

# ELECTION FRAUD UPDATE



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## BY MARGIE BURNS

The *Washington Spectator* has reported (April 15) on an explosive affidavit by a Florida computer-software engineer, Clinton Curtis, stating he was told in the fall of 2000 to develop software that could alter the final vote tabulation in an election and be undetectable.

Curtis said the vote-tampering program was requested by Tom Feeney, a Republican member of the U.S. House from central Florida and a former lobbyist for the computer company where Curtis worked. Feeney's office has said he would not comment on the affidavit.

Curtis said Feeney was very specific in his original request that (a) the program to accomplish this needed to be touch-screen capable; (b) that the user should be able to trigger the program without any additional equipment; and (c) that the program must remain undetected even if the source code was inspected. The Curtis affidavit was dated December 6, 2004, and was posted on the Internet the same day.

On March 3, Clinton Curtis passed a lie detector test given to him by Tim Robinson, retired chief polygraph operator for the Florida Department of Law Enforcement, according to *The St. Petersburg Times*. According to the *Times*, Feeney has denied the accusations against him.

Curtis' story that he was ordered to conceal a vote-switching program in the "source code" is worrying because there are few or no safeguards in most states to prevent such tampering.

More and more states are turning to electronic touch-screen voting machines or to optical-scanning equipment, or both, to tabulate votes. Alan Dechert, president of the newly formed nonprofit Open Voting Consortium (OVC), points out that in November 2000 about 12% of all ballots in the U.S. were cast with secret software — "invisible" in Dechert's words.

In 2002, the number had grown to about 18% of U.S. voting machines, and in 2004 it was over 30%, Dechert says. "That's more than 30 million invisible ballots created with secret software in the most recent and controversial election."

According to Dechert, "Even where we have paper ballots, those are mostly counted with black boxes that are hard to audit."

Voting machine companies have refused to provide their source codes to investigators, claiming that they are proprietary information. The sellers of the vote-counting software have zealously guarded their programs from the public, from election officials, from everyone — on the dubious grounds that competitors could steal their ideas if the source codes were open to inspection. This argument is false, according to voting technology experts.

As pointed out by James M. and Kenneth L. Collier in their 1992 book *Votescam*, the computers that did the vote count in November 1988 held in their inner workings small boxes that contained secret code that only sellers of the computers could read.

The Collier brothers, who together investigated long-term vote fraud in Florida, are both deceased. (Their book remains available at [www.votescam.com](http://www.votescam.com) or through Victoria House Press, P.O. Box 120, Taos, New Mexico 87571.)

You may ask: what kind of software is required to count something as simple as a ballot? Can the programming be more sophisticated than the workings of a computerized cash register at the supermarket or an automated bank-teller machine?

The computer voting machines do not have to do anything complicated at all. They must simply be able to register votes for the candidate or party or proposal chosen by a voter,

tabulate them, count them up, and deliver arithmetically correct totals. People with no formal training, even children, used to perform this function all the time.

A necessary first step to effective investigation of the voting machine companies — only two companies control over 80% of vote counting in the U.S. — would be to compel an investigation by impartial and credentialed observers of the companies' source codes. However, Congress has not pushed very hard for an effective investigation of these companies, which are also substantial corporate campaign donors.

One exception is the question raised by Representative John Conyers (Democrat of Michigan), ranking minority member of the House Judiciary Committee. Conyers has been making a heroic effort to focus congressional attention on election abuses.

In response to citizen protests, an official panel called the Baker-Carter Election Commission has been put together, co-chaired by former President Jimmy Carter and former Secretary of State James A. Baker. Regrettably, the commission's first public hearings on vote fraud focused not on problems in vote counting, suppression of turnout, or on unequal dispersal of voting machines. It considered accusations of fraud by individual voters.

Conyers issued an angry formal statement: "The first meeting of the Baker-Carter election commission was disappointing and, at times, outrageous and tainted with racially charged innuendo," he said. "Let me make absolutely clear that I greatly admire former President Jimmy Carter and believe he was insightful and on-target throughout the hearing. However, given the incredible lack of balance and profound lack of good faith demonstrated by some of Carter's fellow commissioners and many of the witnesses at this hearing, at times he seemed to be a lonely voice of sanity."

The remarks of James Baker, which were echoed by a number of rightwing political operatives called as witnesses, seemed to have the singular purpose of perpetuating hoaxes and conspiracy theories about ineligible Democratic voters being allowed to cast votes. The remedy was cleverly repeated like a broken record: "photo ID, photo ID, photo ID."

Rightwing pundit John Fund was called as an expert witness by the commission and offered radically charged proposals, with rhetoric in the same nasty spirit. The substance of the testimony alleging "voter fraud" was a fraud itself.

In Ohio, where many of the most obvious voting problems and abuses occurred and where the Conyers subcommittee held local hearings, a special prosecutor is investigating whether the Cuyahoga County Board of Elections broke the law in the way it handled a voter recount.

The *Akron Beacon Journal* reported in April that minor party Presidential candidates David Cobb of the Green Party and Michael Badnarik of the Libertarian Party have written a letter to the Cuyahoga County prosecutor alleging that the board violated state law in the recount because it did not randomly select the precincts it recounted. Instead, the letter alleges, the county selected recount precincts only from among those with 550 voters or more, eliminating 90% of the county's precincts. The candidates' attorney said: "This is similar to randomly drawing a card out of a deck, but before doing so, eliminating all suits but hearts."

