

An Open Letter Regarding Candidate Deb Markowitz

As the Primary race for Governor is nearing its conclusion, we, the Co-Directors of Vermonters for Voting Integrity (VVI) we feel it is our civic duty to share some information about one candidate – Deb Markowitz. While VVI is non-partisan, normally focusing exclusively on election security without regard to any particular candidate, we know we speak for our organization's members in making these statements.

As Secretary of State, it has been Ms. Markowitz's responsibility to oversee elections in Vermont. She has chosen the hardware, software, and procedures to conduct elections and to help ensure that each Vermonter's vote is cast and counted properly. If a problem is found, it is her job to fix it. Time after time, Ms. Markowitz has failed on this account.

Going back nearly a decade, our organization led the effort to ban electronic voting. We thought Ms. Markowitz would be on our side, helping us write and pass the law because it protected voters in our state. From the very beginning however, we were disappointed when Ms. Markowitz opposed our efforts to include a ban on the use of optical scanners, which is a form of electronic voting. The final law which we wrote banned the touchscreen machines, but allowed optical scanners, which are now used to count the vast majority of votes in our state.

Following the 2004 election, there was much scrutiny of these optical scanners, as questionable election results in Florida were noticed where the optical scanners were used. Prominent national organizations such as Verified Voting and Black Box Voting scrutinized the scanners and their systems. The results raised eyebrows everywhere. Illegal software code was found on the machines, making it easy to hack and change election results. Multiple independent studies were conducted and every time they looked at the scanners, more concerns were raised. It was noted not only that an outsider could hack election results fairly easily, but also that insiders at Diebold (the manufacturer of our scanners) had the ability to pre-program the election results and there was almost no way to detect a problem from the outside.

When these studies were released, Secretaries of State around the country took notice. California sued Diebold for having the illegal code and banned the scanners. So did other states including Pennsylvania. Movies such as "Stealing America, Vote by Vote," "Invisible Ballots," and "Hacking Democracy" helped expose the problems to the public. Ms. Markowitz did nothing.

It was around this time that the William Brennan Center for Justice at the NYU School of Law, one of the most prominent independent legal research organizations in the country, took notice of the problem. They recognized that the integrity of our election system is essential to our Democracy, and if it is compromised, actions should be taken. The Brennan Center conducted the most thorough study of the voting machines ever, and it was overseen by the best computer security experts in the world, including the head of

security for Microsoft and Lawrence Livermore Labs. Their study was released in 2006 and confirmed the worst, stating that Vermont's optical scanners *"have significant security and reliability vulnerabilities, which pose a real danger to the integrity of national, state, and local elections."* The study concluded with a list of simple recommendations to remedy the problems, first and foremost being to *conduct random manual audits* on the scanners, to ensure they are counting votes properly.

With such a prominent organization and such a thorough study, we felt sure that Ms. Markowitz would immediately take action and implement these recommendations, as several other states did. However, we found that she continued her pattern of making excuses for Diebold, and she took no action whatsoever. In fact, one of her staff went on the record in complete contradiction to the studies, stating that *"we don't need audits."* She even sent a representative to a public debate, *arguing against the need for audits.*

So we stepped up our efforts. In an open letter and front-page article in Seven Days newspaper, we asked Ms. Markowitz to institute the simple and logical recommendations, clearly outlined in the Brennan report. We had a letter writing campaign and a petition, which prompted Ms. Markowitz to respond publicly. Her extremely disappointing response was to go on the radio and make several misleading statements about our election system. In a sad display of twisting and bending the facts, she stated that the Brennan Report actually confirms we're doing the right thing in Vermont because we are already following its recommendations. We were flabbergasted when we heard her make this incorrect and misleading statement to the public, so much that we felt compelled to put the recording and transcript up on our website, and outline the list of false remarks.

Over the last decade Ms. Markowitz has shown a strong pattern in these regards. At nearly every opportunity, she has chosen to protect Diebold's unchecked mastery over our election system, willingly handing them the key to all our election results. Misleading statements from her office have become commonplace. For example, they often say that because the machines' memory cards are kept locked up and since some rudimentary testing is done on these cards before each election, there is no way the election results could be corrupted. But studies such as the Brennan Report directly refute this, and have found multiple "backdoor" vulnerabilities, rendering the tests we conduct ineffective. Ms. Markowitz and election staff know this is true. But when people ask about it, they just change the subject, or state that we have no reason not to trust Diebold. We take issue with this, noting that Diebold has several convicted felons on their staff who have served time for hacking computers before. They have been sued multiple times for fraud, and as many know, the president of the company once promised to help George W. Bush get elected. This is the company Ms. Markowitz wants us to blindly trust to count our election results? Since their software code is proprietary, it is literally as if we are handing our ballots to them, allowing them to count the ballots behind closed doors, and trusting the results they come up with to be accurate. We don't think that is right.

Ms. Markowitz's stand for Diebold and against what we see as basic election rights has been so strong over the years that some have referred to her as "Diebold Deb."

To be fair, Ms. Markowitz has taken some small steps in the right direction. She has made it easier for people to register and vote in Vermont. But she has done little to protect the votes once they are cast. Due to our pressure, she has agreed to conduct limited audits on some of our election results. However, even these audits do not comply with the recommendations of the Brennan Report and leave our elections open to both fraud and software bugs, both of which could affect the results without being detected.

We recently contacted Ms. Markowitz's office to ask if she plans any audits on the coming Primary election - the one her office will administering, and in which she herself is a candidate. We were told there will be no audits of this election, leaving us only to wonder if the results will be accurate. We have no reason to believe there will be any fraud, but even a random software bug could alter the results, and go undetected without an audit. We believe there is a conflict of interest when of the candidates is making decisions about the security of their own election. Especially when they are choosing to minimize this security.

The question many people asks us is, "why is Ms. Markowitz doing this?" Why is she dragging her feet in regards to election security when other Secretaries of State are taking preemptive action? Why does she make excuses for Diebold and defend their right to count our election results in secret? Why does she make misleading statements to the public in regards to our election system? Why doesn't she just do the right and logical thing and implement the recommendations of the Brennan Report?" When people ask us these questions, we have no answers. But we do know that this shows a lack of regard for her responsibilities as overseer of Vermont's elections, and we take this very seriously. Her willingness to make misleading and inaccurate statements over the public airwaves is also disturbing; not something we would like to see in our next Governor.

We are a non-partisan organization with members from all political parties. As advocates for open, fair, and secure elections, we cannot recommend voting for Deb Markowitz. Obviously this is only one issue, but we think it indicates a crucial character flaw and should be considered seriously. We want a Governor who will speak the truth to us, and do what they can to protect our rights. Clearly, Ms. Markowitz is not that person.

Regards,
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Vermonters for Voting Integrity is a non-partisan organization focusing on election security and electronic voting machines. For more information visit their website vtvoters.org.