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After voters cast their ballots, they think they've voted for the candidates of their choice; they take their "I voted" stickers and await the outcome.

But not all votes get counted. In a 2006 election in Sarasota, Florida, the votes of more than 18,000 people who went to the polls never made it into the final tallies.

In a close race for U.S. Representative of the 13th District between Democrat Christine Jennings and Republican Vern Buchanan - Buchanan won by 369 votes - Sarasota County reported that almost 13 percent of voters, or more than 18,000 people, didn't vote for a candidate, according to an article in the *Herald Tribune*. The article says that some people

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claim the large undervote was the fault of poorly designed touch-screen ballots, but others claim people simply didn't vote. Either way, if Jennings would have received 53 percent of the missing votes, she would have won the election.

Questionable results such as those in Sarasota have been a major concern since the 2000 presidential election, and the situation shows that despite many efforts to improve election accuracy and credibility, the issue still hasn't been resolved.

States have been changing their voting systems to find the most accurate way to record votes. Iowa passed a law in March that requires every precinct to use paper ballots, optical-scan machines, and a new touch-screen technology for people with disabilities.

The law creates a standardized voting system in Iowa that offers the security of a paper trail. In case of a recount, election officials will be able to look at the paper record and re-create the election. Paper trails provide more voting integrity because people, especially those with disabilities, can be confident that their votes will be counted, said Richard Eauer, election supervisor in Scott County.

Election officials and equipment manufacturers generally claim voting systems only need a paper trail to ensure that people's votes are being counted, while reform advocates say poll workers need to do a post-election audit to maintain voting integrity.

But America still has hundreds of voting systems with their own standards and procedures, many different from county to county. And some reformers, such as Steven Hill - author of *10 Steps to Repair American Democracy* - are calling for a national standardized voting system.

"It Was Revolutionary"

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During the 2000 presidential election, when the integrity of the vote became a major issue, the U.S. Supreme Court ultimately decided the winner. Florida's confusing "butterfly" ballots and punch cards with "hanging chads" resulted in a recount struggle that led many Democrats to claim the election was stolen from Al Gore.

The federal government tried to restore some confidence by passing the Help America Vote Act (HAVA) in 2002. HAVA required every precinct to have a machine for voters with disabilities. It also required each precinct to have either equipment with an overvote capability, which is the ability to tell voters if they tried to vote for a position more than once, or some sort of voter education on how to avoid overvoting.

HAVA changed the way election officials ran voting systems, said Sean Flaherty, co-chair of Iowans for Voting Integrity. "It was revolutionary," he said. "I think almost every county [in Iowa] got new equipment. Nineteen counties went to paperless touch screens and a majority of counties, 59 out of 99, went to this blended system, where probably most of the ballots were paper-ballot optical scanners, but there was a touch screen in the polling place."

Iowa wasn't the only state to switch to touch screens. "A lot of states went to paperless machines statewide," said Flaherty. "This year, the estimate is that about 25 percent of the registered voters [nationwide] live in areas where the only option at the polling place is a paperless electronic voting machine."

Touch screens offer a better overvote-prevention capability because the machine can tell people if they've overvoted before they finalize their ballots. And it is virtually impossible to be confused about whom one is voting for, because the voter typically presses the candidate's name. Election officials also don't have problems with "hanging chads" or mismarked ballots.

But HAVA didn't stop complaints from cropping up in the 2004 presidential election, specifically in Ohio. Seventy-two percent of Ohioans still used punch card ballots and had the same problem with "hanging chads."

And according to a June 2006 *Rolling Stone* article by Robert F. Kennedy Jr., the 16 percent

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of Ohioans who used electronic voting equipment experienced computer malfunctions. The article says the machines sometimes changed whom the person voted for or made the vote disappear. At least 20 machines around Youngstown, Ohio, had to be recalibrated because voters reported selecting John Kerry but watched the computer record George W. Bush, the article says. Not all the electronic equipment provided paper trails in case of a recount.

"A Clean, Clear Pattern"

Although the goal of going electronic was to ensure the accuracy and integrity of elections, groups such as Iowaans for Voting Integrity say that paperless machines aren't as accurate as they first thought.

When Iowaans for Voting Integrity looked at the results of the 2006 gubernatorial election, they found that touch screens had the largest residual rate, which is the difference between valid ballots cast and valid votes tallied. These rates are made up of both overvotes and undervotes. "Because people are going to undervote all the time, especially for races like secretary of state or secretary of agriculture; they don't know the candidates so they just don't cast a vote," Flaherty explained. "What you don't want to see is the undervote rate correlate with the type of equipment you're using because that's a sign there may be a problem with the equipment. We found a clean, clear pattern between the rate of touch-screen use and the undervote rate. ... The rates we're talking about are not huge, but they're significant. A difference of ... about 1 to 2 percentage points between the different systems."

