



DEPARTMENT OF ADMINISTRATIVE SERVICES

County of Allegheny

DAN ONORATO
CHIEF EXECUTIVE

202 COURTHOUSE ♦ 436 GRANT STREET
PITTSBURGH, PA 15219
PHONE (412) 350-6109 ♦ FAX (412) 350-4925

TIMOTHY H. JOHNSON
DIRECTOR

August 2, 2006

Richard King
1236 Malvern Street
Pittsburgh, PA 15217

Dear Mr. King:

This letter is in response to your correspondence dated June 2, 2006 regarding your concerns following the May 16, 2006 Primary Election in Allegheny County. As similar concerns were expressed in a letter from State Election Commissioner Harry VanSickle, I have taken the liberty of attaching the official County response to him, of July 13, 2006. It specifically addresses the areas of poll worker training, voter outreach and technical training.

Please feel free to contact me if you have any questions or require additional information.

Sincerely,

A handwritten signature in black ink, appearing to read "T.H. Johnson".

T.H. Johnson

cc: Harry VanSickle
John DeFazio
Dan Onorato
Dave Fawcett
Jim Flynn
Mike Wojcik
Mark Wolosik
Allan Opsitnick
Matt Nelson



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TIMOTHY H. JOHNSON
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July 13, 2006

Honorable Harry VanSickle, Commissioner
Bureau of Commissions, Elections & Legislation
Commonwealth of Pennsylvania
Department of State
210 North Office Building
Harrisburg, Pennsylvania 17120

Re: May 16, 2006 General Primary

Dear Mr. VanSickle:

This letter is in response to your correspondence dated June 7, 2006, regarding concerns related to the May 16, 2006, Primary Election in Allegheny County.

Like every other voting jurisdiction in the country, Allegheny County was required to comply with the provisions of the Help America Vote Act (HAVA) by the 2006 Primary Election. As a result, Allegheny County replaced the lever voting machines that it had used for more than 40 years with a new voting system. In order to comply with HAVA, Allegheny County purchased 4,700 iVotronic machines from ES&S to be used in the County's 1,314 voting districts.

The County recognized that the new voting system was vastly different from the old lever machines and would require a coordinated effort from all stakeholders in order to hold a successful election. The County identified three broad areas that needed to be addressed: poll worker training; voter outreach; and technical training. The following are several examples of the initiatives the County undertook to address these needs for the Primary Election:

Poll Worker Training

- The County held mandatory training sessions that were attended by more than 5,000 poll workers.
- The County recruited more than 150 "rovers" periodically visit specific polling locations on May 16 to provide troubleshooting assistance.
- The County provided cell phones to each voting district to facilitate communications for troubleshooting purposes.
- The County created a phone bank that consisted of more than 25 employees to provide assistance to poll workers on Primary Day.

Voter Outreach

- The County held more than 130 public demonstrations of the new machines to increase public awareness and provide opportunities for voters to use the machines prior to the Primary. This effort included 25 demonstrations specifically targeted for senior citizens and individuals with special needs.
- The County mailed Motronic instructional brochures to more than 600,000 voting households.
- The County distributed more than 100,000 instructional brochures in public libraries, transit stations and other public places.
- The County created a web page that included an interactive training video, interactive.demq, and a PDF file of instructions for the new machines.
- The County arranged for a demonstration video to be available to subscribers on Comcast's On Demand system.
- The County reduced the number of non-accessible polling places from 248 in 2005 to 45 in 2006.

Technical training

- The County hired and trained more than 50 technicians to maintain and service the new machines.

On May 16, 2006, more than 197,000 voters cast their ballots using the new voting system. Despite the efforts of the County, our contractors, our hard working poll workers, and everyone else associated with the Primary Election, we did encounter some problems. The following are the issues identified in you letter and the County's response:

Issue 1: The misplacement by poll workers in Allegheny County of hundreds of optical scan ballots. Based on reports, it appears that these ballots may not have been properly accounted for by local election officials prior to delivery to the County Board of Elections.

Response: Allegheny County provided optical scan ballots to all polling locations as a "back up" method to vote in the event of equipment failures during the initial roll out of the electronic voting system. Optical scan ballots will not be used for this purpose in future elections.

