

The Brave New World of voting

BACK in August I wrote about America's ongoing "soft coup" – arguing that military and intelligence community brass were turning against the Bush posse en masse. My theory was based on the fact that the strongest exposes written about the Bush administration last summer all cited former military and CIA officials as their primary sources. This trend has continued unabated, with current officials in Langley and the Pentagon joining their retired comrades on the Bush-bashing bandwagon. New stories come out daily about hawks and spooks defecting to the tofu brigade and telling all about how the Bush team misled the American people and plunged the nation into a needless war. And the formerly compliant media has deviated from the Bush administration script, bringing the military's anti-Bush message right into America's TV viewing pens.

That theory is based on the time-tested notion that elections can be manipulated by manipulating voters. Ultimately, however, it's not the voters that need to be manipulated. It's the votes. Manipulating the votes, the act of stealing an American election, used to

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sound far fetched. While we didn't always have confidence that voters would make fully informed decisions, we always assumed that their votes would at least more or less be counted. Then came Florida. And the whole quaint notion of elections got tossed out the window. The final 2000 election recount showed that Bush didn't win, but he came close enough to move in for the kill.

HAVA electronic elections

With calls for remediation of the nation's patchwork of antiquated elections systems, Congress enacted the Help America Vote Act (HAVA) of 2002, providing \$3.9 billion in funding to put new electronic voting machines in place by the 2006 election. Like the Patriot Act, HAVA passed on a knee jerk vote by Congress representatives who had little understanding of the ultimate ramifications of their vote.

Critics now say HAVA could usher in the end of democracy, flawed as it is. Here's the problem: With HAVA mandating new voting technology, most states are turning to computerized voting machines as the panacea for past elections woes. The new machines, however, make the 2000 election's hanging chads look like litter in a toxic landfill.

This isn't the rambling of a knee-jerk Luddite. To the contrary, I'm sitting here in a rather high-tech environment, hooked into the Internet, clicking away on a spiffy laptop under biomass-powered compact fluorescent light bulbs. The problem isn't that the new voting machines are computers. The problem is that many of them don't create any auditable trail for recounts. Worse, the software that runs them has been ruled in court to be the private property of the corporation that built the machines; hence, it cannot be examined to see if intentional or unintentional glitches are skewing the vote count. It gets worse. Many of the new elections contracts give the responsibility for counting the votes, not to elections officials, but to the companies who built and maintain the machines. In other words, the most sacred and tenuous process in our democracy, counting the votes, has been outsourced.

Historically Americans have never trusted each other to count votes. This was evidenced in the Florida debacle as teams of inspectors from both the elephant and donkey teams pried over hanging, pregnant and dimpled chads. Most elections are carefully watched supervised by inspectors from both major parties. The Democrats might control a city or state budget, but we can't quite trust them to honor our democracy and not outright steal an election. Likewise, the Republicans might control the military budget and the Justice Department, but, likewise, we can't trust them not to vote 27 times, given to chance. This mistrust of each other, ill founded or not, is simply one more example of the checks and balances inherent in our system.

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Here's where our current corporate culture takes on mystic proportions. While our political parties will never quite come to trust each other, we have no qualms about tossing our whole system of checks and balances out the window and outsource elections to corporations operating without oversight.

The obvious question is, who are these corporations in whom we place deity-like trust. The answer is quite scary, unless of course you're an unpopular Republican president with a disdain for democracy and rapidly diminishing prospects for "re"-election.

I declare myself the winner

The nation's largest election management company, Election Systems and Software (ES&S), grew out of a merger of electronic elections pioneer, American Information Systems (AIS), with other information companies. In the early 1990s, Nebraska's current Republican senator, Chuck Hagel, headed AIS. In 1996, with AIS holding the contract to count over 80% of Nebraska's votes, Hagel ran for the US Senate. One of AIS' principle investors served as Hagel's campaign finance chair. Hagel was an underdog in both the primary and general elections, but went on to win upset victories in both races, becoming the first Republican elected to the Senate from Nebraska in 24 years.

Hagel not only won, but won big, receiving a majority of the vote from every major demographic group in the state – including core Democratic voters such as Nebraska's black population, which historically never voted Republican in modern times.

In 2002, the entrenched Hagel won a landslide victory against Democrat Charlie Matulka. Questioning the size of Hagel's victory, Matulka called for a recount. This was not possible, however, since the state's contract with ES&S/AIS forbid examining the software on the machines, and the machines themselves created no auditable paper trail. Hagel's company, in essence, maintained the sole power to manage the election and certify his victory.

ES&S' primary competitor, Diebold, Inc., is the second largest and the fastest growing election management company in the US. Diebold's CEO is Republican fundraiser and Bush confidant, Wally O'Neil, a recent visitor to Bush's crib in Crawford, Texas. According to investigative reporter Bev Harris, O'Dell and Diebold Director W.H. Timken, are both members of Bush's inner circle, serving on his "Pioneers" fundraising group.

It was in this capacity as a Republican Party honcho, that O'Neil, according to the Cleveland Plain Dealer, extorted that he was "committed to helping Ohio deliver it's electoral votes to the President next year." Democrats found the comment disturbing in light of the fact that O'Neil's company is currently bidding on a contract to manage Ohio's elections infrastructure.

Georgia on my mind

Diebold's biggest commercial success to date has been in the state of Georgia where they won the contract to supply voting machines and tally votes, making Georgia the first state to outsource an entire statewide election to a company using the new touch screen technology.

