



COMMONWEALTH OF KENTUCKY
OFFICE OF THE ATTORNEY GENERAL

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August 7, 2007

Via hand-delivery

Secretary Trey Grayson
Chairman
State Board of Elections
700 Capitol Avenue, Suite 152
The Capitol Building
Frankfort, KY 40601

RE: Request for Reexamination of Electronic Voting Systems

Dear Secretary Grayson:

Pursuant to my authority under KRS 15.243 to enforce the state's election laws, I am requesting that the State Board of Elections reexamine the Hart InterCivic Direct Record Electronic ("DRE") Precinct Voting Systems and the Diebold Accuvote-TSX DRE and Optical Scan ("OS") Voting Systems. On August 3, 2007, pursuant to Executive Order, the California Secretary of State, Debra Bowen, legally decertified these systems finding them "to be defective or unacceptable." See enclosed, *Withdrawal of Approval of Hart InterCivic System 6.2.1 DRE* (August 3, 2007) and *Withdrawal of Approval of Diebold Election Systems, Inc.* (August 3, 2007). The Hart InterCivic DRE Voting System 6.2.1 or previous versions of this system are employed in 96 of 120 counties in Kentucky. The Diebold Accuvote-TSX DRE and OS Voting Systems are used in Jefferson County, the most populous county in Kentucky.

Beginning in May, 2007, Secretary Bowen ordered an independent top-to-bottom review of all electronic voting systems employed in California. As Secretary Bowen stated, "the Help America Vote Act [HAVA] ... pushed many counties into buying electronic voting systems that...were not properly reviewed or tested to ensure that they protected the integrity of the vote."

Secretary Bowen ordered this review based on public concern over electronic voting systems, even though the electronic voting systems in California were already required to provide verified voting paper audit trails ("VVPAT"), which Kentucky currently lacks. Experts with the University of California at Berkeley and Davis issued reports identifying serious security vulnerabilities in all the voting systems they tested,



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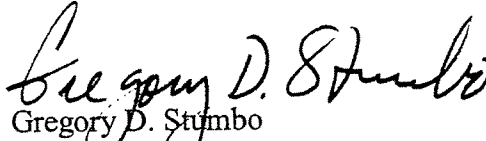
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including the Hart and Diebold DRE systems. The researchers determined that these vulnerabilities could affect the accuracy of voting and compromise ballot secrecy. Access to the specific reports with detailed analysis of the vulnerabilities identified is available online at: http://www.sos.ca.gov/elections/elections_vsr.htm.

At a minimum, the California study and the decertification of these electronic voting systems jeopardize public confidence in the systems used to conduct elections in Kentucky. Therefore, I request that the State Board of Elections immediately order a reexamination of these voting systems pursuant to KRS 117.379 to ensure that they comply with the statutory requirements for electronic voting systems, including ensuring a secret ballot, and with the Kentucky Constitution's guarantee of free and fair elections.

Sincerely,


Gregory D. Stumbo
Attorney General

Enclosures

Cc: J. Allen Eskridge, III
Sarah Ball Johnson