In addition, the County used optical scan ballots for absentee and provisional voting. The majority of the optical scan ballots were handled properly and accounted for by local election officials prior to their delivery to the County Board of Elections. However, there were a number of polling locations that did not account for the optical scan ballots in accordance with the new 2006 procedure. Instead, those election officials placed the optical scan ballots in the envelope that was used in previous years for the submission of absentee ballots, in the supply suitcases, or in other inappropriate areas.

These issues will be addressed in the mandatory poll worker training sessions that will be held prior to the 2006 General Election. In addition, the County's Department of Elections will make revisions to its procedures for handling absentee and provisional optical scan ballots in the future.

Issue 2: Problems associated with the printing of "zero-tapes" in the ES&S iVotronic Direct Recording Electronic (DRE) voting systems.

Response: Local election officials at the majority of polling locations successfully printed zero tapes prior to the opening of the polls. However, as a result of the new voting system and an accelerated implementation and training schedule, some poll workers experienced difficulty printing zero tapes at the beginning of the day.

In the event of problems with printing zero tapes, the poll workers were trained and instructed to permit voters to use the optical scan ballots. On Primary Day, the County's Department of Elections provided assistance to poll workers to print the required zero tapes as soon as possible to enable voters at those locations to use the electronic machines.

It was also suggested that zero tapes were printed after voters were permitted to vote on the iVotronic machines. It is important to note that the iVotronic system has a unique feature that prevents the opening of any terminals for use if that terminal has votes cast on it. This prevents anyone from casting votes on the machine prior to the opening of the polls. The zero tape on the iVotronic system is a redundant verification process that shows the machine did not have any votes cast on it prior to opening. In other words, the machine will indicate whether there are prior votes without having to print a zero tape.

This issue will be addressed in the mandatory poll worker training sessions that will be held prior to the 2006 General Election. It is anticipated that additional training and familiarity will eliminate this problem.

Issue 3: The possible use of uncertified software components with the DRE voting systems.

Response: As previously mentioned, Allegheny County was required to replace the lever voting machines that it had used for more than 40 years with a new voting system before the 2006 Primary Election. This meant the County had to purchase, receive, install, and test more than 2,600 iVotronic touch screen voting machines on an extremely compressed schedule.

Allegheny County's election technicians and ES&S employees were responsible for receiving the machines from ES&S. As a result, they performed acceptance tests that included the completion of a technical data sheet indicating each unit's software version and configurations. The purpose

of the test was to ensure compliance with the state certification reports and fitness for use on Election Day.

It was suggested after the election that some of the machines used a version of firmware on the personal electronic ballots (PEB) that was not identified in the State's certification reports. PEB firmware version 1.07 was certified by the State for use in the May 2006 Primary.

Allegheny County performed a post-election audit of the PEBs and determined that only four out of more than 2,600 used that day included version 1.05 of firmware. It is important to point out that:

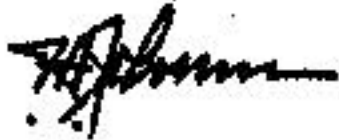
- This issue does not affect any of the software used by the County in the Primary Election—it only involved the firmware on 4 PEBs.
- Firmware version 1.05 is completely compatible with version 1.07.
- The software has been thoroughly evaluated by independent testing authorities as part of federal testing and state certification processes outside of the Commonwealth of Pennsylvania for the voting systems.
- There are minor differences between version 1.05 and version 1.07 that do not affect vote tabulation or the aggregation of votes. In other words, votes in Allegheny County were recorded and tabulated accurately.

Allegheny County will implement new acceptance testing procedures prior to receiving additional machines from ES&S. These procedures will ensure our voting machines are in compliance with the State's certification report.

Please be assured that Allegheny County takes the issues you identified very seriously, and we will work to implement changes to ensure they will not occur in future elections. Allegheny County is committed to administering elections in a manner that maintains voter confidence and ensures that every vote is counted.

Please feel free to contact me if you have any questions or require additional information.

Sincerely,



Timothy H. Johnson, Director

cc: The Honorable Pedro A. Cortes, Secretary of the Commonwealth
Andrew Sislo, Chief of Staff
Kenneth A. Rapp, Deputy Secretary for Regulatory Programs
The Honorable Dan Onorato, Chief Executive
James Flynn, County Manager
Michael Wojcik, County Solicitor
Mark Wolosik, Manager, Department of Elections
Steve Pearson, Vice President – Certification, ES&S