New Yorkers for Verified Voting

Refuting False Claims and Misleading Statements Made in the Troy City School District Election Brochure

Liberty Election Systems and their Dutch partner Nedap have created and posted a troubling brochure[1] on the Troy City School District website. The brochure contains numerous misleading statements and false claims.

Making false statements such as found in the Troy Election brochure is unacceptable, particularly when made by a private company given a trusted role in a public election.

In this paper, we refute some of the deceptive statements found in the Liberty/Nedap brochure.

False Claims of Security

The brochure makes the false claim that the LibertyVote/Nedap DRE cannot be hacked:

"The LibertyVote™ machine is a stand alone system that does not operate on the Internet and therefore cannot be accessed by hackers or anyone else on the Internet."

This statement is incorrect and misleading, because there are many ways that computers can be 'hacked' and that bugs and programming errors can be introduced. Indeed, *the Nedap DRE has been successfully hacked*!

1. The Nedap DRE has already been hacked. In October 2006, a group of Dutch computer specialists successfully hacked a Nedap DRE[2] without access through the Internet. The Nedap DRE was found to be vulnerable to non-Internet based attacks, and could be completely reprogrammed in secret.

2. The LibertyVote/Nedap DRE is not a "stand alone system". The LibertyVote/Nedap DRE is part of a larger system that requires use of memory cards written and transferred to and from standard PCs in order to run an election. Ballot definition files and other election control information are programmed and then placed into the LibertyVote/Nedap DRE. Memory cards and ballot definition files are known to be a common source of bugs and election errors. A Nedap diagram[3] provided to the Irish government clearly shows that the LibertyVote/Nedap DRE is not independent of PCs and memory cards and is only one part of a larger system, any of which might contain bugs or compromised files which can be transferred to the DRE.

3. The LibertyVote/Nedap DRE is a computer. In the brochure the absurdly false claim is made that:

"The LibertyVote is not a computer…"

This statement is patently false – There is no question that the LibertyVote/Nedap DRE is a computer. It has a motherboard, a processor and a keyboard. Its operation depends completely on software, without which it can do nothing, not even start up. It transmits and receives data, communicating with other computers via memory cards. Of course the LibertyVote/Nedap DRE is a computer.

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[1] http://www.troy.k12.ny.us/BoardofEd/LibVote6TroySm.pdf

[2] http://votetrustusa.org/index.php?option=com_content&task=view&id=1850&Itemid=51

[3] http://www.nyvv.org/newdoc/tcsd/Liberty%20diagram.pdf

Unsupported Claims That LibertyVote DREs Are Rigorously Tested

The LibertyVote/Nedap brochure further unsupportable claims:

"The LibertyVote™ software and firmware has gone through extensive quality and security checks before it leaves the manufacturer's premises. The machine then goes through rigorous testing by federally accredited independent test labs. After these steps occur, state and local election officials conduct their own tests to ensure the accuracy of the systems."

Each of these three sentences contains inaccuracies and misstatements:

- *"The LibertyVote™ software and firmware has gone through extensive quality and security checks before it leaves the manufacturer's premises."*

The Dutch Company Nedap[4], which developed, manufactures, and supports the LibertyVote/Nedap DRE, has not made its quality and security testing procedures public and available for review by independent experts. Independent review is the only way that the public can determine whether the Dutch company's procedures are comprehensive and effective. Without independent review, we are being asked by a foreign company overseeing American voting machines to "just trust us".

- *"The machine then goes through rigorous testing by federally accredited independent test labs."*

The New York State certification process has demonstrated[5] that the testing done by federally accredited labs is far from rigorous. Indeed, the New York State Board of Elections halted certification testing in January 2007 when the New York Times revealed that Ciber, the agency conducting New York's tests, had lost federal accreditation six months earlier and not informed the State. A report issued by the EAC [6] revealed in damning detail the poor quality of testing and close, secretive relationships between voting machine vendors and testing labs.

- *"After these steps occur, state and local election officials conduct their own tests to ensure the accuracy of the systems."*

New York State has not yet defined legal procedures for acceptance and accuracy testing by local officials. Local officials are not able to perform any testing independent of Nedap technical staff, and certainly have no way to determine the security and accuracy of the LibertyVote/Nedap DRE.

The only testing which will be performed is by LibertyVote/Nedap technicians who will oversee technical operation of the DREs during the School Board election.

In other words, private companies will test their own machines with n*o independent oversight* prior to their use in a public election.

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[4] http://www.nedap.com/en/index.php
[5] http://nyvv.org/blog/2007/01/secrets-of-voting-machine-testing.html
[6] http://www.eac.gov/docs/Ciber%20&%20Wyle%20Assessment%20%28July%202006%29.pdf