



STATE BOARD OF ELECTIONS
6400 Mail Service Center • Raleigh, North Carolina 27699-6400

GARY O. BARTLETT
Executive Director

MAILING ADDRESS:
P.O. BOX 27255
RALEIGH, NC 27611-7255

October 28, 2010

Mr. John E. Branch III, Legal Counsel
North Carolina Republican State Executive Committee
P.O. Box 12905
Raleigh, NC 27605

VIA Email: jbranch@shanahanlawgroup.com

Dear Mr. Branch:

Your letter emailed to this office this afternoon is apparently intended to elevate isolated occurrences with touch screen voting equipment into a crisis of confidence in the integrity of the election. Please let me assure you, the members of your party and all voters in North Carolina that election officials, as always, are doing everything we can to give every voter in this State the opportunity to cast a ballot with confidence that it will be properly counted. The concerns you have expressed are no different than ones that must be addressed in every election.

Thirty-five counties in North Carolina use iVotronic voting machines for one-stop voting. (Ex. A) Twenty-three counties use iVotronic voting machines on Election Day. Counties have used direct record equipment since the 1980s and the iVotronic machines since 2006. You notified me last Friday night of concerns that had arisen in Craven and New Hanover Counties and you and I communicated over the weekend about those concerns. We determined that the voters who voiced those concerns were alerted by the voting equipment, as it was programmed to do, which gave the voters an opportunity to review their ballots to make sure their votes had been properly recorded before their ballots were actually cast. As you know, we have since sent an email to all counties asking that they inform us of any similar concerns. We have already sent you the responses we have received and will supplement the responses as necessary.

Your letter has the facts wrong in several critical respects. Improperly calibrated machines do not default in a manner that causes Republican votes to be recorded as votes for other candidates, Democratic or Libertarian. The software will highlight only those candidates' names the voter touched. If a machine has lost its calibration or if a voter inadvertently touches the wrong part of the screen, then the ballot may not reflect the voter's intent. As a safeguard, EVERY iVotronic VOTER IS PROMPTED ON THE SCREEN BEFORE CASTING HIS OR HER BALLOT TO REVIEW EVERY VOTE ON THE BALLOT AND TO CORRECT OR CHANGE IT IF NECESSARY. Precinct officials are routinely trained to offer to assist voters in

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understanding the machines, including the function that allows them to review and correct their ballots as necessary. In addition, stickers were placed on every iVotronic machine in 2007 that remind voters to confirm their choices on the ballot and not only on the paper ballot record, i.e., the Real Time Audit Log (RTAL). (Ex. B)

It is also incorrect that PrintElect programs all the iVotronic machines in all counties. Some of our largest counties have done their own ballot coding for this election, including counties that use iVotronic machines. Brunswick, Forsyth, Guilford, Mecklenburg, Pender and Surry Counties have done their own ballot coding, or programming, for this election. (Chatham and Wake have done their own coding for optical scan ES&S equipment.)

The elections process is a collaborative one. The State Board of Elections, the counties, precinct officials, political parties, and voters all have roles in assuring the process works correctly. This is what the State Board and the counties have been doing for years:

1. Since at least 1996, encourage counties to require precinct officials to complete incident reports of any voting incidents so they can be addressed as soon as possible. (Ex. C)
2. Program machines so that they require voter confirmation that the ballot reflect the voter's intent before it is cast. We have routinely reminded counties to direct poll workers to remind voters to follow instructions on the ballots and to inform precinct officials if they encounter any concerns.
3. Train precinct officials to assist any voters if they do not understand how the voting machine works.
4. Work with observers of the political parties at the polling places who identify any concerns to make sure they are appropriately addressed.

Before specifically responding to your demands, it must be noted that the current iVotronic equipment about which you profess deep concern has been nationally certified and is used in voting jurisdictions throughout the United States. It has been used in North Carolina since 2006. Each county board of elections, in consultation with its board of commissioners, determined whether the iVotronic equipment or the optical scan equipment was best for their county. More than half the counties in North Carolina had used some form of electronic voting equipment since the 1980s and many counties determined that form of equipment best met the needs of the voters of their counties.

To the extent the above does not address your demands, please consider the following:

- 1) Precinct officials are already trained to offer assistance to any voter who needs it with respect to voting equipment. The software prompts each voter to review the ballot to make sure it properly reflects the voter's intent before casting it. Thus, voters are already being notified of the need to review their ballots for accuracy at the end of the voting process before casting the ballot.
- 2) All Personal Electronic Ballots, including metadata and source codes, are currently being preserved. In addition, the paper record, or RTAL, generated for each vote cast on an iVotronic machine shows each vote entered, changed and cast by every voter. Pursuant to State and

federal law, these paper records are maintained for 22 months following a federal election. In addition, the machines themselves record all instances of calibrations in their internal database and a paper record of calibrations is generated on each machine.

