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## NIST ignores scientific method for voting technology

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December 16, 2003—The conference was crawling with scientists. But, the scientific method was a no-show at last week's *First NIST (National Institute for Science and Technology) Symposium on Building Trust and Confidence in Voting Systems* in Gaithersburg, Maryland.

There was no apparent interest in addressing a fundamental question: After 115 years of Americans using voting machines, are any of these contraptions (with or without paper printers) better, worse, or as good as hand-counted paper ballots for accuracy, usability, and vulnerability?

The recent avalanche of bad publicity, including reports from Congress and universities warning about computerized voting machines, plus a steady stream of voting machine "glitches" and irregularities, have clearly shaken public confidence in America's voting systems. And that has the elections industry rattled.

Getting Americans to "trust" in new voting technology was the focus of the conference. There was little discussion about trusting voters with marking, casting, and counting the ballots, even though recent studies in the limited category of "lost votes" (overvotes and undervotes) show that hand-counted paper ballots, and therefore, voters, are the best performers.

"The difference between the best performing and worst performing technologies is as much as 2 percent of ballots cast. Surprisingly, (hand-counted) paper ballots—the oldest technology—show the best performance." This is the finding of two Massachusetts Institute of Technology (MIT) political science professors, Dr. Stephen Ansolabehere and Dr. Charles Stewart III, in a September 25, 2002, study entitled, *Voting Technology and Uncounted Votes in the United States*. This study was an update of a previous CalTech/MIT study.

There was also no discussion at the conference of "lost ballots," which occur when voters fail to cast a ballot, even though they go into the voting booth. And no discussion of "lost voters," voters who may not go to the polls because they dislike voting machines, and may not vote by absentee ballot either, because of the extra effort involved.

The general presumption at the conference seemed to be that, in the voting booth, machines perform better than humans . . . despite evidence to the contrary.

Dr. Avi Rubin gave an overview of the now infamous and very faulty Diebold elections code that was left unsecured on the Internet by the company. While Dr. Rebecca Mercuri and Dr. David Dill addressed the question more directly. In formal presentations they described the lack of integrity and security in paperless voting systems. They urged the attachment of printers to touchscreen machines, so that voters could verify their ballots.

And although this system is a big step forward from paperless touchscreens, the question remains . . . is it better than hand-cast hand-counted paper ballots?

Dill was asked what election officials are supposed to do, since touchscreens that produce paper may not be widely available by the 2004 election. Dill's simple reply, "They can always go back to paper ballots." Sweet words to those who believe that the right to vote belongs to the voter, not technology.

And it was that very issue which was addressed toward the end of the conference: Who is really voting, the voter or the technology? Dr. Ronald Rivest (MIT) observed, in a matter-of-fact manner, that technology has replaced the voter in the actual process of marking, casting, and counting the vote. He offered no justification for that state-of-affairs, but instead suggested that adopting the latest technology was inevitable in any context.

Rivest went on to say that confidence in election results is more important than trust in any particular voting system. But, voters may not buy that. In what contest would that view prevail? A horse race? A football game? Bowling? Would Dr. Rivest play poker with a stacked deck? If participants don't have confidence in the rules of the game, then the losers will not likely accept the outcome.

Although there was a small, but determined group of computer experts and others who were supporting Mercuri, Dill, and Rubin, most of the conference attendees were business reps, state elections directors (some contemplating their next career move), and federal officials (most of whom appeared to be on the side of paperless voting).

It is worth noting that there was no real discussion of Internet voting, the most vulnerable of all the voting technologies to vote fraud or technical failure. Overseas military and other civilians will be able to vote on the Internet in 2004, courtesy of Accenture (the former—and highly controversial—Andersen Consulting). Michigan Democrats will also use the Internet for their presidential primary caucus. And, the Help America Vote Act (HAVA) is promoting Internet voting through funding of projects, such as *The National Student/Parent Mock Election*. Internet voting proponents are most likely relieved that this technology is flying under the public's radar, for now.

Jim Dickson of the American Association of People with Disabilities (AAPD), and Steven Booth from The National Federation of the Blind (NFB), were at the conference lobbying hard for paperless electronic voting. And that's their right, but the misinformation they pass along, is not. Dickson gives the impression that blind voters can't vote privately and independently without the use of touchscreens. But, simple low-tech ballot templates and audiocassettes, which allow blind voters to do just that, are in use around the world. Since the year 2000, Rhode Island has made them available to the disabled. When Steve Booth was asked about his experience with ballot templates, he said that he didn't know anything about them. However, a NFB representative in Rhode Island told this writer, "everyone (at NFB) knows about it."

It is also irritating to see Dickson at conference after conference, continue to claim that HAVA mandates that each voting precinct have a touchscreen machine for the disabled, when HAVA also allows for "other voting systems," which could include low-tech solutions, such as ballot templates.

Former International Foundation for Election Systems (IFES) executive Paul DeGregorio was also at the conference. Internationally, IFES promotes the use of ballot templates for the disabled. Which begs the question, why do the leaders of organizations for the disabled in America act as though they never heard of this low-tech option? DeGregorio is the Bush administration's lead man on the newly appointed Election Assistance Commission (EAC), which will set the new voluntary federal standards. Some voting rights activists are concerned that new HAVA standards may discourage low-tech alternatives, such as ballot templates, in favor of the highly vulnerable touchscreens and Internet voting systems.

Low-tech solutions to illiteracy and language barriers were also missing-in-action at the NIST conference. Speaker after speaker suggested that only touchscreens could easily accommodate voters with different languages, when it is common knowledge among voting experts that this problem is easily handled by simply assigning numbers to candidates. Voters come to the polls already knowing the number of their candidate. Yet, once again the conference seemed unaware or uninterested in a low-tech approach.

However, not all was lost. Some very nice folks from New Hampshire were there. Twenty percent of their voters still use hand-counted paper ballots. Maybe the Granite State will lead this nation back to election sanity. Meanwhile, there's a massive increase in absentee voting nationwide. In the 2003 California recall election, 30 percent of voters used absentee ballots. The state of Oregon conducts mail-in voting only,

and 22 states allow absentee voting for any reason. And although the public's shift to absentee voting is certainly not a good thing in terms of voting security, it is sending a message to election officials . . .

Voters are choosing paper in growing numbers. And that speaks volumes about trust in America's voting technology.

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