

## Take My Vote, Please



### Voting Trivia

Source: Gumbel, Andrew, *Steal this Vote* (New York: Nation Books, 2005)

- In terms of voter turnout, the United States ranks 139<sup>th</sup> out of 179 countries in the world.
- In 2002 in Alabama, when it appeared the Democratic candidate for governor was winning, the Republican judge in rural Baldwin County found a “glitch” in the computer software that had “awarded” 7000 votes too many to the Democrat – costing him the election. (pp. 8-9)
- In 2000, a county elections supervisor quit her job to become a waitress at Sizzler, where the pay was better. (p. 10)
- In 1948, a county judge in Jim Wells County, Texas changed a “7” to a “9” in the vote tally by adding a loop, giving Lyndon Johnson the victory in a closely-fought Senate race by adding 200 votes to his statewide total. (p. 22)
- Almost 5 million Americans (2% of the population) are disenfranchised due to past felony convictions (p.47)
- In 1868, “repeaters” were given a list of the recently deceased and paid to go from one polling location to another to vote for Democratic Tammany Hall candidates. They were often large men who threatened violence when challenged as to their identity (pp. 73-74)
- In 1844, New York City had a turnout of 55,000 but only 41,000 eligible voters (p. 78)
- In 1920, three campaign workers, including an election judge and a precinct captain were kidnapped and held until a Chicago ward election was completed. This became routine practice during the 1920s in Chicago (pp. 150-151)
- In 1960, John F. Kennedy won Illinois, and the presidency, on the strength of an 89% turnout in Chicago and a margin of victory there that exceeded most mayoral contests in previous years (pp. 162-163)
- “An automobile has 5,000 moving parts, a [lever] voting machine has 27,000 parts.” (p. 183)
- Black votes in Florida in 2000 were up to 10 times more likely to be disqualified than those of non-blacks (p. 205)

Good source for Voting Related News: The Pew Trust at [www.electiononline.org](http://www.electiononline.org)

### Officials Say Flaws at Polls Will Remain in November

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Flaws in voting machines used by millions of people will not be fixed in time for the presidential election because of a government backlog in testing the machines' hardware and software, officials say.

The flaws, which have cast doubt on the ability of some machines to provide a consistent and reliable vote count, were supposed to be addressed by the Election Assistance Commission, the federal agency that oversees voting. But commission officials say they will not be able to certify that flawed machines are repaired by the November election, or provide software fixes or upgrades, because of a backlog at the testing laboratories the commission uses.

“We simply are not going to sacrifice the integrity of the certification process for expediency,” said Rosemary E. Rodriguez, the chairwoman of the commission.

As a result, machine manufacturers and state election officials say states and local jurisdictions are forgoing important software modifications meant to address security and performance concerns. In some cases, election officials in need of new equipment have no choice but to buy machines that lack the current innovations and upgrades.

The federal government does not require that states use machines that the commission certifies, but most states depend on the commission to approve new machines and software, and at least 10 states have rules or laws requiring federal certification.

In Ohio, for example, which requires federal certification, election officials found that in this year's presidential primary the touch-screen machines used in 43 counties, or by more than three million voters, dropped at least 1,000 votes as memory cards sent data to the central server in each county. The discrepancy was caught and corrected before final tallies were calculated, but election officials say the risk is too high. The newer software being provided by manufacturers fixes the problem, but it has not been certified, and so the state cannot use it.

Cuyahoga County, the most populous county in Ohio, plans to use a type of optical scan machine that lacks safeguards to prevent election officials from tampering with the ballots and affecting tallies, said the Ohio secretary of state, Jennifer L. Brunner. Those safeguards do exist on a later model, she said, but it remains uncertified.

"We need the federal oversight to create consistent standards and to hold the manufacturers to a certain level of quality, but we also have to be able to get the equipment when we need it," Ms. Brunner said. "Right now, that equipment is not coming, and we're left making contingency plans."

Election officials in Illinois, Iowa, North Dakota, Washington and Wisconsin told of similar frustrations.

The slowdown began in February 2007 when the commission took over the certification process that was previously performed by a volunteer program operated by the National Association of State Election Directors. Until then, the association had arranged for private testing labs to scrutinize the machines, using standards set in 1990 and 2002 by the Federal Election Commission. That process was widely criticized as being inconsistent and rife with conflicts of interest.

"The problem is that the pace of innovation is outstripping the pace of regulation," said Doug Chapin, director of the Web site set up by Pew Center on the States, [electionline.org](http://electionline.org). "Federal certification is intended to help election officials manage voting technology, but right now it's getting in the way instead."

Since the commission took over the certification process, no new equipment or software has been certified.

Advocates for better election systems say one reason for the delay is that the machines are fraught with problems that should have been detected earlier, giving manufacturers more time to make improvements. Had there been stronger standards before the commission took over, they say, the current level of scrutiny would not be necessary.

"The E.A.C., to its credit, has decided to dig their collective heels in and insist that the software and hardware be rigorously tested by professional testing labs," said Warren

Stewart, a technology expert with Vote Trust USA, a voting rights watchdog group.

Either way, said Chris Nelson, the secretary of state in South Dakota, which requires federal certification of voting-machine changes, he is tired of waiting.

In 2006 the ballot-marking devices used by disabled voters incorrectly marked 50 to 100 ballots, Mr. Nelson said. The machine maker says it has fixed the problem but the state cannot install the fix without certification, said Mr. Nelson, who added that he had also not decided how to proceed.

In Chicago, election officials say they are frustrated that they cannot upgrade the software that runs their optical scan machines so that it will perform more smoothly for disabled voters. The software change will also more accurately count ballots cast in voting precincts that sit on the fault line between two Congressional or judicial districts.

Part of the reason for the slowdown has been that the commission chose to certify systems from top to bottom, including software and hardware, rather than simply certifying modifications to noncertified machines.

Many states have begun to consider moving away from requiring federal certification. In Washington, Pierce County received a state exemption from the certification requirement after it decided to give voters the ability to rank candidates running for county office in order of preference, thus avoiding a primary. The new voting method required a software change that would have otherwise required certification, said Pat McCarthy, the county elections director.

In Wisconsin, election officials have to use calculators to add machine tallies individually in about 1,500 polling places. Kevin Kennedy, director of the state elections board, said the upgrade needed to make the state's touch-screen machines communicate properly with its optical scan machines was not certified.

"It is slow, insecure and opens up room for error," Mr. Kennedy said. He added that the state had been using the same optical scan machines since the mid-1980s and would like to buy new hardware but would not until new machines were federally certified.

Machine manufacturers are also becoming frustrated.

In June, the Election Technology Council, the trade association that represents most major voting machine makers, issued a report highly critical of the commission that said the certification delays were squelching innovation and raising the industry's costs.

A draft report out this month by the Government Accountability Office, the Congressional watchdog, said the current system left states on their own to discover voting machine problems. The report calls for Congress to revise the Help America Vote Act and provide the commission with the authority and resources it needs to resolve problems with machines that were certified before the commission took over the process.