The nonpartisan organization looked at counties that used all paper ballots, all touch screens, and a mix of the two. In the race for governor, the counties that used all touch screens had the highest residual rate, with 2.8 percent. For the counties that had a blended system, the more they used the touch screen, the higher the residual rate, Flaherty said. Counties that used all paper ballots, on the other hand, had the lowest average residual rate at 0.9 percent.

In the race for governor, Scott County had a 0.6-percent residual rate, which is lower than the 1.5-percent average for blended systems. Scott County's low residual rate is due to its low use of touch screens, with only 63 of the 56,000 votes cast on the touch screens, Flaherty said.

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Although the residual rates for the 2006 election, which Chet Culver won by nearly 10 percentage points, couldn't change the results, "if you do have a very close election, it is something that can conceivably affect the outcome," Flaherty said.

A study by the Brennan Center on nationwide residual rates in 2004 reached a similar conclusion about touch screens. The center, which is a part of the New York University School of Law, discovered that touch screens had the highest residual rates at 1.2 percent, while precinct-count optical-scan systems had a 0.7-percent rate.

It's not that the technology is bad, said author Hill. "Touch-screen technology makes it almost impossible to make a mistake [on whom you vote for], but that's only if it's designed well," he said. A touch screen that doesn't consistently record a vote or loses ballots if the machine is accidentally shut down is a poorly designed machine, he said.

Security is one of the main factors considered in the equipment's design, and right now, America doesn't have the ability to make sure the equipment is secure, Hill said.

University of California at Berkeley computer scientist David Wagner studied electronic voting equipment in California and told National Public Radio earlier this year: "We found the voting systems - all three of them we looked at - were susceptible to computer viruses. An attacker could craft a specially tailored computer virus that could spread throughout a county, and once it infected all the voting machines in a county, could miscount or misrecord the votes."

Hill said that until we can make sure electronic machines are secure, voting systems need to require a voter-verified paper trail.

After the 2004 election, many officials hooked up printers to the touch screens to address the concern with paperless voting. "Back then, we [fair-election advocates] thought that the solution to the problem of these electronic machines was to simply add a printer, like an ATM-style printer, that is under a transparent cover that the voter can look at and know that there is a non-computer record of their votes," Flaherty said. They thought that if people

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checked the record before they left, the votes would be more accurate.

But officials found that because the record was printed off to the side of the machine after the vote was cast, people didn't check the paper record, he said. If a problem occurred with a touch screen, officials were worried that not enough people would check their ballots before they left to make a difference, he said.

To make sure that people's votes were actually being counted, Iowans for Voting Integrity and other like-minded groups started advocating for paper ballots and optical-scan systems. If voters have to fill out ballots with a pen or pencil, they don't have to worry about checking a secondary printout, Flaherty said.

The Importance of Audits

In 2003, Illinois was the first state to pass a law that required paper trails, said Rock Island County Clerk Dick Leibovitz. After the law was passed, Rock Island County used touch screens for the next two years and then switched to optical scans, which they've been using ever since, said the Democrat.

Starting in November, Illinois and Iowa will have similar voting systems. The primary difference is that Illinois does an audit before the election is finalized. The state of Illinois randomly picks 10 percent of each county's precincts, and election officials must compare the results of the computer tally to the paper ballots. If the results differ, they will hand-count the paper ballots and separate the candidates into piles, Leibovitz said. "It's almost inevitable the machine is correct, and we've made some kind of a calculation error," he said.

Iowa officials planned to incorporate audits this year, but they already had a lot of changes for election officials to deal with, Flaherty said. They plan to begin audits by 2010, he said.

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But not all election officials want to do audits. "I think it depends on what exactly they want to audit, what's the procedure," Scott County's Eauer said. He added that he trusts the equipment used in Scott County and the tests poll workers do before the election. "We have a thorough testing process around here," he said. "We chart ballots, there's a certain procedure to chart your ballots. Then you have to thoroughly test that equipment. When we see the ballots, we make sure that that's what recorded. That's our audit. We do a pre-audit instead of a post-audit."

If problems do arise during the election, Scott County has people to go into the field and fix them, Eauer said. "Our problems you have in the field are the ballot jamming, getting stuck, or too many ballots in the ballot box, power outages; those are what we're dealing with," he said.

But Iowans for Voting Integrity said that it doesn't matter how good your pre-tests are. "Really we're not going to be even close to done with this until we are doing good post-election hand-count audits," Flaherty said, because the electronic voting machines have had so many problems in the past.