- 3) Precinct officials are already directed to keep incident reports and specifically asked to note equipment or hardware failure or malfunction.

Your letter implies that you have accumulated a list of equipment performance problems you have not chosen to share with elections officials. Unless you identify concerns with specificity there is no way that they can be properly addressed. We have already addressed every concern you have brought to our attention.

Sincerely,



Gary O. Bartlett
Executive Director

A

County	Election Day	Election Day ADA	One-Stop	One-Stop ADA
ALAMANCE	iVo	iVo	iVo	iVo
ALEXANDER	M100	AutoMARK	M100	AutoMARK
ALLEGHANY	iVo	iVo	iVo	iVo
ANSON	M100	AutoMARK	M100	AutoMARK
ASHE	M100	AutoMARK	M100	AutoMARK
AVERY	M100	AutoMARK	M100	AutoMARK
BEAUFORT	M100	AutoMARK	M100	AutoMARK
BERTIE	M100	AutoMARK	M100	AutoMARK
BLADEN	M100	iVo	M100	iVo
BRUNSWICK	iVo	iVo	iVo	iVo
BUNCOMBE	M100	AutoMARK	M100	AutoMARK
BURKE	iVo	iVo	iVo	iVo
CABARRUS	M100	AutoMARK	M100	AutoMARK
CALDWELL	M100	AutoMARK	M100	AutoMARK
CAMDEN	M100	AutoMARK	M100	AutoMARK
CARTERET	M100	AutoMARK	M100	AutoMARK
CASWELL	iVo	iVo	iVo	iVo
CATAWBA	M100	AutoMARK	iVo	iVo
CHATHAM	M100	AutoMARK	M100	AutoMARK
CHEROKEE	iVo	iVo	iVo	iVo
CHOWAN	M100	AutoMARK	M100	AutoMARK
CLAY	M100	AutoMARK	M100	AutoMARK
CLEVELAND	M100	AutoMARK	M100	AutoMARK
COLUMBUS	M100	AutoMARK	M100	AutoMARK
CRAVEN	M100	iVo	iVo	iVo
CUMBERLAND	M100	iVo	iVo	iVo
CURRITUCK	M100	AutoMARK	M100	AutoMARK
DARE	M100	iVo	iVo	iVo
DAVIDSON	iVo	iVo	iVo	iVo
DAVIE	iVo	iVo	iVo	iVo
DUPLIN	M100	AutoMARK	M100	AutoMARK
DURHAM	M100	AutoMARK	M100	AutoMARK
EDGEcombe	M100	AutoMARK	M100	AutoMARK
FORSYTH	M100	iVo	iVo	iVo
FRANKLIN	M100	AutoMARK	M100	AutoMARK
GASTON	M100	AutoMARK	M100	AutoMARK
GATES	M100	AutoMARK	M100	AutoMARK
GRAHAM	M100	AutoMARK	M100	AutoMARK
GRANVILLE	M100	AutoMARK	M100	AutoMARK
GREENE	M100	AutoMARK	M100	AutoMARK
GUILFORD	iVo	iVo	iVo	iVo
HALIFAX	M100	AutoMARK	M100	AutoMARK
HARNETT	M100	AutoMARK	M100	AutoMARK
HAYWOOD	iVo	iVo	iVo	iVo
HENDERSON	iVo	iVo	iVo	iVo
HERTFORD	M100	AutoMARK	M100	AutoMARK
HOKE	M100	AutoMARK	M100	AutoMARK
HYDE	M100	AutoMARK	M100	AutoMARK
IREDELL	M100	AutoMARK	M100	AutoMARK
JACKSON	iVo	iVo	iVo	iVo

