

Colorado Voters File Lawsuit to Halt State's Purchase or Use of DRE Computerized Voting Systems

News

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Group Cites Deficiencies in Security, Reliability, and Verifiability in Diebold, Sequoia, ES&S and Hart Computerized Voting Systems

For Immediate Release: Denver, Colorado, June 1, 2006 - A non-partisan and diverse group of Colorado voters who seek to protect the integrity and purity of elections as required by the Colorado Constitution, filed a lawsuit today challenging the Secretary of State's certification of certain computerized Direct Recording Electronic ("DRE") computerized voting systems and asking the Court to prevent the use of these computerized voting systems in Colorado elections. The DREs manufactured by Diebold Election Systems, Sequoia Voting Systems, ES & S, and Hart InterCivic have a well-documented history of problems with security, reliability, verifiability, and disability access. Named defendants are Secretary of State Gigi Dennis and the boards of county commissioners of Adams, Arapahoe, Boulder, Broomfield, Douglas, Jefferson, La Plata, Larimer, and Weld Counties which are representative of the counties around the state planning to use the DREs.

The law firms Wheeler Trigg O'Donnell LLP in Denver, and the Law Offices of Lowell Finley, representing the Colorado voters, filed the complaint in Denver District Court. A copy of the complaint is available on www.voteraction.org.

"The Secretary of State is not upholding her duty to Colorado's citizens to ensure reliable, secure, and verifiable voting as required by our State Constitution and election laws," said Myriah Conroy, a plaintiff in the Colorado voters' suit. "Colorado voters deserve to know that the state's voting systems preserve the fundamental right to have their votes recorded and counted as intended. DRE computerized voting systems from these manufacturers are easily hacked and compromised, and have a history of operational problems which have disrupted elections across the country. Further, they are virtually impossible to recount in a contested election, and fail to accommodate voters with a broad range of disabilities," said Conroy.

"The Secretary of State's Office has failed to issue rules setting minimum standards for security of these systems. The election rules permit the DRE manufacturers to simply tell the State that their machines are secure," said Paul Hultin, an attorney with Wheeler Trigg O'Donnell LLP. "Worse, the Secretary is not following the law. No certification reports required by law have been prepared even though these systems have been certified for months and counties are preparing to use these dubious systems in the upcoming election," stated Hultin.

As part of their case, the plaintiffs will present the testimony of computer security experts, Douglas W. Jones, PHD, and a Professor at the University of Iowa, Dr. David Dill of Stanford University, and Dr. Aviel D. Rubin of Johns Hopkins University, concerning the security and other problems inherent in DRE computerized voting systems. Mr. Noel Runyan, a disability-access technology expert will also provide testimony.

"Some of the security risks with these machines are so high that it is unconscionable that their manufacturers, who have known of the problems for years, have not taken the necessary steps to correct them," said Dr. Jones.

"The Help America Vote Act is being turned on its head, weakening the integrity of our elections in the rush to purchase untrustworthy DRE computerized voting systems," said Lowell Finley, Co-counsel for the Colorado voter plaintiffs, election law expert, and Co-director of Voter Action. "The sanctity of our elections is too important to turn over to private corporations which operate without accountability. There are better and more secure options available, such as optical scan-paper balloting."

"Disabled voters want equal access to voting, but they also want to know that their vote is secure, and these rights cannot be mutually exclusive," said Michael Neil, a plaintiff who has used a wheelchair since childhood, and is a PhD student at the University of Denver. "DREs sacrifice security and reliability in a misguided effort to accommodate the needs of disabled voters such as myself. And they do not even adequately meet the needs of the disabled community in many respects."

"Optical scan-paper balloting is more secure, less expensive, and can be verified, which is why neighboring New Mexico and many of the counties in California and other states have pledged to move to these systems," said Holly Jacobson, Co-director of Voter Action, which is supporting the Colorado voters' legal action. "We believe it is important for Voter Action to support the most fundamental voting rights for the citizens of Colorado, as we are doing with similar lawsuits in California, Arizona, and other states. We have a national crisis developing due to the inherent security vulnerabilities and the history of errors and vote losses with these DRE computerized systems. Democracy is too important to privatize in this way."

“All Colorado voters have a fundamental right to cast a secure ballot and know that it is going to be counted correctly,” said Andrew Efaw, Co-counsel to the Colorado voters, and an attorney at Wheeler Trigg O’Donnell LLP. “DRE computerized voting systems contain illegal interpreted code prohibited by Colorado Law. Interpreted code is vulnerable to hacking which is impossible to detect. Use of DREs compromises the most fundamental of building blocks of democracy - the right to vote.”

The Colorado voters’ suit is being supported by Voter Action, www.voteraction.org, a not-for-profit organization providing legal, research, and logistical support for grassroots efforts to ensure the integrity of elections in the United States. Voter Action supported successful litigation in New Mexico to block the purchase and use of DRE computerized voting systems in that state.