

# **The EVEREST Report: Climb Every Mountain, but Don't Start an Avalanche**

- I. What Is the EVEREST Report?
- II. Secretary of State Recommendations and LWVO Responses
- III. Reactions to the Recommendations
- IV. Emergency Legislation
- V. Resources

## **I. What Is the EVEREST Report?**

The EVEREST Report stands for **E**valuation and **V**alidation of **E**lection-**R**elated **E**quipment, **S**tandards and **T**esting Report, "a risk assessment of Ohio's current voting system." [www.sos.state.oh.us/sos/info/everest.aspx](http://www.sos.state.oh.us/sos/info/everest.aspx)

After the 2004 Ohio election, a variety of individuals and organizations expressed concerns about election integrity, security, and the accuracy of various voting system technologies. Building on other states' assessments which had exposed serious flaws in their voting systems, the Ohio Secretary of State had our state's voting systems, equipment, and controls tested by outside experts. This was paid for with \$1.9 million in federal funding. With Battelle Memorial Institute of Columbus managing the project, three academic teams from Penn State, University of Pennsylvania, and Santa Barbara WebWise—and two commercial laboratories, SysTest Labs of Denver, Colorado, and MicroSolved, Inc., of Columbus, Ohio—performed a number of tests on the three types of voting machines used in the state. The teams assessed the voting systems' security, performance, configuration and operations, and internal controls management.

The resultant EVEREST Report, released December 14, 2007, could form the basis of new legislation and directives to county Boards of Elections.

## **II. EVEREST Report Recommendations and LWVO Responses**

Secretary of State Brunner—advised by a bipartisan team of 12 election board directors and deputy directors who evaluated all assessments and participated with her in making the recommendations—made ten recommendations in The EVEREST Report (pages 76-80)<sup>1</sup>. These ten recommendations can be grouped into four general topics:

- 1. Replacing DREs with optical scan ballots**
- 2. Multiple precinct polling places (MP3s)**
- 3. All-mail ballot elections for issues**
- 4. Use of AutoMark for voters with disabilities**

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<sup>1</sup> There are additional suggestions on pages 81-84, but they were not recommended because of cost or the need for legislative change to enact them.

**1. Replacing DREs with optical scan ballots.** Five EVEREST recommendations (1, 2, 4, 9 and 10) concern the method for counting ballots and the types of voting systems to be used:

- Centrally count all ballots (Recommendation 1).
- Eliminate Direct Recording Electronic (DREs) touch-screen voting machines and precinct-based tabulating optical-scan machines (Recommendation 2).
- Require central tabulation and voter verification of optical scan ballots (Recommendation 4).
- Allow counties to move precinct optical scanners to a central location to count ballots centrally at the March, 2008 primary (Recommendation 9).
- Require counties using DREs for the March Primary to offer paper ballots to voters who do not want to use DREs (Recommendation 10).

The League of Women Voters of Ohio's (LWVO) position on these related issues is based on our national Principle that "...every citizen should be protected in the right to vote." In addition, the League's 10-Point Proposal for Election Administration Reform ([www.lwvohio.org/10PPEARSsummary.htm](http://www.lwvohio.org/10PPEARSsummary.htm)) advocates that the League: 1) ensure that each recount is honest, accurate and accepted as so; and 2) ensure that each voting system provides an accurate, transparent and secure record of all ballots cast.

LWVO believes that *precinct-based* counting of ballots and posting of results are crucial to ensuring transparency in election administration and to protecting citizens' right to vote. A later central tabulation of the ballots can verify the earlier precinct count. As long as DREs are still in use, the recommendation to use paper ballots will further ensure an accurate ballot count. Like the Secretary of State, the League proposes use of optical-scan ballots so there is a dependable paper ballot that can be hand-counted to verify the accuracy of any machine count.

**2. Multiple polling precinct places (MP3s).** Two EVEREST recommendations (5 and 7) deal with multiple-precinct polling places, or vote centers, consisting of 5 to 10 precincts located together at a library, community center, senior center, shopping center or other accessible public buildings with adequate parking.

- Election-day voting take place at multiple-precinct polling places, and with some voting sites open 15 days before election day (Recommendation 5).
- Multiple-precinct polling places be piloted in the March, 2008 primary election and mandated for use in the November, 2008 general election (Recommendation 7).

Again, the League supports these recommendations based on its 10-Point Proposal for Election Administration Reform. Among those 10 reforms are 1) ensuring that voting locations, equipment and instructions are fully accessible to all voters, including those with disabilities; 2) ensuring that each recount is honest, accurate and accepted as so; and 3) ensuring that each voting system provides an accurate, transparent and secure record of all ballots cast. While opening a number of voting sites for several days before Election

Day has not been shown to increase total voter turnout, it does make voting more convenient for voters who have difficulty getting to the polls on Election Day. Absentee voting fulfills some of the same convenience, but these voting sites provide protections for voters that are unavailable in voting by mail.

Election specialist Peg Rosenfield personally believes that the same advantages of this practice could probably be achieved with just 10 days, rather than 15, thereby lessening the costs in time, funds, and personnel during the busy time just before Election Day. She also believes these large groupings of precincts should be permitted, not mandated. They would be more useful before Election Day if Ohio law were changed to allow any voter to vote at any early voting site in the county (as is permitted in states that allow true early voting).