JOHNSTON	M100	AutoMARK	M100	AutoMARK
JONES	M100	AutoMARK	M100	AutoMARK
LEE	M100	iVo	M100	iVo
LENOIR	iVo	iVo	iVo	iVo
LINCOLN	M100	AutoMARK	M100	AutoMARK
MACON	M100	AutoMARK	M100	AutoMARK
MADISON	iVo	iVo	iVo	iVo
MARTIN	M100	AutoMARK	M100	AutoMARK
MCDOWELL	M100	AutoMARK	M100	AutoMARK
MECKLENBURG	iVo	iVo	iVo	iVo
MITCHELL	M100	AutoMARK	M100	AutoMARK
MONTGOMERY	M100	AutoMARK	M100	AutoMARK
MOORE	M100	iVo	iVo	iVo
NASH	M100	AutoMARK	M100	AutoMARK
NEW HANOVER	M100	iVo	M100	iVo
NORTHAMPTON	M100	AutoMARK	M100	AutoMARK
ONslow	M100	AutoMARK	M100	AutoMARK
ORANGE	M100	AutoMARK	M100	AutoMARK
PAMLICO	iVo	iVo	iVo	iVo
PASQUOTANK	M100	AutoMARK	M100	AutoMARK
PENDER	iVo	iVo	iVo	iVo
PERQUIMANS	iVo	iVo	iVo	iVo
PERSON	M100	AutoMARK	M100	AutoMARK
PITT	M100	AutoMARK	M100	AutoMARK
POLK	iVo	iVo	iVo	iVo
RANDOLPH	M100	AutoMARK	M100	AutoMARK
RICHMOND	M100	iVo	M100	iVo
ROBESON	M100	AutoMARK	M100	AutoMARK
ROCKINGHAM	M100	AutoMARK	M100	AutoMARK
ROWAN	M100	AutoMARK	M100	AutoMARK
RUTHERFORD	iVo	iVo	iVo	iVo
SAMPSON	M100	AutoMARK	M100	AutoMARK
SCOTLAND	M100	AutoMARK	M100	AutoMARK
STANLY	M100	AutoMARK	M100	AutoMARK
STOKES	M100	AutoMARK	M100	AutoMARK
SURRY	iVo	iVo	iVo	iVo
SWAIN	M100	AutoMARK	M100	AutoMARK
TRANSYLVANIA	iVo	iVo	iVo	iVo
TYRRELL	M100	AutoMARK	M100	AutoMARK
UNION	M100	AutoMARK	iVo	iVo
VANCE	M100	AutoMARK	M100	AutoMARK
WAKE	M100	AutoMARK	M100	AutoMARK
WARREN	iVo	iVo	iVo	iVo
WASHINGTON	M100	AutoMARK	M100	AutoMARK
WATAUGA	M100	AutoMARK	M100	AutoMARK
WAYNE	M100	AutoMARK	M100	AutoMARK
WILKES	M100	AutoMARK	M100	AutoMARK
WILSON	iVo	iVo	iVo	iVo
YADKIN	M100	AutoMARK	M100	AutoMARK
YANCEY	M100	AutoMARK	M100	AutoMARK



IMPORTANT NOTICE

This voting equipment
produces a confidential
paper ballot record.

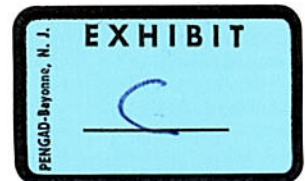
This is not a receipt!

CONFIRM YOUR
CHOICES BELOW



SENT to ALL 140 COUNTIES to INSTALL on
EACH MACHINE.

SUMMER OF 2007



County Board of Elections	Office:	County Board of Elections
	Title:	Election Systems Security Incident Report
	Incident Number:	Date incident occurred/opened (MM/DD/YYYY): ____/____/____
	(Assigned by CBE)	Date incident resolved/closed (MM/DD/YYYY): ____/____/____
		Signature of person reporting the incident: _____
		Person preparing the report (if different from the person making the report): _____

FILLED IN BY THE COUNTY BOARD OF ELECTIONS

	Check the one item that best describes the general nature of the incident
Incident Location	<input type="checkbox"/> General Security policy violation
Person #1 responding	<input type="checkbox"/> Equipment or hardware failure or malfunction <input type="checkbox"/> M-100 Optical Scanner <input type="checkbox"/> AutoMARK Vote Assist Terminal <input type="checkbox"/> iVotronic Terminal
Person #2 responding	<input type="checkbox"/> Software malfunction, failure, or error
	<input type="checkbox"/> Unauthorized use of password
	<input type="checkbox"/> Suspected computer virus, worm, Trojan Horse
	<input type="checkbox"/> Tampering with voter registration system or voting equipment
	<input type="checkbox"/> Unauthorized access to voter registration system room, voting system facility or voting system equipment storage area.
	<input type="checkbox"/> Other: _____

Full description of incident: (Filled in by the person reporting the incident)

Response to the incident: (Filled in by the CBE)

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Recommendations to prevent future such incidents: (Filled in by the CBE)

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Name/Signature of person “clearing” and closing the incident:

(Must be either the CBE Director or Authorized Election Custodian.)