

Sunday, 19 August, 2007

Dear Washington Post Editorial Staff,

Today's editorial, "Voting Reform: Fixing the Bill that Fixes Elections"

<http://www.washingtonpost.com/wpdyn/content/article/2007/08/18/AR2007081800951.html>

could easily have been written by elections officials, who, as was recently documented with State Elections Administrator Linda Lamone here in MD, often have very cozy relationships with voting equipment vendors.

Rush Holt's bill, HR 811, requires that each voter-verified paper ballot be a separate, individual piece of durable paper. The only kind of equipment currently available that would meet that standard is voter-marked paper ballots, which can be counted by optical scanners.

HR811 has already been made "less prescriptive" about what equipment would meet the standards of the bill for 2008. Since there are currently no printers for touch-screen direct-recording electronic (DRE) machines that would meet that standard, a compromise amendment hammered out in the office of House Majority Leader Steny Hoyer would give states a few more years to meet that deadline. In the meantime, they could add the flimsy "toilet-paper roll" printers to their existing DREs for 2008 if that is an option for their equipment (it is NOT an option in MD, which has an older version of paperless DREs). But the bill would still require everyone to have some kind of paper ballots in 2008.

Voting equipment vendors are not happy with that compromise because states like MD would be forced to buy optical scan equipment by 2008. So they have been telling elections officials and legislators that they can't meet that deadline -- they say they wouldn't be able to fill the orders in time. That sounds like a self-fulfilling prophecy. Can't? Or don't want to? They have no incentive to cooperate because they make far less profit on op-scan systems than they do on DREs.

Once they have a jurisdiction "hooked" on DREs, vendors have a complete monopoly on everything that happens to each of those machines from now till eternity. Because the software on which the machine runs is their own company secret, they are the only ones who can program each ballot style used, do all maintenance and repairs, train pollworkers and technicians to operate and trouble-shoot the equipment, etc. It's a very lucrative set-up.

For example, in MD we paid \$65 million to buy our DRE machines. But by the time the 2008 election cycle is complete, we will have shelled out an additional \$42 million to Diebold in operating costs for our equipment. When the warranties expire on the machines, we pay a per-machine cost for an extended warranty for maintenance, repair & replacement -- about \$100 per machine, or \$1.9 million per year statewide. One county official in PA, experiencing sticker shock at the ongoing warranty costs, said it would be cheaper just to replace the machines that break than to pay that cost -- except there's no guarantee the vendor would continue to honor the per-machine purchase price originally negotiated with the county. In other words, they have you over a barrel once you buy the DREs.

While op-scan machines also have similar costs, the number of machines needed is about 1/5 the number of DREs -- 1 op-scan machine for each polling place plus 1 ballot-marking machine for accessibility, compared to an average of 10 DREs. Not too hard to imagine that they would put up a fight about losing this sweet set-up.

Since almost ALL counties already have op-scan equipment for counting their absentee and provisional ballots, the claims of new testing and certification are a bit hard to swallow -- they just don't pass the straight-face test. And other states have switched from DREs to op-scan systems in 6-8 months, including NC which was tied up in a lawsuit for most of that time by vendors balking at putting their source code in escrow. New Mexico made the switch statewide before the 2006 elections and a new report shows voters and elections administrators alike are delighted with their new system.

Vendors want more time to develop DRE printers that would qualify under the new standards rather than weaning their loyal customers off the lucrative DREs. But California's recent decision to decertify most DREs because of major proven security vulnerabilities even in machines with paper trails highlights the urgency of moving away from this risky equipment.

In some ways vendors hold all the cards, since they can foot-drag as much as they want to on delivery deadlines, except for one basic fact: If necessary, paper ballots can always be counted by hand, or with the optical scanners already owned by most counties. Let's bear that in mind before we get swindled, once again, by these fast-talking snake-oil hucksters.

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