

August 25, 2008

Robert Saar, Executive Director  
DuPage County Election Commission  
421 County Farm Road  
Wheaton, IL 60187

Dear Mr. Saar:

On August 14, the Executive Committee of the Democratic Party of DuPage County voted unanimously to request that the DuPage County Election Commission discontinue the use of the touch screen voting machines due to their lack of accuracy, security and reliability, and that the Commission return to a voting system conducted entirely by the use of durable and reliable paper ballots.

You are undoubtedly aware of the problems with the machines currently used in DuPage County by Premier Election Solutions (formerly Diebold). Ohio Secretary of State Jennifer Brunner recently filed a lawsuit against Premier demanding full reimbursement of the cost of the touch screen machines as well as punitive damages due to malfunctions and breaches in the contract and warranty. The problems with these machines are well documented in the 335-page EVEREST Academic Report commissioned by the State of Ohio. Problems with the Premier touch screen machines exist in many other states including California and Florida. These recent revelations from Ohio underscore the machines' unreliability and lack of accuracy and security and, as you noted in the Daily Herald this past Saturday, the company in fact was not forthcoming about serious glitches when uploading data to central tabulations. Such problems challenge the equal protection of all votes under the law and violate our most important rights as citizens.

I have attached an article from *Scientific American* documenting the many problems that were discovered during the testing of these machines. In it, Patrick McDaniel, a Penn State professor of information security who participated in the EVEREST testing states, **“None of the systems out there are even remotely adequate given the importance of the data they handle.”** McDaniel is just one of countless experts who have expressed fundamental concerns about electronic voting. Moreover, the U.S. Homeland Security Department issued a cyber alert in 2004 announcing the vulnerabilities of these machines. <http://www.us-cert.gov/cas/bulletins/SB04-252.html#diebold>

It is the responsibility of the DuPage County Election Commission to insure that the voters of DuPage County have access to a reliable, secure and accurate voting mechanism and to assure voters that there exists a system for challenges by having durable paper ballots as a backup for any and all audits and recounts. With only two months left before the election, we must focus on providing the best and most accurate electoral process available for our citizens. The evidence, academic reports and highly acclaimed reports and substantiated articles contesting the use of these machines demand that you take immediate action in eliminating the use of touch screen machines in Du Page County for the upcoming election (including Early Voting).

We also ask that the DCEC take immediate action on the following:

1. Cease and desist the practice of promoting early voting unless the machines used are the opti-scan machines and under the conditions that:

- a. All early voting will be part of the full 5% random audit mandated by the Illinois Election Code, and
- b. Any recounts by candidates must include early voting at no additional cost.

2. All machines shall not be set up the night before the election and shall not be kept out during the evenings and weekends on days in which early voting takes place.

3. The Democratic Party of DuPage County will be allowed to observe the chain of custody of the entire electoral process before, during and after the election, including early voting, through volunteers provided by the Democratic Party of DuPage County.

4. AskEd palm pilots, DCEC laptops and any other electronic voting equipment or electronic components shall not be taken home by election judges.

Lastly, it has been approximately 5 months since I was given assurance that a report would be issued regarding the malfunction of the touch screen machines in the DuPage County polling locations during the special election in the 14<sup>th</sup> congressional district on March 8. You initially said that the report would be issued in a week or two. This was in late March. I now understand that representatives from the company are just now in the process of inspecting the malfunctioning machines. For something as critical as this to take 5 months to inspect is troubling and only solidifies our belief that these machines should not be used. We also request copies of all correspondence between the Election Commission and Premier/Diebold regarding this issue dating from the beginning of the Election Commission's business relationship with Premier/Diebold.

Please reply to this request as soon as possible. We will be contacting you on September 2nd if we have not received a response by then.

Regards,

Bob Peickert

Cc/ DuPage County Election Commission  
Illinois State Board of Elections  
Illinois Attorney General Lisa Madigan