



VIA FACSIMILE

October 28, 2008

Dear Secretary of State:

Yesterday, after several media reports about “vote flipping” on iVotronic touchscreen machines, our organizations sent a letter to all states using these machines, urging them to follow the steps put in place by the Secretary of State of West Virginia to avoid voter frustration and error caused by such problems. Since we sent that letter, we have learned of several more reports of vote flipping on other types of Direct Recording Electronic (DRE) Machines. Accordingly, we are attaching our letter from yesterday, with advice about how to address reports of vote flipping, which applies to all DREs.

Please feel free to contact us with questions.

Sincerely,

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Enclosure

BRENNAN
CENTER
FOR JUSTICE



VIA FACSIMILE

October 27, 2008

Dear Secretary of State:

You may be aware of recent press reports of problems that voters are having during early voting with the iVotronic voting machine in West Virginia and Tennessee. Specifically, voters have complained of “vote flipping,” where they vote for one candidate or party, but another shows up on the review screen.

There is a good chance that at least part of this problem can be attributed to calibration on the iVotronic machines. West Virginia’s Secretary of State Betty Ireland has directed all counties in West Virginia to re-calibrate their machines each morning during early voting, which runs until November 1st, and on Election Day, November 4th.

As reported by the Associated Press on October 23rd, Secretary Ireland has reminded voters that they should contact a poll worker if they have any problems using an electronic voting machine, and that they should carefully confirm their candidate choices on the accompanying paper receipt attached to each iVotronic machine.

She also reminded voters in that they can ask for help and “keep that poll clerk there until the voter is satisfied they have cast their vote as they intended. This may include moving to another machine, if that is the voter’s wish.”

There is a real chance that voters using iVotronic machines in your state will experience “vote flipping” similar to that experienced by voters in West Virginia. You may already have provided guidance to your state’s iVotronic jurisdictions, but if not, we urge you to take actions similar to those taken by Secretary Ireland, to avoid voter confusion and frustration, and to ensure that every vote is cast as intended. Where a voter-verifiable paper trail is available, voters should also be urged to confirm their candidate choices.

For more information about calibration issues on touchscreen DRE voting machines, we direct you to this article: <http://accurate-voting.org/2006/11/01/touchscreen-calibration-issues-with-voting-machines/>.

Please feel free to contact us with questions.

Sincerely,

Handwritten signature of Lawrence Norden in black ink.

Lawrence Norden
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Handwritten signature of Pamela Smith in black ink.

Pamela Smith
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