

Public Logic and Accuracy Testing
January 25, 2008
1:00pm – 4:15pm
As Observed By Cathy Miller

A “Public Logic and Accuracy Test” was conducted on January 25, 2008 at the Registrar of Voter’s office. This public test differs from the “in house” testing in that members of the public are invited in to observe an abbreviated version of the vote counting process, and observe vote accuracy testing for all phases (mail-in votes, ballots from the polls, and TSx votes.)

Although Secure Accurate Elections had set up appointments and had several times been at the Registrar of Voters to observe the various stages of testing, we were unaware of this “public testing procedure”. Ms. Seiler, the Registrar of Voters, had invited a representative of the League of Women voters, Grand Jury members and the San Diego City Clerk to attend. SAE asked Ms. Seiler if a representative of our group could attend and she responded in the affirmative. Only four people attended this “public” test.

We were ushered into a conference room where there was a TSx machine, an optical scanner, and a lap top computer. Charlie Wallis, Technical Director for San Diego Registrar of Voters, and Debra Seiler spoke to the group for about 45 minutes, explaining what we were going to see and do. I caught the full talk, minus maybe 3 minutes, on video. We were invited to ask questions at any time. A few questions were asked, especially about ballot rotation. Ballot rotation was found to be an incredibly confusing and complex topic. Ms. Seiler stated that when all the ballot types and rotations are accounted for, there are 47,000.

Mr. Wallis had explained to us the day before that they were able to choose 9 precincts that were representative of all the types of ballots (as far as ballot measures, candidates, etc..) and that they used a mathematical process to come up with all the rotations of how candidates are listed on the various ballots.

We then began the actual observing and testing.

Mailed-in Votes:

The Technical Director explained how the mailed-in votes were processed. He mentioned that the ROV would start opening them in about one week. Ms. Seiler mentioned that a new law gave them more time, now 7 business days before the election, in order to get the absentee ballots counted. She stated that at last count (Friday morning, 1/25) they had over 130,000 absentee ballots.

Mr. Wallis took us into the room where there were 9 stacks of pre-printed test ballots. (The vendor creates these pre-marked test ballots based on ballot criteria given to them by the ROV.) He asked us to choose one at random. I volunteered to choose, chose the one nearest to me.

Then it was time to re-run the vote accuracy test by running them through the tally/ballot counting machines in the Central Tabulator room. It was very exciting to gain access to that room and see the huge cabinets where the GEMs machines are located. We had to sign in

(although we did not have to sign out.) We were then taken to a small room that opened into the main Central Tabulator room, sort of an anteroom.

There were 7 large scanners, hooked directly to the GEMs, which count the votes. The only real difference between these scanners and the OptiScanners is that they have a multi-feed mechanism, supposed to take about 25 ballots at a time and feed them very quickly through the machine. But it didn't work that way! The machines bucked and stalled, the feeders did not work well at all. Mr. Wallis fed 10 ballots at a time, carefully feeding them into the machine so they would keep moving. Still he had problems. Plus, the first machine he used was off by one vote. He stopped the machine, counted the ballots 3 times; scanner was off by one vote (39 votes counted, 40 votes fed through.) The machine stopped for blank ballots or write-in votes, but those were accounted for. He canceled the count (on the GEMs) and started over. This time he got up to 90 votes, when it happened again—89 votes counted. He was quit troubled by this and wrote up a report on this machine, moving on to another machine. This new machine also needed much babying to get the ballots to go through the feeder, but did count all 139 votes correctly. There were actually 151 ballots, but Mr. Wallis had removed the blank ballots and write-ins.

Ballots coming from the polls: We went back into the conference room where Mr. Wallis demonstrated the optical scanner. We were told that on election night, there would be 100 of these scanners manned by 100 temp workers. Each time a precinct is counted, a new memory card goes in and a zero tape is run. Then the precinct is counted. The optical scanners take only one ballot at a time. But it actually went much faster than the scanners with feeders (in the Central Tabulation area.) Mr. Wallis said that there would also be 7 of the single-feed scanners in the Central Tabulation area to assist the 7 existing scanners, for a total of 14 directly hooked to the Central Tabulator. The memory card was then removed and handed to Mr. Wallis and the ballots put in boxes. He then would plug the memory cards into the GEMs and the results are read.

All 139 votes were counted accurately in about ½ the time it took to run them through the older scanners, regardless that the new scanners can be fed only one ballot at a time! Charlie then took the memory card from the scanner and ran it through the GEMs. Again, an accurate count was recorded and reported.

Ballots on TSx machines: It was explained to us that the TSx process for this election would be very cumbersome. This is due to the fact that only one TSx is allowed per precinct, but two are needed—one on which to vote, the other to create the voter access cards. The SOS eventually allowed 2 per precinct, but by that time they had all their plans in place, so it was decided to go with one only.

When someone wants to vote on the TSx, the precinct leader uses a “supervisor’s card” to switch the machine to card reader mode, and creates the voter access card. There are many different ballot types, not only based on party but language as well. When the card is programmed, the precinct leader again puts the card in the machine to change it back to voting mode. The voter sticks in his card and votes. At the close of the polls, all the votes in the TSx machine are made over onto paper ballots and sent with the other ballots, along with the TSx’s memory card and

VVPAT, to the ROV. The “voter verified paper trail” however, is the official vote. Not the ballot, even though it is kept.

We now voted on the TSx machines to test their accuracy. Both Mr. Wallis and Assistant ROV Michael Vu talked to us about this procedure. We were asked to choose, at random, an unopened ream of blank test votes, and we did so. Mr. Wallis then asked us to choose any 4 ballots (by party) and fill them in, in any way. Charlie created 4 voter access cards for each of us (or fewer if we chose to vote 2 or more votes on the same party ballot.) We then used our marked ballots to guide us in voting on the TSx machine.

I had read that not many people carefully check the VVPAT for accuracy, so I carefully observed the other 3 test voters to see if they would check it. Not one of them bothered to carefully check the VVPAT. And no wonder! The way it is placed on the machine, the small print, the confusing markings, all make it very difficult to check your booklet (or marked test ballot) against the tape. Especially when you know there are other people in line waiting to use the machine. I am convinced that few, if any, voters check that VVPAT carefully.

Ms. Seiler hand counted our ballots, with the City Clerk assisting. The ballots were then run through the optical scanner, and all were accurately counted. Mr. Wallis then took the memory card from the TSx over to the Central Tabulator and ran the vote through the GEMs. It also came out accurately.

This concluded the testing. We were asked to sign what Ms. Seiler called a “certificate” that said we were public observers and that the testing gave the expected outcome.

Observations:

- 1. The staff complained that paper ballots were a problem because so many were miss-marked, marked up or over voted. Mail in ballots were worse because people used red pens that could not be “seen” by the scanner or had stains such as coffee on them.**
- 2. When asked what percentage of ballots this applied to, they answered that “out of 10,000 votes, there are about 100 with problems of some kind.” That would be only 1% of the ballots and does not seem that bad in our estimation.**
- 3. It has been observed that the TSx machines are very cumbersome and difficult for workers at the polls as well as the average voter. They also take a great deal of time for the staff at the ROV’s office to set up, test and prepare for distribution. Despite these facts the Registrar’s office seem to verbally promote the TSx machines.**
- 4. The Registrar of Voters office is to be commended for setting up such a thorough, time intensive public testing demonstration.**