

September 15, 2020

The Honorable Alex Padilla  
Secretary of State  
1500 11th Street  
Sacramento, CA 95814

From:  
Lulu Friesdat, Executive Director; [SMART Elections](#)

Cc: Los Angeles County Registrar Dean Logan and Los Angeles County Supervisors

Dear Secretary Padilla,

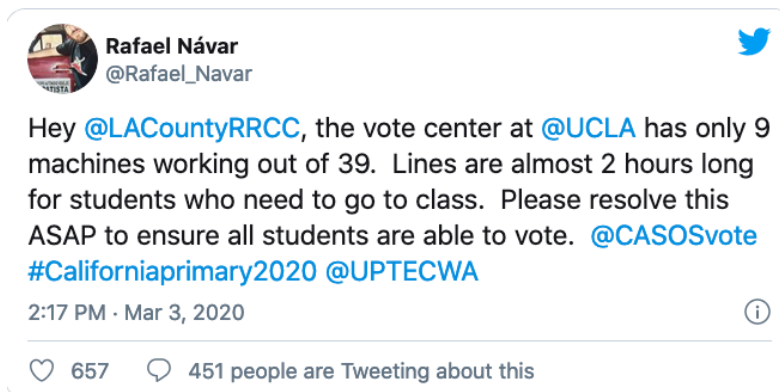
I'm an election security journalist who has covered election issues for over 10 years. And I know that what happens in California has profound consequences for the rest of the country.

For example Proposition 65, the law that mandates that California residents be informed about chemicals known to cause cancer and birth defects, protects me and my family in Brooklyn – because once it was passed many national companies complied with the labeling.

Unfortunately, in regard to the Los Angeles voting system, instead of being a leader, California has made a series of unfortunate and risky decisions

Los Angeles is one of the first major metropolitan area to design its own voting system from scratch. But instead of designing a system that is accessible, accurate, reliable, secure, and transparent – LA has built a boondoggle. A kind of "Big Dig" of voting machines spending more than 300 million dollars to design a system that caused hours-long lines and has multiple security defects.

They have made elections in Los Angeles costly, insecure, created long lines and made the results impossible to audit with confidence.



This is not just my opinion. The Los Angeles County Board of Supervisors was [dissatisfied with the system](#). Supervisor Janice Hahn said publicly, "We made it less accessible for people on election day. We made it less convenient. We made it less desirable to vote."

I understand that voters with disabilities need systems that are accessible and allow them to vote privately and independently, but voters with disabilities deserve to have their votes counted securely and accurately just like all voters. SMART Elections works with many disability advocates. They face a lot of challenges to vote and I assure you many of them feel passionately that they deserve to have their votes counted and not be subject to potential manipulation.

### **What to do now?**

First: Don't export this system. The rest of the state and the rest of the country does not want or need these problems.

Second: Do everything in your power to transform this system into a system that security experts and voters can support and have confidence in.

Please especially implement the recommendations that were brought up in the California Clean Money Campaign letter that SMART Elections signed:

- Eliminate QR codes. They are an attack vector. There are many other ways to tabulate votes, and even to designate ballot design.
- Offer hand-marked paper ballots to all voters. Make sure that poll workers identify this option for voters and encourage them to use it if they feel comfortable doing so. Security experts say that hand-marked paper ballots offer the best, most reliable record of voter intent.

Verified Voting, a leading organization in election security has stated, "...well-designed hand-marked paper ballots combined with a risk-limiting post-election tabulation audit provide the gold standard for ensuring that reported election results accurately reflect the will of the people."

California needs to follow the best practices recommended by security and auditing experts and not fall behind in efforts to guard the sacred instruments of our democracy.

- Redirect the ballot marking device paper path so that no ballot ever passes under the printhead after being reviewed by the voter, including as a result of unauthorized, malicious, and/or faulty software and/or firmware. Until this can be accomplished, ordinary ballot boxes that do not tabulate, must be used for the collection of all in-person ballots.
- Require disclosure of the election system source code. That promise needs to be fulfilled, for security reasons, and to maintain public trust.

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## **The Inability to conduct recounts and audits**

*Additionally, you must address the massive failure represented by the system's current inability to be easily and affordably audited.* All elections, especially those conducted on computers can be subject to errors and manipulation. In order to have confidence that the correct winners are being selected, we must be able to conduct recounts and audits. The VSAP system has failed miserably in this area.

The Long Beach Reform Coalition has [filed a lawsuit](#) against Los Angeles County Clerk/Recorder Dean Logan over the county's new voting system and an aborted recount of the city's Measure A ballot initiative.

The initiative passed by 16 votes, with nearly 100,000 votes cast.

But Logan's office estimated the cost would be \$11,000 a day for 16 to 20 days, largely because of the complexity of retrieving Long Beach ballots under a new voting system the county implemented during the March 3 election.

That's \$176,000 - \$220,000 for a recount that the state should be doing automatically and paying for itself. The group is suing.

## **Additional Issues**

There were many other problems with the system beyond what is listed in the California Clean Money Campaign letter. The electronic poll books did not function well and were the cause of much of the delays; and there were [dozens of security issues](#) delineated by the state's own report. SMART Elections has [illustrated many of them on our website](#).

It is incumbent on the Secretary of State to conduct a *comprehensive new security review* and make sure that all security issues have been addressed. Voters from a variety of communities including both the disability community and the security communities must have the chance to review the work, and sign off that it has been accomplished to their satisfaction prior to final certification. Please do not use the testing lab SLI, which has a reputation of being biased toward vendor certification.

## **Troubling information about the vendors**

Beyond the security and design problems with the system, the vendor who was contracted to build it, Smartmatic, has a troubling past. An [article in Politico](#) states, "The company was founded by three engineers from Venezuela and was at one time the subject of a Treasury Department inquiry into its potential ties to the Venezuelan government." The article outlines how Smartmatic was involved in elections in Venezuela and the Philippines that had questionable integrity, and goes on to say, "security experts are still concerned about the company's foreign involvement in light of the security issues uncovered by the state's testers and the county's failure to disclose the source code for public scrutiny." It would be best if Smartmatic was removed from the project, and all further work was done by a company with a better security track record like [Galois](#).

In its current iteration we do not believe the system deserves certification. We agree with Susan Greenhalgh, Senior Advisor on Election Security to Free Speech For People, "Some of the security flaws found in VSAP are staggering and should be disqualifying."

## **Los Angeles Unique Challenges**

We understand that Los Angeles has unique challenges due to its size and the variety of communities it serves. However New York City has similar size and demographic issues and is still voting primarily on hand-marked paper ballots that are then subject to hand-count audits. With so many votes at stake, it is even more urgent that we find a way to count their votes accurately and transparently, so that public confidence is maintained and increased.

Election security experts are in agreement that hand-marked paper ballots are currently the best way to ensure a secure, accurate and transparent election and have confidence that every vote is counted as cast. For voters who cannot mark a ballot by hand, experts recommend non-tabulating ballot-marking devices that do not allow the ballot to go under the printhead after it is cast. It's best if machines that print are completely separate from machines that scan and tabulate. All elections must be subject to robust, public, random audits in order to provide evidence that the results are correct.

These protocols are the hallmark of true democracy. We hope you can see your way to implementing them.

Sincerely,

Lulu Friesdat

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