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From the Baltimore Sun

Election official criticized over ad

Diebold quotes praise by Lamone

By Melissa Harris
 Sun reporter

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In a glossy brochure for the voter check-in system that Diebold Election Systems debuted in Maryland last year, the state's elections chief offers glowing praise.

"Our election judges just love this product, and so do I," says Linda H. Lamone, administrator for the State Board of Elections, whose color photo appears in the brochure.

"We in Maryland are extremely pleased with the performance of the system during the general election."

What Lamone didn't mention, however, was that the check-in machines crashed during the September primary, leading to long delays at some precincts and prompting then-Gov. Robert L. Ehrlich Jr. to urge voters to cast absentee ballots in the general election.

Now Lamone is coming under criticism from Gov. Martin O'Malley, state legislators and others for essentially helping to promote Diebold's equipment, though she was not paid.

"On its surface, this raises concern about lending the prestige of office to a private company," O'Malley spokesman Steve Kearney said. "We agree that the [state] ethics commission should review the matter, and we have asked the elections administrator to have Diebold withdraw these materials."

State law prohibits using the "prestige" of an office or public position for private gain.

Lamone and Texas-based Diebold said that she received no compensation for her praise of the ExpressPoll-5000 equipment.

"I don't know what to say," Lamone said yesterday. The brochure "wasn't something I was focused on. Diebold asked me for permission to repeat the comments I had made several times before - in legislative committee hearings, meetings of the State Board of Elections and in our press release after the general election.

"All of my comments in the brochure have long been in the public domain," she said. "But I told Diebold that they couldn't use them as a sales gimmick."

Robert Hahn, executive director of the State Ethics Commission, was unavailable for comment yesterday because of a family member's death.

After the 2000 Florida voting dispute prompted Congress to push states away from "butterfly" and punch-card ballots, Maryland was among the first states to move to a paperless, electronic system. But computer scientists soon concluded that hackers could sabotage some of the new systems.

System crashed

During Maryland's primary election last September, the voter check-in system, or e-poll books, crashed after election judges checked in every 43rd voter, creating lines that snaked out of precincts across the state. The e-poll books are only used to check in arriving voters and do not record votes.

"It is very surprising that she would endorse a product in such glowing terms that broke every 43rd time during the primary," said Mary Boyle, a spokeswoman for Common Cause, a watchdog group. "That is not most people's idea of a high-quality product."

It turned out that Diebold had added a special feature to the system for Maryland officials but hadn't tested that addition thoroughly for bugs.

Diebold removed that feature from every poll book before the general election. And in response to that problem, combined with a shortage of election judges in Baltimore and a mistake in Montgomery County, a record number of voters cast their ballots on paper in advance of the general election, delaying some final results for days.

Despite the primary election breakdown, Lamone said that she approved a draft version of the four-page brochure, which Diebold labeled a "case study," earlier this year.

Lamone said she never saw the final product until it appeared on the Internet this week. She said that she doesn't know whether differences existed between the two versions. The use of her statements in the Diebold brochure was first reported Tuesday by wired.com, the Web site for Wired magazine.

Legislators comment

Several state legislators criticized Lamone's decision to participate in the brochure.

"We're not to use public office to endorse a product," said Del. Elizabeth Bobo, a Howard County Democrat and critic of Diebold. "At best, this is an example of extremely poor judgment. And that doesn't even address my concerns with the content of her statements."

Sen. Andrew P. Harris, a Baltimore County Republican, agreed.

"Our top election official shouldn't be appearing to endorse a vendor's product," he said. "We've always approached procurement decisions in an objective fashion, and a vendor's literature would not be a place necessarily associated with objectivity."

Harris said, given that Lamone did not accept money in exchange for her praise, she shouldn't be punished. But, he said, someone "needs to tell her not to do that in the future."

Mark Radke, director of marketing for Diebold, said of the brochure: "We are using it as a reference piece when people are inquiring about the use of express poll books and the advantages of the product in reducing voter lines, costs and also as far as recording historical data on voters."

Lamone isn't the only state elections director to lend her name to the company's literature, according to Diebold's Web site. In 2004, then-Georgia Secretary of State Cathy Cox, another key Diebold client, participated in a similar "case study" for Diebold's touch-screen voting machines.

Lamone said that her intent wasn't to endorse Diebold - but rather electronic check-in systems in general.

"We received national press after the primary about the failure of the electronic poll books," Lamone said. "But we received no corrective stories after the election because they worked OK. My staff represented this to me as an opportunity to get out into public the fact they did work well and were of benefit to poll workers."

Lamone said that as soon as she read the blog posting on wired.com, she contacted the state ethics commission "for guidance."

Robert Ferraro, of SaveourVotes, a nonpartisan group that advocates for "secure" elections, said his group plans to file a complaint with the commission this week.

"With all of the problems we have had in Maryland, is it proper for her to be helping [Diebold] sell this product?" Ferraro asked.

Lamone is an unwavering proponent of the use of technology in elections. For one thing, she says, the technology makes her job and the duties of her staff easier. It's the equivalent of using a computer to write a paper rather than a typewriter.

But years ago, computer scientists began documenting security flaws in the state's voting terminals, which also are manufactured by Diebold. In addition, state officials failed to disclose a major design flaw in Diebold touch-screen voting machines that were used in some counties in 2004.

Armed with academic studies, Montgomery County-based activists formed grass-roots groups to lobby the General Assembly for a return to paper ballots, which enable independent recounts.

But Lamone refused to back down, and she has continued to lobby for the Diebold-manufactured system.

Since the battles began, grass-roots activists have sued Lamone, picketed national events she had organized, posted video of her making seemingly contradictory statements on YouTube and observed her at speaking engagements and meetings.

And after years of lobbying, the groups convinced Maryland lawmakers to scrap the state's \$65 million touch-screen voting machines and return to paper ballots that are tallied by a scanner. The electronic poll books, however, would still be used.

The change hinges upon O'Malley setting aside an estimated \$18 million to \$20 million for the new system in his budget for next year. Given that the state already uses separate Diebold optical scan machines to count absentee ballots, the company is expected to compete for a contract to supply more of them for the 2010 election and beyond.

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