



# TRINITY COUNTY

## Registrar of Voters

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July 30, 2007

Debra Bowen, Secretary of State  
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Honorable Secretary Bowen

Please consider these comments on the Top-to-Bottom Review of Voting Systems recently completed.

We can all agree that everything possible should be done to insure the security and reliability and accuracy of voting systems used in California. In fact there are many procedures in the statutes and regulations that are directed to insure the security and accuracy of systems certified for use in California. Each system approved for use in California is required to include these procedures and comply with the regulations. To not include these required procedures and regulations in the "Top-to-Bottom Review" seems to be testing them in an environment that they were not constructed for. In addition the testing did not allow for the testing of these procedures and regulations to see if they are sufficient to safeguard the election process. While it is important to review systems in use in California it is also important to review the procedures actually in use by the various California Counties to insure the security of our voting systems.

The Executive Summary of the tests for the Diebold GEMS 1.18.24/AccuVote system and the Hart InterCivic System 6.2.1 issued by the "Red Team" states that the "the Red Team found vulnerabilities in the systems, which – in the absence of procedural mitigation strategies – could be exploited to compromise the accuracy, secrecy, and availability of the voting system. This indicates that the "Red Team" thought that "mitigation strategies" might have changed the results of the testing. Another concern in the Summary is the statement that "this study should not be viewed as a complete report on all of the vulnerabilities that may exist in this system." Voting system vulnerabilities are of great concern, as indicated by the public hearing scheduled for July 30, 2007 and should not be overlooked. Enough time to do a complete review should be allowed.

Many of the vulnerabilities disclosed in this review have been seen in other reviews of these systems. The system vendors have developed new versions of their voting systems that are before federal testing right now. These updated versions are the versions that should be included in a "Top-to-Bottom Review to determine if the vulnerabilities have been properly dealt with.

We find ourselves in a very strange circumstance. The Help America Vote Act requires (HAVA) that voting system meet accessibility standards. In addition, voting systems need to provide voter feed back as to over and under votes. Systems that meet these requirements were to be in place, at the latest by the November 2006 elections. Systems meeting the HAVA requirements were certified by the Secretary of State. System vulnerabilities were identified and the Secretary of State identified mitigation measures to deal with these vulnerabilities. Counties were required to implement these systems by the November elections under threat of lawsuit by the Federal Department of Justice. Vulnerabilities were known and now have been reviewed and verified, but the mitigation measures were not reviewed and now additional mitigation measures may be being considered, all without testing. Congress is considering legislation to require many of the mitigation measures implemented in California. All of the voters, election officials and election system vendors would benefit from testing of the mitigation measures that are now in place and those being considered before put into law by Congress.

In California elections have been tabulated by computer in one way or another since the mid 1960s. Many of these elections have been subject to hand recounts and the systems have proven to be accurate and secure. The parallel monitoring being used now with Touch Screen systems have not found inaccuracies with these systems.

Please consider testing the mitigation measures now in place before modifying them. If these measure are sufficient to protect from the know vulnerabilities it would go alone way in letting the public know that our election systems are accessible, accurate and secure. If they are not we need to know it before the November 2007 and February 2008 elections.

Thank you for the opportunity to make these comments. As the elected official in Trinity County I consider by responsibilities as the Registrar of Voter as one of my most important duties. We need accurate and secure elections and the people need to have confidence in their election systems. It will take all of our efforts to make sure this happens,

Sincerely,

Dero Forslund  
Trinity County Clerk Recorder Assessor