



Protect California Ballots

Alex Padilla
California Secretary of State
1500 11th Street, 6th Floor
Sacramento CA 95814

Mar. 27, 2015

Re: Correcting major problems in SB 360

Dear Secretary of State Padilla:

Should our next election be counted on untested and uncertified election machines and software?

A democratic election requires the **public** counting of all votes on every ballot. Computers count votes in secret. Election officials cannot verify the accuracy of computer-counted votes.

I am the Director of Protect California Ballots. I, and the members of the steering committee, ask you, please, to correct one of the most problematic features of SB 360, which you authored in 2013, that is now California law.

Please do not allow a county to bypass testing and certification of any new election machinery and software in a pilot program, during a live election, or for any other election by claiming that it owns the new voting systems and its uses “non-proprietary and disclosed software.” Without testing and certification, how will the public know if the software is “non-proprietary and disclosed” or if it works correctly and counts votes accurately? Los Angeles owns its system –MTS—now, and citizens cannot examine it (CA EC 15004).

SB 360 removed from our California Elections Code the checks and balances to test and certify new voting systems using federal labs and independent state labs. Tests determine if the software, the brains in the voting system, works and counts votes accurately. The National Institute of Science and Technology, (NIST), has continued to test

and certify new and updated election machinery and software for the U.S. Election Assistance Commission (EAC) as it has since 2002 when the EAC was established.

SB360 implements “risk limiting audits” to check the results and accuracy of these new untested and uncertified systems. The new audit system removes the choice of precincts from citizens, beyond the 1% manual Tally, by relying on a statistical method to determine the precincts for auditing. The statistical theory on which “risk limiting audits” is based has statisticians divided. Thus, “risk limiting audits” depend on a controversial method to analyze data.

Our organization, Protect California Ballots, requests that you sponsor a bill stating that: no voting machinery or software can be used in any election in CA unless it is tested and certified:

even in a pilot program,
even if it is owned by a county and
even if it uses “disclosed” software.

Please respond to this request. Thank you for considering this vital voting integrity issue.

Yours,

Judy Alter, Director, Protect California Ballots (.org)

Steering Committee members:

Rudy Montalvo
Christopher Hays
Thomas English
Rochelle Low
Michael Milroy

CC: State Senator Ben Allen, Chair of the Senate Elections and Amendments Committee
Assembly Member Sebastian Ridley-Thomas, Chair of the Assembly Elections and Redistricting Committee