

Electronic Voting

Federal commission nixes talk of paper-only elections; stacks panels with proponents of paperless touchscreens

By Lynn Landes

Online Journal Guest Writer

May 12, 2004—The atmosphere was electric. News cameras and documentary filmmakers jostled for position at last Wednesday's packed hearing of the federal Election Assistance Commission (EAC) on the "Use, Security, and Reliability of Electronic Voting Systems" in Washington, D.C. The elegant oak-paneled room was jammed with reporters, elections officials, business reps, and a sprinkling of activists.

Tensions were running high as public confidence in America's electronic voting systems is collapsing. A steady stream of scientific reports and news stories about shady voting companies, who secretly install uncertified software, has the nation's election officials reeling.

At the beginning of the hearing Chairman Dr. DeForest B. Soaries, Jr., said, "Voting has 'evolved' since the founding of our democracy." "Devolved" would have been a better description.

At least one state, Missouri, will consider legislation (House Bill 1744) that effectively bans the use of all voting machines, including ballot scanners. California's Secretary of State Kevin Shelley has decertified thousands of Diebold touchscreen machines and has called for a criminal and civil investigation of the company. Several states are considering requiring printer attachments for paperless voting machines, while others are simply panicking and looking to Washington for guidance.

And guidance is all they're going to get. The Bush administration has pulled funding for the development and implementation of any meaningful standards or certification for voting technology, not that those things would make any voting machine secure, or give back to the voter their right to vote.

At least the EAC hearing was an opportunity for a full and fair debate about the issue. Yes? Not a chance.

Although Chairman Soaries went out of his way to announce that the commission is bipartisan, two Republicans and two Democrats. Bipartisan doesn't mean balanced. If the commission were balanced, the panels should have been balanced, and they most definitely, were not. Of those who testified on the issue of voter verified paper trails (VVPT), 14 were against it and 5 were for it.

And no one spoke in favor of paper-only elections. That was no accident.

During a break in the testimony I hustled up to the front of the room to ask Chairman Soaries if there was going to be any testimony that would question the legal right or technical wisdom of allowing machines to be involved in the voting process. Soaries seemed taken aback by the question. He responded that it was not the roll of the commission to address that issue. The commission, he said, was there to "assist" election officials and voting machine manufacturers in setting guidelines for voting technology.

That seems at odds with the EAC's mission statement which is quite broad, "The United States Election Assistance Commission (EAC), an independent bipartisan agency, is authorized by the Help America Vote Act (HAVA) to serve as . . . a national clearinghouse and resource for the compilation of information on various matters involving the administration of federal elections."

Apparently, all the EAC wants to compile is a list of voting machine technologies from which election officials may chose. It's like picking rotten apples out of the same barrel.

Soaries added that election officials know that they can use paper ballots instead of machines. But, that's not really true. Many state elections officials believe that the Help America Vote Act (HAVA) mandates the purchase of modern voting technology. It doesn't. Some state officials also believe that the blind and English-illiterate are legally entitled to these machines. They aren't. Someone at the EAC should call Rhode Island's Election Commission (401-222-2340) and order a tactile paper ballot for the blind. They should also look into how other countries handle the illiteracy problem through the use of pictures and symbols as well as words. See: www.electionaccess.org/Bp/Ballot_Templates.htm.

The commission put on a good show of giving voting machine vendors a hard time. However, Chairman Soaries reassured the vendors that the commission was there to "assist" them. It was clear that the EAC has set the stage for another problematic "public-private partnership".

In his testimony Dr. Avi Rubin debunked the myth that there's any security or integrity to paperless voting technology. And California's Secretary of State Kevin Shelley was also impressive. However, excluding Avante, the same old lies were told by the vendors, election officials, and organizations like the League of Women Voters. Their mantra was, as always: nothing is 100 percent accurate, but the machines are safe, secure, and "fun" to use. People really "like" using them. They even had polls to prove it.

The commission's talking points for future action were also the usual stuff: improve voter and poll worker education, gain back voter confidence (emphasis on "con"), and improve the public's perception of whatever the heck is going on. Apparently, all the bad news about voting machines is scaring people. And that might mean that people will not vote. Of course, voters aren't voting anyway, the machines are. But, the EAC was not going to let that "reality" trump the importance of "perception", a word Chairman Soaries repeatedly used.

Conny McCormack, County Clerk and Registrar of Los Angeles County, who is very pro-paperless touchscreen technology, employed a very clever strategy in her remarks to the commission. McCormack pointed out that public concerns raised about touchscreens are the same concerns raised in the past about lever machines and ballot scanners. She clearly wanted to give the impression that U.S. elections were secure using those technologies. But, the facts prove otherwise.

One of the best articles written about vote fraud and technical irregularities is the 1996 article, [Pandora's Black Box](#), by Philip M. O'Halloran. One of the worst vote fraud cases happened in Cincinnati, Ohio.

The following is an excerpt from the Cincinnati Post of October, 30, 1987: "Cincinnati Bell security supervisors ordered wiretaps installed on county computers before elections in the late 1970s and early 1980s that could have allowed vote totals to be altered, a former Bell employee says in a sworn court document. Leonard Gates, a 23-year Cincinnati Bell employee until he was fired in 1986, claims in a deposition filed Thursday in Hamilton County Common Pleas Court, to have installed the wiretaps. Cincinnati Bell officials denied Gates' allegations that are part of a six-year-old civil suit that contends the elections computer is subject to manipulation and fraud. Gates claims a security supervisor for the telephone company told him in 1979 that the firm had obtained a computer program through the FBI that gave it access to the county computer used to count votes."

O'Halloran reports, "Another Cincinnati Bell employee, named Bob Draise, admitted to being involved in a second phase of the illegal operation, which involved wiretapping several prominent Cincinnati political figures including a crusader against pornography named Keating and the Hamilton County commissioner, Allen Paul." ". . . as a result of the ensuing scandal, Draise was convicted and five Cincinnati police officers, who were allegedly involved in the wiretapping operation, abruptly resigned. The alleged involvement of the FBI was never pursued and the Bureau itself did not follow up on the Gates allegations. In spite of all the evidence, the appeal by the plaintiff failed and the issue was laid to rest."

There are numerous examples of vote fraud and irregularities down through the decades that I and others have enumerated and can be found at [Election Fraud and Irregularities](#).

Judging from what's going on in Missouri and around the country, it appears that the public is finally beginning to question America's 100-year bad habit of using voting machines. It was an interesting moment at the EAC hearing when Chairman Soares said that history was being made that day. Our right to vote was being debated all over again. And in that beautiful oak-paneled room I could almost see our founding fathers scratching their heads wondering how we could have messed up such a simple process. But, crooks love chaos. And we've got that by the bushel load.

My mantra remains: Vote Paper Ballots, Ditch the Machines.

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