Shortly after Diebold took over the Georgia elections infrastructure, the Republican Party scored a series of historic upset victories in the "peach state's" 2002 elections. Foremost was the surprise defeat of Georgia's popular incumbent Democratic senator, Max Cleland. The race drew national attention since Cleland's Republican opponent, a pro-Iraq invasion activist who avoided military service in Vietnam, accused Cleland, a Vietnam veteran disabled in combat, of being unpatriotic. Election eve polls predicted that Cleland would beat his tasteless Republican rival, Saxby Chambliss, by between two and six percentage points. On election day, however, Cleland lost by seven percentage points, giving Chambliss what the national press called an "upset victory." That election, along with the earlier Nebraska race, gave Republicans control of the Senate.

For Georgians, Cleland's loss was just one act in a bizarre Election Day play. Also deposed in the same election, was Georgia's Democratic governor, Roy Barnes. Pollsters predicted he'd easily trounce his Republican rival, Sonny Purdue, by a margin of as many as 11 percentage points. On Election Day, however, Purdue went on to beat Barnes by five points, making him the first Republican governor elected in Georgia in 134 years.

Upset victories upsetting pollsters

The "upset victories" also upset political pollsters, all of whom miscalculated the Georgia races by embarrassing margins of as much as 16 percentage points. Pundits quickly explained away Barnes' loss, arguing that a surge of "angry" white male voters, upset with Barnes' decision to remove the slavery-era Confederate emblem from Georgia's state flag. According to the British newspaper, *The Independent*, however, there was no such demographic surge. To the contrary, black women made up the only demographic group in the state showing an increase in voter participation in the 2002 election.

The election software in Georgia, as in Nebraska, is shielded from public scrutiny by a clause in the state's contract with Diebold. Following the election, however, investigative reporter Bev Harris learned that Diebold software engineers changed the programming in the state's machines at least seven times leading up to the election. After the election, Diebold workers formatted the memory flash cards from the state's voting machines, making any examination of the electoral record, no matter how limited, impossible.

In the months following the Georgia elections, critics obtained copies of the software

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Diebold used in that state – passing it on to software analysts for examination. According to The Independent, one analyst, Roxanne Jekot, found the software to be riddled with security holes. The programming was also riddled with embedded comments written by Diebold's programmers saying things like, "This doesn't really work" and "Not a confidence builder." Jekot was also worried by strange commands in the program to do things such as divide a category of votes by one. The command shows how easily code can be introduced to divide or multiply votes for specific candidates.

Stunning flaws

Wired magazine reports that researchers from the Johns Hopkins University Information Security Institute found "stunning flaws" in Diebold's Georgia program. In addition to geek taboos such as embedding security passwords into program source code, the Johns Hopkins analysts found flaws that could allow voters to vote multiple times, or allow votes to be changed by a third party after being cast, in some cases by remote access.

Another group of analysts, working on contract for the Maryland state government, according to The Independent, found 328 software flaws, including 26 which they deemed as putting the election "at risk of compromise."

Georgia and Nebraska haven't cornered the market in suspect elections. They seem to be arising wherever the new electronic voting machines pop up. The odd thing is that wherever an electronically administered election defies statistical predictions, it is almost always to the favor of the Republican candidate. In Alabama, for example, a 7,000-vote tally shift threw the close gubernatorial election from the incumbent Democrat, to the Republican challenger. And again, in Alabama as in Georgia, there was no recount.

Touch screen voting machines are not inherently prone to election manipulation. Touch screen machines that generate a paper receipt, verified by the voter and stored by the machine, allow for accurate recounts. They also allow voters to examine the choice that the machine reports they made. This is important because the new machines, aside from being susceptible to tampering and malicious programming, are also error prone. One study conducted jointly by the California and Massachusetts Institutes of Technology (MIT and Caltech) found the new touch screen machines to be more error-prone than the notorious punch card machines of election 2000 fame. One major problem has to do with alignment. The spot on the screen with the candidate's name, may not line up with the coded segments of the screen that register a vote for that candidate. Voters, in many recent touch screen elections, for example, have complained of machines that flash the opponent's name when they try to vote for their preferred candidate.

A crisis of confidence

The problem we are facing, however, is bigger than one of machines and technology. It involves a crisis of confidence brought on by a crisis of conflicts of interest. The problem is bigger than EC&C and Diebold. VoteHere, another major player in the emerging elections industry, is chaired by Admiral Dick Owens, a close associate of Dick Cheney and a member of the Defense Policy Board. Head of the George Bush School of Business and former CIA Director, Robert Gates, is a VoteHere director. Other election management companies have similar disturbing conflicts of interest, with connections to the current Bush administration, the Republican Party and the defense industries, as well as the Saudi royal family.

None of this indicates that elections are being stolen. But the lack of a paper trail or any system of accountability shows that, other than a quaint naïve assumption, there are no indications that they aren't. The aggressive push by an administration that seized power in a contested election to quickly expand touch screen voting certainly isn't putting concerned people at ease. And the Bush administration's recent move awarding a contract overseeing Internet absentee voting to a former Arthur Anderson (as in Enron accounting scandal) subsidiary also is disquieting. Despite the fact that a government which has shown its disdain for democracy is awarding vote counting contracts to a company formerly part of a firm involved in falsifying accounting records, it's politically incorrect to raise this issue in this country – and hence, the mainstream media has thus far ignored what the global media is hailing as the potential collapse of American democracy.

There is hope, however, embodied in a congressional bill popularly called the Voter Confidence and Increased Accessibility Act of 2003 (H.R. 2239). The bill requires voting machine manufacturers to allow software to be inspected, and mandates that the machines create a voter audited paper trail. Voters should contact their representatives and register support for this bill. ●