Eauer said Scott County hasn't found any problems with its system, even when it used the touch screens. "The recounts we've had, we've always been dead on," he said. For Scott County, residual rates stem more from absentee ballots, he said. "When you mail it [your ballot] in, you don't have a chance to correct that ballot," which can lead to an overvote or an undervote, he said. "On Election Day when you vote in the polls, you have a chance to correct your vote"; so there is less of a chance for a mistake, Eauer said.

National Standards

Hill, the author of *10 Steps to Repair American Democracy*, said the only way to ensure voting integrity is to have a national standardized voting system. While there are states, such as Iowa, that have a statewide voting system, most counties in the U.S., including those in Illinois, still have the authority to choose their own voting systems.

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Ohio had that problem in 2004, as each county had a different requirement for provisional ballots, Hill said. "Some states have low standards and don't do much testing of their equipment," he said. In Idaho and Utah, there isn't really a standard for approving equipment, he said.

"Imagine if the aviation administration that oversees airplanes doesn't have a national standard," Hill said. The planes could be required to have different types of tires for landing at certain airports, or runways could vary in length, he said. One national standard would eliminate a lot of the confusion, especially when it comes to audits. Even though a lot of states practice post-election audits, some states use a 1-percent sample of paper ballots, while others use 3 percent, he said.

A national standardized voting system would provide a uniform system for all the details that go into elections. Instead of having equipment vendors get certified in every state, they would only have to go to the federal government for approval. In addition, the government can decide on a uniform ballot design so there is not the problem of butterfly ballots as there was in 2000, he said. Local governments would still be in charge of elections, "but they're going to have standards and the voting equipment that they buy are going to be subject to standards," Hill said. "That's no different than what we already do with a huge number of things." Because a national system would be a best-practices system, the standards would apply to all elections, he said.

However, under a uniform national system, a lot of states would have to make changes, which will require some sort of funding. When Scott County purchased its equipment for people with disabilities, it cost them \$5,100 per unit.

"There is always going to be an issue of cost," Hill said, but he added that people should be more concerned about an accurate voting system than how much it's going to cost.

Not all of the changes will be in equipment, he noted. "Some of it is just standards about how you conduct the election," he said.

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Most likely the federal government would help pay for the changes, Hill said. When Congress passed the Help America Vote Act, the federal government provided more than \$3 billion in funding, according to a report by the Election Assistance Commission, but that didn't cover the cost for every state.

America hasn't had a nationwide voting system because it has never known how inaccurate its systems were, Hill said. "When an election is won by a landslide, if you kind of mess up a little bit, by 1 or 2 percent, it's not going to be a big deal," he said. We "didn't need to know that [we] need accurate votes until this close election," he said of Florida's 2000 presidential results.

According to a report to Congress by Kenneth R. Thomas, the states have a majority of the power in election procedures. Thomas, who is a legislative attorney for the American Law Division of Congressional Research Service, reported that the Constitution gives Congress the power to set the "time, place, and manner" of congressional elections, and only the time for presidential elections.

Constitutionalists say the federal government already has unconstitutionally asserted some control of elections, and the power should lie with the states, according to Constitutionparty.com. The party's platform states that one goal of the Constitution Party is "to limit the federal government to its constitutional boundaries," and acts that allow federal oversight beyond those boundaries should be abolished, including the Voting Rights Act and the Federal Election Campaign Act. The Federal Election Commission should also be abolished, says its site.

However, Hill argues that America needs a stronger federal presence in a national elections commission. "It can partner with the states, but it would set certain national standards that everyone has to live up to and make sure that vendors' equipment is the best it can be," Hill said.

While Hill acknowledges that the Election Assistance Commission (EAC) is a start, it needs to be more robust, he said. The EAC was established by HAVA, and it is in charge of creating voluntary voting-system guidelines and enforcing HAVA requirements. HAVA created some national standards, but the EAC should make more, he said. It should also "create a federal testing process that is topnotch, for one, and that the states can trust and don't have to do the testing themselves," he said.

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Hill and other advocacy groups are finding some legislators willing to push for a nationwide system. U.S. Representative Rush Holt (D-New Jersey) sponsored the Emergency Assistance for Secure Elections Act of 2008, which called on all states to use paper ballots in the 2008 election as well as conduct post-election audits. The bill was voted down in the House.

Senator Dianne Feinstein (D-California) and Senator Bob Bennett (R-Utah), on the other hand, are co-sponsoring a bill that would require everyone to use touch screens by 2012. According to Feinstein's Web site, the electronic voting system must provide an independent verification of each ballot in some form. The bill, which was introduced July 1, would also require states to include a post-election audit in their procedures.

No matter what happens, Scott County's Flaherty said, "If we can't be confident that our votes are being recorded accurately, we can't be confident in our democracy."