold has broken, sections of MD law that were violated and the procurement officer's denial of a Diebold request for a refund for the withholding of payment.

Voting System Software in Violation of Federal Standards & MD Law

Links to the documents below can be found at:

<http://truevotemd.org/content/view/430/152/> (Scroll to “Exhibit 1”)

The Hursti Hack and California’s Re-Testing of Diebold

Independent computer security expert [Harry Hursti conducted a series of mock elections/hack demonstrations on Diebold voting machines](#) in Leon County, Florida from July to December 2005.

A. July 4, 2005, The [Hursti report](#), explains how the Hursti Hack is possible and the threat that it poses to all Diebold voting equipment.

B. December 23, 2005, Shortly after the Hursti Hack took place, states like California and Pennsylvania, took measures to check for this vulnerability in their own equipment. In this [letter by Linda Lamone](#) she demands that Diebold give her information about what is happening in California.

C. January 5, 2006, Diebold sent a [letter to Pennsylvania](#), in regards to their questions about the Hursti vulnerability. The letter admits that the Diebold-TS voting system we use in Maryland contains the AccuBasic script used for this hack.

D. [Federal 2002 standards](#) generally prohibit the use of interpreted code.

E. February 16, 2006, Realizing that the State Board of Elections was not sharing information about this Hack and the effect on Maryland, Governor Ehrlich sent this [letter](#) to the SBE, where he says that he no longer has faith in the electoral process.

F. March 2, 2006: An excellent [summary of relevant parts of Californias testing of the Diebold](#) touch screen machines and its implications for Maryland by Bob Ferraro of TrueVoteMD. California certified the machines with many conditions. The critical difference between the TS-X used in California and the TS used in Maryland is the former provides an independent paper record verified by the voter, while the Maryland system does not.

Links to the following expert studies of the security vulnerabilities of Diebold voting systems in use in Maryland can be found at:

<http://www.saveourvotes.org/reports/index.htm>

[NIST White Paper \(November 2006\)](#) [University of Connecticut Report \(October 2006\)](#) [Princeton Report \(September 2006\)](#) [Open Voting Foundation Report \(August, 2006\)](#) [Common Cause Report \(June 2006\)](#) [Brennan Center Task Force Report \(June, 2006\)](#) [Hursti II Reports \(May 2006\)](#) [California Diebold Report \(February 2006\)](#) [DNC Report \(December 2005\)](#) [Carter-Baker Commission Report \(September 2005\)](#) [GAO Report on Electronic Voting Systems \(September 2005\)](#) [Hursti I Report \(July 2005\)](#) [Association for Computing Machinery Policy Recommendations on Electronic Voting Systems \(September 2004\)](#) [RABA Report \(January 2004\)](#) [OHIO Compuware Report on DRE Voting Systems \(November 2003\)](#) [SAIC Risk Assessment Report \(September 2003\)](#) [Doug Jones USENEX Security Symposium Paper \(August 2003\)](#) [Analysis of an Electronic Voting System \(July 2003\): "The report that started it all"](#)