

A Brave New World of Voting, Part II

by Ilana Boivie

Since the cover story on voting machines in the January/February 2004 issue of the *Humanist*, just two months ago, more difficulties have come to light—both with the machines themselves as well as the corporations manufacturing them.

For starters, on January 10, 2004, the *Washington Post* cited a Republican committee report to the effect that, in the November 2003 elections, voting machines in Fairfax County, Virginia, were a “failure,” producing one of the slowest vote counts in history, despite manufacturer assurance that the speed of ballot tallying would be vastly accelerated. Earlier, in 2002, Montgomery County, Maryland, experienced similar problems with its new machines.

Yet the theory behind electronic voting machines is that, with effective computerization, many common voting mistakes can be avoided. As Rebecca Mercuri, assistant professor of computer science at Bryn Mawr College in Pennsylvania and president of Notable Software (a computer consulting firm), stated in the Institute of Electrical and Electronics Engineers Spectrum, “New vote-tallying systems, which count the marks made on ballots, should be faster, more accurate, and cost-effective and better able to prevent certain types of tampering (such as ballot-box stuffing) than older products. And voting online might enable citizens to vote even if they are unable to get to the polls.” *Wired* magazine lists other possible advantages to touch-screen voting systems, such as fast reprogramming to accommodate last-minute changes to the ballots and translations into other languages. Also, at the closing of the polls ballot tallying could be accomplished much more quickly—

“fast enough for TV networks to name a winner before the bars close.”

Yet *Wired* goes on to say, soberly, that “for all the ostensible advantages, digital voting’s recent history plays like a Marx Brothers movie.” And Mercuri warns, “Making these methods work right turns out to be considerably more difficult than originally thought.”

Mercuri relates the story of Palm Beach County, Florida, in its recent purchase of thirty-eight hundred touch-screen voting machines for \$14.5 million from Sequoia Voting Systems, a San Francisco-based company. If voters in Palm Beach had hoped that this investment would protect them from difficulties of the hanging-chad caliber, they were sorely mistaken. Upon tallying the results of the September 2003 primary elections, it was discovered that, somehow, a large number of undervotes had occurred. As a number of the elections were very close, two losing candidates—Albert Paglia and former Boca Raton Mayor Emil Danciu, whose results showed a 3 percent and 8 percent undervote, respectively—contested the election.

After a number of appeals the case, calling for an independent inspection of the voting machines, was brought before the Palm Beach County Fifteenth Circuit Court. There it was discovered that the contract between the county and Sequoia prohibited such an inspection, actually making such an act a third-degree felony. The court ruled that, as per the contract, all that would be allowed was an examination of the outer box of the machines. The case is still under investigation. But one assumption can easily be made: the electronic machines didn’t make voting any easier than the previous punch cards.

Wired tells an equally problematic story. In the 2000 Riverside County, California, elections, a server manufactured by Sequoia suddenly froze and began counting backward. This, to be fair, was the state's first use of electronic voting machines. But in 2002, five hours before the polls were to close in San Luis Obispo, California, the machines suddenly, unaccountably, began reporting totals. With stories such as these, it becomes more and more difficult to believe in the promised ease and efficiency of this technology.

Diebold, Inc., the software company that is the second largest voting machine manufacturer, has had similar problems. In 2003 Bev Harris, an activist currently writing a book on voting machines (now available for purchase or free downloading online at www.blackboxvoting.org), came across thousands of Diebold's internal memos. They are telling, stating such grave employee concerns as "I have been waiting for someone to give me an explanation as to why Precinct 216 gave Al Gore a minus 16022 [votes] when it was uploaded" and succinct criticisms such as "I have never been at any other company that has been so mismanaged."

Rather than responding with embarrassment and an avowal of improvement to its products, Diebold instead expressed outrage. According to the Center for American Progress, Diebold "threatened legal action against dozens of individuals who refused to remove links" to information that evidences the company's security problems. As John Schwartz of the *New York Times* puts it, Diebold was "waging legal war against grass-roots advocates, including dozens of college students."

Diebold has since retreated, however, agreeing "not to sue voting rights advocates who publish leaked documents about the alleged security breaches of electronic voting." But this wasn't good enough for the Electronic Freedom Foundation, which is now suing Diebold under the Digital Millennium Copyright Act for "intimidating Internet service providers" to eliminate detrimental information about Diebold. An EFF lawyer explains that Diebold's actions put a "chill on free speech that stopped discussion of electronic voting issues without ever getting before a judge."

Yet lawsuits aren't the only scandal to come out of the public release of the memos. The state of Maryland, after buying Diebold machines and witnessing their flaws, began considering the idea of requiring voter-verified paper printouts, the widely

accepted proposed solution for the problems in electronic voting. As reported in the December 10, 2003, *Maryland Gazette*, in a discussion on the matter, one Diebold employee named Ken suggested, "They already bought the system. At this point they are just closing the barn door. Let's just hope that as a company we are smart enough to charge out the yin if they try to change the rules now and legislate voter receipts." He later clarified his meaning, which was to make "any after-sale charge prohibitively expensive."

This might not be so telling had Diebold not subsequently charged Maryland, according to the Center for American Progress, an additional \$20 million for the paper printouts. When questioned, Diebold spokesperson David Bear denied any link between the high price and Ken's e-mails, stating he "could not comment on the email or its authenticity but...no one person can set pricing policy."

And Diebold isn't the only electronic voting company taking advantage of the fact that paper printouts are, according to Mercuri and most experts, the only truly effective way "to provide auditability" as well as "enhance voter confidence." According to the North County, California, *Times*, Sequoia will charge an additional 15 percent of the original \$3,200 cost for each machine; in California, this will mean an extra \$55 million to \$65 million throughout the state.

Nonetheless, the voter-verified printouts are absolutely necessary considering the potential errors otherwise. House Resolution 2239, a bill introduced by Rush Holt (Democrat, New Jersey) which requires printouts, is still pending in Congress. Constituents can contact their local representatives through www.visi.com/juan/congress or state election boards at www.blackboxvoting.org/htdocs/dcforum/DCForumID29/47.html

In addition, www.VerifiedVoting.org, an online organization which "champions transparent, reliable, and publicly verifiable elections in the United States" is seeking citizen endorsements for its open letter to the House Administration Committee. The letter demands that H.R. 2239 be passed immediately. The American Humanist Association has already endorsed this letter; individuals and organizations are still encouraged to do the same.

No action is too small. As *New York Times* columnist Paul Krugman says, "Let's be clear: the credibility of U.S. democracy may be at stake." ☛

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