The candidates also allege in their letter that the chosen precincts were "of a special sort — those in which U.S. Senator John Kerry received either his largest or second largest number of votes in the ward. This meant precincts in which Bush received an unusually high number of votes could not be examined, nor could the precincts in which the third-party candidates received unusually high vote totals."

Any impartial investigation on transparency and accountability in vote counting is a step in the right direction. But progress has been uneven. Utah is one place where things are deteriorating.

In April, Utah's Voting Equipment Selection Committee adopted DRE electronic-ballot voting machines for use in the state. Public-interest research groups, including Utah Count Votes and US Count Votes, say that the DRE (or direct recording electronic) voting system is more risky and more costly than the AutoMARK optical-scan paper ballot, which has been endorsed by the National Federation of the Blind.

The Utah Election Office failed to inform voters of a substantially lower bid from the AutoMARK company and did not publish comparison analysis of the paper ballots and the more expensive DRE electronic ballot systems. Instead, according to the public-interest groups, rumors were spread that the AutoMARK ballots "cannot handle as many races and issues as the old punch-card system did for Salt Lake County, and without allowing the vendors an opportunity to know about or refute these false rumors."

The groups point out that the largest available punch-card system allows for a maximum of 228 punch-holes, while the AutoMARK allows for more. The AutoMARK bid for Utah offered the state a two-sided ballot with 300 lines with a larger type-size and could be adjusted to handle even more. The sight-disabled use large-type printing, as well as Braille, to print their ballots.

One problem with the DRE electronic-ballot voting system is lack of an adequate paper trail. The public-interest groups are urging citizens to be forewarned. Under the Help America Vote Act, funds can be spent by states and counties only on either DRE or optical-scan voting systems. Any states or counties rushing to implement new voting systems before the 2006 elections, therefore, will have to choose either DRE or op-scan. While optical scanning has had problems, at least an op-scan system can include a paper ballot, which can be recounted by hand.

The DRE voting machine, however, does not have a paper ballot. Any problem resulting from mistakes or manipulation, or even from electric power failure, cannot be checked with a hand count. Furthermore, according to the voting technology specialists in US Count Votes and similar associations, the DRE systems will "cost more to maintain, secure and upgrade."

That means that federal grants to the states under the Help America Vote Act will be spent on repairing and restoring rather than on security for voter registration rolls, or information systems for detailed election results, or for developing a database of election rules, procedures, and laws to help voters, poll workers, and election officials.

US Count Votes recommends that citizens around the nation write their county and state election officials, protesting the adoption of DRE systems and calling for paper ballots that can be recounted by hand. A letter that individuals can print, fill in with a name and address, and mail is posted on line at [http://uscountvotes.net/scripts/lettergen/tr\\_pick\\_adressee.php](http://uscountvotes.net/scripts/lettergen/tr_pick_adressee.php).

Organization of public interest groups around election reform has progressed substantially and is among the most hopeful signs following the November 2004 election.

The central project of US Count Votes is to put together a database into which information can be fed about elections in every state, so that any discrepancies can be detected immediately after the election. The project has already begun, using volunteer computer programmers to carry out the work. A public archive system will be set up to catalogue all the original data. There is also the Open Voting Consortium, already mentioned, "a non-profit organization dedicated to the development, maintenance, and delivery of open voting systems for use in public elections."

As has been noticed, the fewest problems with voting and vote tallying in 2004 occurred in precincts that still used the old fashioned paper ballot, counted by hand. The guideline for safe and accountable voting and vote tabulation goes: vote in private; count votes in public.

One simple remedy for some states, especially states with large cities, would be simply to have smaller precincts. There is no reason why all inner-city precincts have to have overcrowded polling places, shifting and confusing changes of polls, or long lines at the polls owing to a lack of voting machines or a lack of election officials.

Starting well before the next election, any area with high population density and frequent vote problems should responsibly redraw their most crowded precincts: more people, more voting machines. A legal maximum for the ratio of population served per voting machine would help, and any responsive state government should be willing to help fund the requisite improvements. In a smaller precinct, cheating and manipulation would also be harder to get away with.

Network television sportscaster Jim Lampley has commented online that "at 5 p.m. Eastern time on Election Day 2004, I checked the sportsbook odds in Las Vegas and via the offshore bookmakers to see the odds as of that moment on the Presidential election. John Kerry was a 2-to-1 favorite. You can look it up."

Lampley had more to say: "People who have lived in the sports world, as I have, bettors in particular, have a feel for what I am about to say about this: these people are extremely scientific in their assessments. These people understand which information to trust and indicators to consult in determining where to place a dividing line to influence bets, and they are not in the business of being completely wrong. Oddsmakers consulted exit polling and knew what it meant and acknowledged in their odds-making at that moment that John Kerry was winning the election."

Sportscaster Lampley goes on to conclude the votes that November day could not have been fairly and legally counted. He also criticizes media silence and passivity: "Is there any greater imperative than to reverse this crime and re-establish democracy in America," he muses. "Why the mass silence? Let's get to work with the circumstantial evidence, begin to narrow from the outside in, and find some witnesses who will turn. That's how they cracked Watergate. This is bigger, and I never dreamed I would say that in my baby boomer lifetime."

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