

Electronic Voting

E-Voting: The new battle hymn of the republic

By Bob Fittrakis

Online Journal Guest Writer

September 11, 2004—The fight for Ohio's 20 electoral votes this November is being waged in the courts, the election boards, the polling places and the streets.

When Secretary of State J. Kenneth Blackwell halted the purchase of new electronic voting machines on July 16 after two investigations identified 57 potential software and hardware security threats, North Canton, Ohio's Diebold Electronic Systems' dream of a \$100 million contract with the state disappeared.

And so may have Diebold CEO "Wally" O'Dell's promise to "deliver" the Buckeye State's electoral votes, and the presidency, to George W. Bush. As we keep hearing in the press, no Republican candidate has ever won the presidency without Ohio's electoral votes.

Still, the fear of the dreaded DREs (Direct Record Electronic) machines has produced political and legal skirmishes throughout this key battleground state. The Electronic Frontier Foundation, the Verified Voting Foundation, VotersUnite! and Citizens Alliance for Secure Elections (CASE) filed an Amicus Curiae brief in the U.S. District Court for the Northern District of Ohio in late July.

The brief was in response to a lawsuit filed by the National Federation of the Blind (NFB) to force 31 counties to adopt electronic voting machines that are arguably more accessible for sight-impaired voters. Oddly, the federation has emerged not only as an advocate for the blind, but as a staunch advocate of Diebold. When the Free Press contacted the Ohio Federation for the Blind President Barbara Pierce for comment regarding their avid support for Diebold, she said the Diebold machines "are the most robust." When pressed for details, she could not supply any specifics on the particular nature of Diebold's robustness.

The Free Press tested five electronic voting machines on display at the State Capitol and found the machines virtually indistinguishable except for the fact that two provided a verifiable paper audit trail and the others, including Diebold, did not.

When asked whether or not a million-dollar grant from Diebold toward the construction of the federation's National Research and Training Institute for the Blind had influenced her organization's opinion, Pierce replied, "Absolutely not, the issues are completely separate."

In a November 1, 2000, press release, entitled "Diebold and NFB partner to develop next generation voice-G ATMs," O'Dell said, "NFB has long been actively involved in promoting adaptive technologies which allow the blind to live and work independently in today's technology-driven world." In that world, Diebold is one of the largest producers of ATMs. Curiously, all of Diebold's ATM machines provide paper receipts while its electronic "black box" voting machines do not.

Shortly after O'Dell's infamous August 14, 2003, letter to Central Ohio Republicans in which he stated that he is personally "committed to helping Ohio deliver its electoral votes to the President [sic] next year," he came under attack for his partisan politics. Suddenly, the beneficiaries of his largesse—various

disability rights activists, most notably associated with the NFB—began to loudly champion Diebold's voting machines.

Following O'Dell's comments and a devastating report from computer science professors at Johns Hopkins University on the vulnerabilities of DREs, the American Association of People with Disabilities (AAPD) in a written statement dismissed critics of paperless voting machines as "a rising chorus of geeks." The AAPD claims that a paper trail would lead to vote buying and fraud. However, the paper trail machines observed by the Free Press all had designs which kept the audit paper trail under plexiglass then dropped it into a secured drop box. There was no voting receipt given to the voter to show anyone wishing to purchase the vote.

The amicus brief argues three key points: "A growing body of evidence demonstrates that the majority of electronic voting machines currently in use are not sufficiently secure"; that "there are a variety of available, tested technologies that can be used to allow accessible voting without compromising security"; and that "the emerging evidence suggests that currently available DREs are not yet the panacea for disabled voters that they have been advertised to be."

The brief documents 18 major documented voting fiascos linked to DRE technologies. The list includes, in part: Diebold touch screens that when pressed for one party, registered the vote for the other; software programming errors that left votes improperly tabulated; battery problems; votes failing to register on the screen; votes simply disappearing or not being recorded; X's dimming out and migrating to the other party; and machines that failed to operate.

Here in Central Ohio, DREs switched the vote in the 1998 election awarding votes to Democratic challenger Ed Brown instead of incumbent representative John Kasich. The vote, as originally tabulated by the electronic voting machines, registered 62.9% for Congressman Kasich. The corrected number, agreed to by Brown was 67.2%. Brown, a computer expert, said the problem was with the software and that it was easy to figure out that he wasn't beating Kasich "80 to 20 in the Republican stronghold of Westerville."

In 1992, votes in the inner city of Columbus were swapped in the Democratic primary with a rural candidate winning a core precinct of an urban Democrat.

There are already two DRE machines equipped with voter-verified paper ballots certified in Ohio. These are AccuPoll and Avante Vote-Tracker. Moreover, both Sequoia Voting Systems and TruVote were in the process of being certified with voter-verified paper trail machines when the brief was filed.

The brief urges the court not to allow any "voting machine technologies unless they contained a voter verified paper ballot."

"This can help ensure that voters have confidence that their votes are being counted as cast, that voters do not become disenfranchised due to malfunctions election day and, most importantly, that the individuals who get the most votes are actually elected. It is difficult to imagine a more important task this election year," the brief ends.

A political skirmish over electronic voting broke out after an intensive Computer-Ate-My-Vote campaign, culminating in rallies in 19 states including Ohio, where 20,000 votes opposing "black box voting" were delivered to Blackwell's office. After Howard Dean's Democracy for America group participated in the rallies, calling for electronic voting machines to produce paper receipts, Rep. Bob Nay of Ohio fired off a letter to Dean stating, "Left-wing groups like yours . . . that are exploiting this issue to inflame your supporters and raise money for yourselves are recklessly making claims that are unsupported by the facts."

Gov. Dean, on behalf of his dangerous "left-wing" group, had issued the following statement: "We cannot and must not put the success of one party or another above the good of our entire country and all our people. In a democracy, you always count the votes no matter who wins."

Two days later, Blackwell stopped the rush to black box voting in Ohio. Blackwell made his decision with Diebold under fire in California following a disastrous March primary where 573 of 1038 polling places failed to open on time due to computer malfunctions in San Diego County. In Alameda County, at least 6,000 voters were forced to use paper ballots after Diebold machines failed. California's Attorney General Bill Lockyer officially decertified Diebold machines.

On July 9, Lockyer unsealed a whistle-blower's lawsuit against Diebold filed by Bev Harris, the author of Black Box Voting, and computer programmer Jim March. The suit demanded that Diebold fully reimburse the state for the equipment purchases.

Critics of Diebold, like investigative journalist Greg Palast, point out that "Canada and Sweden vote on paper ballots with little spoilage and without suspicious counts."

With black box voting beaten back, new fears are arising in the "swing state" of Ohio after revelations from Citizens for Legitimate Government that 105,000 voters have been purged for "inactivity" in Hamilton County. The purging of voter rolls in Greater Cincinnati, in the key battleground state, after the Florida voter purges and electoral debacle of 2000, may briefly shift the focus of groups like Citizens Alliance for Secure Elections away from electronic voting. In the 2000 election, the Florida Secretary of State's office, run by Bush's Florida campaign manager Kathleen Harris, failed to process some 600,000 newly registered voters and incorrectly disenfranchised 58,000 voters—over half of them black—because their names or date of birth were the same or similar to felons. The new battle in the Buckeye State, commonly referred to as "Ground Zero" in this presidential election, will be to ensure that Florida's Jim Crow purges of black voters don't occur across the Mason-Dixon line.

Bob Fittrakis is the Editor of the Free Press, a political science professor, attorney and co-author with Harvey Wasserman of "George W. Bush vs. the Superpower of Peace."