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Electronic Voting

If this election is stolen, will it be by enough to stop a recount?

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October 31, 2004—Most people don't get it. Democrats don't get it. Even former President Jimmy Carter doesn't get it. During a recent National Public Radio interview with Terry Gross, Carter said that voting machines should produce paper ballots, just in case the election is "close" and a recount is needed.

Recounts are triggered by close elections. But, stealing elections and avoiding recounts is duck soup for the dishonest among us.

Keep in mind that both mechanical and computerized voting machines have a long history of vote fraud and irregularities. However, never before have so few entities dominated the tabulation of the vote. Today, two voting machine companies with strong and well-documented ties to the Republican Party will count 80 percent of all votes in the upcoming election. These two companies, ES&S and Diebold, manufacture, sell and service both touchscreens and computerized ballot scanners. A foreign-owned company, Sequoia, is the third largest voting machine company.

This is not to say that the election will go against Democrat John Kerry. What it does mean is that election officials in America have privatized and outsourced the voting process.

So, how can an election be stolen and recounts avoided?

First, eliminate paper ballots. Thirty percent of all voters will use paperless computerized voting machines that are easy to rig and impossible to detect. Republicans in Congress successfully fought off legislation sponsored by Democrats in the House and Senate that would require voting machines to produce a paper trail. Even with this legislation, paper ballots were only to be used in case of a "close" election.

Second, make sure the paper ballots that do exist are counted on computerized ballot scanners and not by hand. This includes absentee ballots. Ballot scanners are also easy to rig and are owned by the same handful of corporations. Even in Nevada, where touchscreens must produce paper ballots, the ballots will only be counted in case of a close election. In California, which is allowing voters to choose paper ballots in the upcoming election, ballots still won't be hand-counted; instead they'll be scanned by computers.

Third, and most importantly, steal the election by enough electronically-tabulated votes so that a recount will not be triggered.

To many observers, that is exactly what happened in the 2002 election. In several upset elections across the country, the vast majority of victories went against Democrats by a margin of 9-16 percent from what pre-election polling showed. Meanwhile, Republican upsets were well within the margin of error.

After the election I interviewed John Zogby of Zogby International, a fairly well respected polling company. I asked him, if he had noticed over the years an increased variation between pre-election predictions and election results. Zogby said that he didn't notice any big problems until 2002. Things were very different this time.

"I blew Illinois. I blew Colorado (and Georgia). And never in my life did I get New Hampshire wrong . . . but I blew that too," Zogby told this reporter. Or was he wrong? The 2002 election was, perhaps, a repeat of the 2000 presidential election, when the polls accurately predicted the winner (Gore), but the voting system in Florida collapsed under the weight of voting machine failure, election day chicanery, and outright disenfranchisement of thousands of black voters by Republican state officials.

Georgia in the 2002 election was a particular cause for concern. The following is an excerpt from a July 30, 2003, article by Thom Hartmann, "*USA Today* reported on Nov. 3, 2002, 'In Georgia, an Atlanta Journal-Constitution poll shows Democratic Sen. Max Cleland with a 49 percent-to-44 percent lead over Republican Rep. Saxby Chambliss.' Cox News Service, based in Atlanta, reported just after the election (Nov. 7) that 'Pollsters may have goofed' because Republican Rep. Saxby Chambliss defeated incumbent Democratic Sen. Max Cleland by a margin of 53 to 46 percent. The Hotline, a political news service, recalled a series of polls Wednesday showing that Chambliss had been ahead in none of them . . . Just as amazing was the Georgia governor's race. . . . the Zogby polling organization reported on Nov. 7, 'no polls predicted the upset victory in Georgia of Republican Sonny Perdue over incumbent Democratic Gov. Roy Barnes. Perdue won by a margin of 52 to 45 percent. The most recent Mason Dixon Poll had shown Barnes ahead 48 to 39 percent last month with a margin of error of plus or minus 4 points . . . Almost all of the votes in Georgia were recorded on the new touchscreen computerized voting machines, which produced no paper trail whatsoever.'"

Implicit in the Constitution is the right to a recount of "intact" ballots. Contested elections are addressed in Title 1 of the U.S. Code § 5 and in 26 American Jurisprudence 2nd § 444, "In an election contest the ballots themselves constitute the highest and best evidence of the will of the electors, provided they have been duly preserved and protected from unauthorized tampering, and recourse may be had to the ballots themselves in order to determine how the electors actually voted. However, one who relies on overcoming the prima facie correctness of the official canvass by a resort to ballots must first show that the ballots as presented to the court are intact and genuine."

We've come a long way since 1892 when voting machines were first used. And it's been all in the wrong direction. This may or may not be a "close election," but one thing is for sure. There will be no way to prove who really won on November 2. That will be a lose-lose for all concerned.

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