



**RUTH JOHNSON**  
OAKLAND COUNTY CLERK/REGISTER OF DEEDS  
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October 24, 2008

Rosemary Rodriguez  
Chairperson  
Election Assistance Commission  
1225 New York Avenue  
Suite #1100  
Washington, DC 20005

Dear Ms. Rodriguez,

An issue has been brought to my attention that involves the Election Systems & Software (ES&S) M-100 voting machine tabulators, which I understand are used in many of the polling places in the United States, per the Federal HAVA Act of 2002. As the Oakland County Clerk/Register of Deeds, I feel compelled to share this information with you.

While problems with performance and design with the M-100s have been documented, this is the first time I have ever questioned the integrity of these machines. The issue is this – four of our communities or eight percent – reported inconsistent vote totals during their logic and accuracy testing with the ES&S machines. The same ballots, run through the same machines, yielded different results each time.

When the issue was brought to our attention, my Director of Elections, Joe Rozell, the vendor used to print our ballots, Wil Wesley of ES&S and the local clerks involved met to determine the cause of the problem. ES&S determined that the primary issue was dust and debris build-up on the sensors inside the M-100. This has impacted the Digital to Analog Converter (DAC) settings for the two Contact Image Sensors (CIS).

Conflicting vote totals have reportedly surfaced in other areas of Michigan. This begs the question – on Election Day, will the record number of ballots going through the remaining tabulators leave even more build-up on the sensors, affecting machines that tested just fine initially? Could this additional build-up on voting tabulators that have not had any preventative maintenance skew vote totals?

My understanding is that the problem could occur and election workers would have no inkling that ballots are being misread.

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Here in Michigan, in our county, our local clerks have been very diligent in carefully storing their voting machines. Unfortunately, they are prohibited from performing any maintenance/cleaning on the machines as it voids the warranties. ES&S has not performed any preventative maintenance under the state contract, since the machines were delivered three years ago.

As we are looking at what could be an historic election in terms of voter turnout, I would urge you to investigate whether vote totals could be affected by the failure to provide regular cleaning and preventative maintenance with the ES&S M-100 tabulators.

To ensure accuracy I am requesting a federal directive or law that would allow county clerks, under the supervision of their bi-partisan canvass board, to conduct random audits to test machine accuracy using voting tabulators that have had preventative maintenance within the last year.

If federal officials determine there is a potential problem, a concrete, workable plan must be in place for accurately canvassing election results. There is nothing within the existing election law or guidelines that would allow for the type of canvassing that could be required under these circumstances. In addition, an extension of canvassing time could be critical.

I believe this matter, which is not a partisan issue, but an issue of integrity, needs your immediate attention and I would urge you to investigate as so much is at stake.

Sincerely,



Ruth Johnson

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RJ/mh