



King County
Metropolitan King County Council
Committee of the Whole

STAFF REPORT

Agenda Item No.: 5	Date: 23 April 2007
Motion No.: 2007-0240	Prepared by: Nick Wagner

SUBJECT

“A MOTION approving the Information Technology Business Case and Recommended Solutions for the purchase of upgraded ballot tabulation equipment and software.”

INTRODUCTION

In King County elections, paper ballots are counted using ballot tabulation equipment and software. In anticipation that a substantially larger number of paper ballots will be cast when elections are conducted entirely by mail, the Executive on 31 March 2006 submitted a grant application to the Washington Secretary of State for funding under the Help America Vote Act of 2002 (“HAVA”) for upgraded ballot tabulation equipment and software (along with other new equipment and software for ballot tracking and signature verification, among other things).

In August of 2006 the Washington Secretary of State awarded HAVA grants to King County in the amount of \$4,771,500, including \$1.5 million for high-speed ballot tabulation equipment and software (including funds for initial maintenance, project management, training, accounting, administration, and staffing). That same month, the Executive transmitted to the Council Proposed Ordinance 2006-0365, which would have authorized a supplemental appropriation of \$4,771,500 to the Office of Information Resource Management (“OIRM”) capital projects fund to enable procurement of new elections equipment and tools, including high-speed ballot tabulation equipment and software.

The Executive informed the Council’s Capital Budget Committee at that time that it would be difficult for the County to purchase high-speed ballot tabulation equipment from any vendor except Diebold (pronounced DEE-bold). The reason for this is that the county’s existing, slower tabulation equipment is one part of a larger, existing system that already consists in large part of Diebold equipment and software. For the County to switch to a vendor other than Diebold would introduce problems in getting the equipment of different vendors to work together. The Executive considered such problems to be substantial. The alternative of replacing not only the ballot tabulation equipment, but also the associated, existing system of Diebold touch-screen voting machines, with products of a non-Diebold vendor, would entail discarding the county’s substantial investment in Diebold equipment and software, according to King County Elections.

This early commitment to purchasing high-speed tabulation equipment from Diebold, even before a complete business case had been prepared, seemed somewhat at odds with the former

REALS director's statement, in his January 2006 report on the transition to all-mail voting, that allowing the transition to extend to the 2007 primary election would enable King County Elections "to design, specify and implement the optimum mix of vendors, technologies and processes with new, efficient, and tested methods in 2007" and avoid being bound to "existing vendors, technology and processes."

In addition, some experts had questioned the quality and security of Diebold's software—for example, Aviel D. Rubin, who is Professor of Computer Science at Johns Hopkins University, Technical Director of the Hopkins Information Security Institute, and Director of ACCURATE ("A Center for Correct, Usable, Reliable, Auditable and Transparent Elections"). Rubin's website is at <http://www.avirubin.com>. Although Diebold will be submitting its high-speed tabulation machine for federal certification, which means that it will be tested by an Independent Testing Authority ("ITA"), there is evidence that ITAs in recent years have approved machines that turned out to have reliability, security, and accuracy problems (for example, the machine tested by Professor Rubin).

In light of this information, the Capital Budget Committee added provisos to Proposed Ordinance 2006-0365 requiring, before expenditure or encumbrance of funds for the elections equipment and software proposed to be purchased, council review and approval by motion of an information technology business case for the expenditure. Ordinance 2006-0365, as amended, was approved by the Council on 16 October 2006.

The business case requested by the Council was transmitted on 30 March 2007. A copy is Attachment 2 to this staff report. Proposed Motion 2007-0240 would approve that business case.

Currently, the business case is the subject of expert, peer, and citizen review pursuant to Motion 2007-0198. Today's hearing in the Committee of the Whole is an opportunity for the Executive to present the business case to councilmembers and answer any questions they might have. At a subsequent hearing, there will be reports on the results of the expert, peer, and citizen review of the business case.

INVITED

1. Sherril Huff, Acting Director, REALS, DES
2. Bill Huennekens, Vote-by-Mail Transition Manager, REALS, DES

ATTACHMENTS

1. Proposed Motion 2007-0240
2. Project Review Board Approval
3. Tabulation Equipment Business Case
4. Transmittal Letter