



FOR IMMEDIATE RELEASE: July 7, 2007

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Ethics Commission Asked to Investigate Montgomery County Election Director Appearance in Diebold Marketing Brochure a Possible Violation of Law

In a letter dated July 2, 2007, SAVE Our Votes, a non-partisan citizen organization working for verifiable elections in Maryland, called on the Montgomery County Ethics Commission to investigate the appearance of County Election Director, Margaret Jurgensen, in a Diebold Election Systems marketing brochure. Ms. Jurgensen's photo appears in the brochure along with comments praising the Diebold voting stations that have been used in Montgomery County since 2002. Elections officials from Georgia, Kansas and California also appear in the brochure.

(Attached are jpg files of the brochure and a copy of the letter to the Ethics Commission.)

As with the recently reported controversy over State Board of Elections Administrator Linda Lamone's appearance in a Diebold marketing brochure, the appearance of Ms. Jurgensen seems to be a clear violation of the County's Ethics law on misuse of prestige of office.

(Montgomery County Code Chapter 19A, Ethics 21, Sec. 19A-14)

"A public employee must not intentionally use the prestige of office for private gain or the gain of another."

<http://www.montgomerycountymd.gov/content/ethics/docs/19a.pdf>

"Although the brochure seems to be several years old, it is very important for the Ethics Commission to investigate and issue a ruling as to whether this type of conduct by the Election Director is permissible under County law," said Robert Ferraro, Co-Director of SAVE Our Votes. "This brochure illustrates a disturbing trend that voting rights advocates have observed nationwide of many elections officials being too cozy with voting machine vendors," he added.

"As Maryland prepares to transition from paperless electronic voting to a paper-ballot voting system, how is the public to have confidence in the impartiality of the procurement process if elections officials are helping to promote products from a particular company?" said Shelley Fudge, another Co-Director of SAVE Our Votes.

Both Ms. Jurgensen and Ms. Lamone have been staunch defenders of the Diebold paperless, touchscreen voting systems, despite repeated reports from independent computer scientists that the systems are susceptible to fraud because of severe security vulnerabilities. The lack of a paper record makes recounts or audits of election results impossible.

The Ethics Commission has put the issue on the agenda for its July 24, 2007 meeting in Rockville.