Electronic voting is facing a recall

Officials are switching systems or trying to fix problems, even as they contend with new laws and earlier primaries.

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Electronic voting was widely embraced -- with the help of the federal government -- as the cure for inaccuracies in vote counting that roiled the 2000 presidential election.

But eight years later, the fix has spawned a new round of bitter controversy.

Uncertainty, legal challenges and, in some cases, chaos are gripping voting offices as they contend with allegations that the electronic machines are ridden with defects and vulnerable to manipulation.

Local and state administrators are switching systems or trying to patch up problems at the last minute, even as they contend with new laws, earlier primaries, complex ballots and, in some places, shortages of poll workers.

Registrars and secretaries of state are hoping to avert a disaster, but they warn that vote counts will be late and that winners of contests may not be known until the morning after elections. They also are bracing for an onslaught of legal challenges to the outcomes.

"It is causing senior elections officials to pull their hair out," said Stephen L. Weir, Contra Costa County clerk and head of a California association of registrars. "People are buckling down just to pull off this election."

At least four states -- California, Ohio, Colorado and Florida -- are moving to severely limit or eliminate electronic voting machines, which were rushed into service with $3 billion of federal funding over the last eight years.

Legal challenges are being filed almost daily over voter registration issues and new laws requiring identification, among other matters. Experts say turmoil is unsettling elections offices in most states.

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as soon as the Supreme Court issued a ruling that brought the Bush-Gore presidential election to a close. In 2002, Congress passed the Help America Vote Act, or HAVA, which was supposed to usher in an era of precise and secure electronic voting.

With key voting dates approaching, counties and states are trying to switch back to paper ballots amid allegations that the electronic machines have unknown defects and are vulnerable to tampering.

“We are at a high-water mark, but what is extraordinary is that the water has already been high for years,” said Doug Chapin, director of Electionline.org, a nonpartisan group funded by the Pew Charitable Trusts that has tracked voting technology since 2001. "The $3 billion of federal money has created more problems than it solved."

Under a decertification order by California Secretary of State Debra Bowen, thousands of electronic voting machines will be kept in storage during the Feb. 5 presidential primaries, as well as the state primaries in June and the general election in November.

The primary results will probably take until 6 a.m. on the day after the election to tabulate, and counting absentee ballots could take additional days, according to interviews with registrars across the state.

"It doesn't take much to spawn a conspiracy theory these days," said a weary Bowen, who has asserted that her review of electronic voting last year demonstrated that the machines lack the necessary security and reliability.

Some registrars around California sharply disagree and say Bowen has contributed to a "mass hysteria" that has led to a record level of confusion and voter distrust.

"This is a singular moment," said Conny McCormack, former registrar of Los Angeles, who quit last year after disagreements with Bowen. "Politics have bled into this. It reminds me of a Third World country when their elections administrators get politicized."

Florida has moved to scrap all of its electronic voting machines after a disputed outcome in the midterm elections of 2006 in Sarasota County. The machines recorded about 18,000 fewer votes in the 13th Congressional District race than in other contests, fueling allegations that the machines had been corrupted. Republican Vern Buchanan won by a few hundred votes, leading to a lengthy though unsuccessful fight by his challenger.

Ohio Secretary of State Jennifer Brunner wants her state to get rid of its electronic machines before the November general elections. She has recommended to the Legislature that it rush through action to authorize paper ballots.

The state used $100 million of federal money from the Help America Vote Act, as well as additional local expenditures, to buy the electronic voting stations. But the new equipment had serious glitches in 2006 elections that resulted in an unknown number of lost votes in Cuyahoga County.

A massive Ohio study of electronic voting, called the Everest report, found last year widespread technical flaws and holes in software security, potentially allowing a hacker to manipulate the vote count without leaving a trace.

"None of our voting systems tested well in Ohio," Brunner said. "We have to use something that will cause the least harm."
In hindsight, HAVA has failed in one of its crucial missions. "If we are talking about public confidence in elections, HAVA didn't do what it was supposed to do," she said.

In Colorado, Secretary of State Mike Coffman issued a decertification order affecting most of the machines in the state, while the Legislature considers emergency action to shift at least partly to paper ballots.

"It is a drastic change," Coffman acknowledged, but one intended to help soothe "increased distrust" over electronic voting. "There is some uncertainty. But there is still time to do it."

The decertification orders, along with disputes over voter registration issues and voter identification laws, have triggered an avalanche of lawsuits. The Supreme Court has heard arguments involving an Indiana voter-identification law, but that is just the tip of the iceberg.

Interviews with secretaries of state across the nation, election law experts and others indicate that they expect the lawsuits to continue up to the election and afterward, raising the prospect that a close presidential election will yield further turmoil and legal disputes over the outcome.

Congress thought it was fixing the system in 2002 when it passed HAVA, laying the groundwork to eliminate punch-card systems, create new standards for certifying electronic voting machines and provide access to the disabled.

It created the Election Assistance Commission, a panel of two Republicans and two Democrats, to administer the new law.

But the $3 billion was handed out to states before the agency was formed, before new standards were created and before the commission could certify independent labs that would put a federal stamp of approval on the new equipment. As a result, the states purchased the machines based on the marketing of the four major electronic voting machine companies.

"It is really a mess at the federal level," said David Jefferson, a computer scientist at Lawrence Livermore National Laboratory, who has advised California on electronic voting for years. "And neither states nor counties have the technical expertise that computerized voting technology requires."

Keeping voting secure is far more difficult than tracking money in the banking system or keeping control of U.S. nuclear weapons, Jefferson said. With secret voting, the government must know who voted but cannot know how they voted. As a result, it is impossible to prove that any individual's vote was actually counted.

After the election is over, any corruption in the counting of votes would be impossible to determine, said Edward Felten, a computer scientist at Princeton University.

"I am pretty alarmed about the reliability and security of electronic voting equipment," Felten said, adding that the software used in voting machines is substandard when compared to high reliability equipment like medical systems.

But Kimball Brace, a longtime Washington consultant on voting issues, said computer scientists did not fully understand all the safeguards, integrity and professionalism that existed in the more than 3,000 counties in the nation.

The entire controversy over voting technology began with a dispute about accuracy, not security, in the 2000 election, Brace and others said. Electronic voting provides for the most accurate and efficient tabulation possible, free from arguments over voter intent and flawed ballots.

"There has never been a case of an electronic voting system being tampered with in a live voting environment," said Michelle M. Shafer, vice
president for communications at Sequoia Voting Systems in Oakland, one of the four major equipment makers.

Rosemary Rodriguez, chairwoman of the Election Assistance Commission, notes that most of the uncertainty about voting equipment is lodged in only a handful of states. She said HAVA had done a lot of good.

"I wouldn't say there is uncertainty across the board," she said. "There are spikes of uncertainty."

Nonetheless, activists and academics appear to be winning the battle.

"Trying to defend electronic voting machines is becoming harder and harder," Brace said. "Election administrators see the tea leaves and recognize the battle has been fought and won by the activists."

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