**3. All-mail ballot elections for issues.** Two EVEREST recommendations (6 and 8) concern all-mail ballot elections for issues:

- That any special election in August, 2008 be conducted by mail (Recommendation 6).
- That each county hold an election on whether voters want to have all-mail elections (Recommendation 8).

The League of Women Voters of Ohio 10-Point Proposal for Election Administration Reform does not address conducting elections completely by mail. Some states have found ways to do so successfully.

Peg Rosenfield opines that it is important to provide the option to drop off ballots in convenient locations that also provide adapted voting equipment for voters with disabilities. These vote-by-mail elections should be confined to special elections for ballot issues only, not for any candidates, and should be undertaken only with the approval of the local election authorities and the jurisdictions submitting the issue to the electorate.

**4. Use of AutoMark for voters with disabilities.** One recommendation (3) proposes that voters with disabilities use AutoMark, which would allow them to vote a secret ballot in private. The AutoMark uses a touch screen to mark an optical-scan ballot, which can then be scanned like a ballot that has been marked by hand.

The League 10-Point Proposal strongly supports the requirement that voting be fully accessible to all voters with disabilities.

The disability community has noted that no voting system to date fully addresses the needs of all voters with disabilities. Peg Rosenfield notes that when it works correctly, AutoMark enables voters with disabilities to vote a secret ballot in private. The problem arises when the machine does not respond accurately or when the directions do not work. She opines that it is troubling to have only this single type of equipment approved when it still has uncorrected problems.

### **III. Reactions to the Recommendations**

#### *Election-reform Advocates*

A number of individuals and organizations that actively advocate for election reform concentrated much of their concern on the proposed abolition of ballot counting at the precinct level and the elimination of posting of precinct results before ballots are transferred to a central office. Some advocates have voiced concerns about mail elections because of concerns that they may disenfranchise voters with disabilities, the elderly and housebound, and less educated voters.

#### *Ohio Association of Election Officials*

This association, composed of the members of Ohio's county boards of elections, voted to oppose the requirement that all the 57 counties currently using DREs must switch to optical-scan voting machines. However, local election officials seem to have few objections to holding a special election in August to determine whether all-mail voting is acceptable to voters.

Another concern of election officials is the cost of replacing DRE machines with optical-scan equipment. However, if HR 5036, introduced in Congress by Representative Holt on January 17, 2008, is enacted, it would provide funds to pay for this change. Similarly, the proposal addresses the need for audits of election results, a major concern of many election-reform advocates.

#### *Secretary of State Brunner*

The secretary heard the concerns of advocates and local election officials. She will allow precinct-count of optical scan ballots with a central count to verify the count, but so far she has not stated a requirement that precinct results be posted at the precinct. She will permit but not mandate that all counties use multiple-precinct polling places. And she has expressed interest in an auditing procedure for elections.

Secretary Brunner continues to insist that DREs be phased out before the November, 2008 election. They may still be used for the March primary election, but voters must be provided with paper ballots upon request. The secretary has hinted that she could decertify DREs if boards of elections refuse to switch to optical-scan voting machines.

Other issues remain. The Secretary of State has not yet finalized the rules and procedures for the March primary election and the November general election. There is also a lawsuit pending in Cuyahoga County over whether to have optical scanners at each precinct for the primary in order to warn voters of overvotes and/or provide a precinct count of ballots. Finally, discussions continue about many of the recommendations discussed above, as well as a variety of other election processes.

### **IV. Emergency Legislation**

Emergency legislation was introduced this week in the Ohio Senate (SB286 – Cates) addressing centralized ballot counting in counties using DRE machines, and over-voting. In addition, two provisions addressed Cuyahoga and Van Wert Counties only. One would allow the two counties to tabulate unofficial results from their newly implemented optical scan ballots at a remote, or “centralized,” location. The second provision would then allow a “midday” collection of official ballots from precinct polling places for deposit at their county boards of elections. The apparent goal of both policies is to ensure Cuyahoga and Van Wert counties avoid the kind of delays in Election Day reporting that have drawn national coverage in recent years.

LWVO will monitor the legislation and may request grassroots advocacy concerning it.

## **V. Resources**

The best way to decide what you think is important about these recommendations to assure fair, honest, transparent elections in Ohio is to read the information for yourself.

For the complete text of the findings of the EVEREST report, go to <http://www.sos.state.oh.us/sos/info/everest.aspx> and scroll down to "EVEREST Report of Findings (PDF)" and click on it.

For the detailed version of the League of Women Voters of Ohio "10-Point Proposal for Election Administration Reform," go to <http://lwvohio.org/2007/Advocacy/ElecReformAg2-1-07.pdf>

For news reports on reactions to the Secretary of State’s recommendations, go to <http://dispatch.com>. In the search box, enter "Secretary of State Brunner" and scroll down to "Archive". Click "Search". Sign in. The first 12 articles listed cover the controversy.

For the complete text of HR5036 (Holt), the "Emergency Assistance for Secure Elections Act of 2008," go to <http://www.thomas.gov/cgi-bin/query/C?c11D:>. OR go to [Http://www.thomas.gov](http://www.thomas.gov), then go to Search Bill Text and click on Bill Number; enter HR5036 and click on Search; click on Printer Friendly Display.

For the complete text of SB286 (Cates), go to [http://www.legislature.state.oh.us/bills.cfm?ID=123\\_SB\\_286](http://www.legislature.state.oh.us/bills.cfm?ID=123_SB_286)