



DEBRA BOWEN

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Secretary of State Debra Bowen Withdraws State Approval of Premier Voting System; Legislation to Require Disclosure of Product Flaws Clears First Hurdle

SACRAMENTO – Secretary of State Debra Bowen today announced she has withdrawn state approval of Premier Election Solutions’ Global Election Management System (GEMS) version 1.18.19, which contains serious software flaws.

Premier GEMS 1.18.19 contains the “Deck Zero” anomaly, a software error that can delete the first batch of optically scanned ballots under certain circumstances without alerting elections officials to the deletion. In addition, the system’s audit logs fail to record important events and “clear” buttons permit deletion of key records, both of which violate federal standards.

The Secretary of State’s office conducted an independent investigation into the GEMS 1.18.19 system and held a public hearing on the matter March 17, at which a Premier representative said the company had no objection to discontinuing the system’s use in California. Secretary Bowen reached her decision after analyzing the investigation findings and evaluating the written and oral public testimony on the system.

“Clearly, a voting system that can delete ballots without warning and doesn’t leave an accurate audit trail should not be used in California or anywhere,” said Secretary Bowen, California’s chief elections officer. “I am putting together a comprehensive plan to examine the audit logs of other voting systems to determine if they suffer similar problems. Having a reliable audit log is critical to ensuring that every Californian’s vote is counted as it was cast.”

The “Deck Zero” flaw caused 197 ballots to be inadvertently deleted from Humboldt County’s initial results in the November 4, 2008, General Election. Humboldt County corrected its election results when it discovered the software error. Two other California counties, San Luis Obispo and Santa Barbara, used the same software for the November 4 election but encountered no similar problems in counting ballots.

Of the three counties that used Premier GEMS 1.18.19, Humboldt County has decided to switch to another vendor. San Luis Obispo and Santa Barbara counties have accepted Premier’s offer to upgrade their systems to a newer GEMS version that is approved for use in California.

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State law gives the Secretary of State the authority to periodically review voting systems to determine if they are “defective, obsolete, or otherwise unacceptable.” Once a system’s approval is withdrawn, counties have six months to remove the system from use. Therefore, no California county may use Premier GEMS 1.18.19 for any election after September 30.

While the Secretary of State has responsibility for approving or denying voting systems for use in the state, each of California’s 58 counties is responsible for purchasing a system that has received state approval.

To prevent similar problems in the future, Secretary Bowen is sponsoring SB 541 (Pavley), which requires ballot printers and voting system vendors to notify the Secretary of State when they discover previously undisclosed flaws in their products. The bill passed its first legislative hurdle today when the Senate Elections, Reapportionment and Constitutional Amendments Committee approved it on a 3-to-2 vote.

More information about the investigation into Premier GEMS 1.18.19 and the public hearing, including a copy of the withdrawal of approval document, can be found at http://www.sos.ca.gov/elections/elections_vs_premier.htm. More information about voting systems can be found at http://www.sos.ca.gov/elections/elections_vs.htm.

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