Officials Wary of Electronic Voting Machines

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WASHINGTON, Sept. 23 — A growing number of state and local officials are getting cold feet about electronic voting technology, and many are making last-minute efforts to limit or reverse the rollout of new machines in the November elections.

Less than two months before voters head to the polls, Gov. Robert Ehrlich Jr. of Maryland this week became the most recent official to raise concerns publicly. Mr. Ehrlich, a Republican, said he lacked confidence in the state’s new $106 million electronic voting system and suggested a return to paper ballots.

Dozens of states have adopted electronic voting technology to comply with federal legislation in 2002 intended to phase out old-fashioned lever and punch-card machines after the “hanging chads” confusion of the 2000 presidential election.

But some election officials and voting experts say they fear that the new technology may have only swapped old problems for newer, more complicated ones. Their concerns became more urgent after widespread problems with the new technology were reported this year in primaries in Ohio, Arkansas, Illinois, Maryland and elsewhere.

This year, about one-third of all precincts nationwide are using the electronic voting technology for the first time, raising the chance of problems at the polls as workers struggle to adjust to the new system.

“I think there is good reason for concern headed into the midterm elections,” said Richard F. Celeste, a Democrat and former Ohio governor who was co-chairman of a study of new machines for the National Research Council with Richard L. Thornburgh, a Republican and former governor of Pennsylvania.

“You have to train the poll workers,” Mr. Celeste said, “especially since many of them are of a generation for whom this technology is a particular challenge. You need to have plans in place to relocate voters to another precinct if machines don’t work, and I just don’t know whether these steps have been taken.”

Paperless touch-screen machines have been the biggest source of consternation, and with about 40 percent of registered voters nationally expected to cast their ballots on these machines in the midterm elections, many local officials fear that the lack of a paper trail will leave no way to verify votes in case of fraud or computer failure.

As a result, states are scrambling to make last-minute fixes before the technology has its biggest test in November, when voter turnout will be higher than in the primaries, many races will be close and the threat of litigation will be ever-present.

“We have the real chance of recounts in the coming elections, and if you have differences between the paper trail and the electronic record, which number prevails?” said Richard L. Hasen, a professor at Loyola Law School in Los Angeles and the author of the Election Law blog, www.electionlawblog.org.

Professor Hasen found that election challenges filed in court grew to 361 in 2004, up from 197 in 2000. “What you have coming up is the intersection of new technology and an unclear legal regime,”
he said.

Like Mr. Ehrlich, other state officials have decided on a late-hour change of course. In January, Gov. Bill Richardson of New Mexico decided to reverse plans to use the touch-screen machines, opting instead to return to paper ballots with optical scanners. Last month, the Connecticut secretary of state, Susan Bysiewicz, decided to do the same.

“I didn’t want my state to continue being an embarrassment like Ohio and Florida every four years,” said Mr. Richardson, a Democrat, adding, “I also thought we needed to restore voter confidence, and that wasn’t going to happen with the touch-screen machines.”

In Pennsylvania, a state senator introduced a bill last week that would require every precinct to provide voters with the option to use paper ballots, which would involve printing extra absence ballots and having them on site. A similar measure is being considered on the federal level.

In the last year or so, at least 27 states have adopted measures requiring a paper trail, which has often involved replacing paperless touch-screen machines with ones that have a printer attached.

But even the systems backed up by paper have problems. In a study released this month, the nonpartisan Election Science Institute found that about 10 percent of the paper ballots sampled from the May primary in Cuyahoga County, Ohio, were uncountable because printers had jammed and poll workers had loaded the paper in backward.

Lawsuits have been filed in Colorado, Arizona, California, Pennsylvania and Georgia seeking to prohibit the use of touch-screen machines.

Deborah L. Markowitz, the Vermont secretary of state and the president of the National Association of Secretaries of State, said that while there might be some problems in November, she expected them to be limited and isolated.

“The real story of the recent primary races was how few problems there were, considering how new this technology is,” said Ms. Markowitz, a Democrat. “The failures we did see, like in Maryland, Ohio and Missouri, were small and most often from poll workers not being prepared.”

Many states have installed the machines in the past year because of a federal deadline. If states wanted to take advantage of federal incentives offered by the Help America Vote Act, they had to upgrade their voting machines by 2006.

In the primary last week in Maryland, several counties reported machine-related problems, including computers that misidentified the party affiliations of voters, electronic voter registration lists that froze and voting-machine memory cards whose contents could not be electronically transmitted. In Montgomery County, election workers did not receive access cards to voting machines for the county’s 238 precincts on time, forcing as many as 12,000 voters to use provisional paper ballots until they ran out.

“We had a bad experience in the primary that led to very long lines, which means people get discouraged and leave the polls without voting,” said Governor Ehrlich, who is in a tight re-election race and has been accused by his critics of trying to use the voting issue to motivate his base. “We have hot races coming up in November and turnout will be high, so we can expect lines to be two or three times longer. If even a couple of these machines break down, we could be in serious trouble.”

Problems during primaries elsewhere have been equally severe.

In the Illinois primary in March, Cook County officials delayed the results of the county board elections for a week because of human and mechanical problems at hundreds of sites with new voting machines made by Sequoia Voting Systems.

In the April primary in Tarrant County, Tex., machines made by Hart InterCivic counted some ballots as many as six times, recording 100,000 more votes than were cast. The problem was attributed to programming errors, not hacking.

In the past year, the Government Accountability Office, the Brennan Center for Justice at New York University and the Congressional Research Service have released reports raising concerns about the
security of electronic machines.

Advocates of the new technology dispute the conclusions.

“Many of these are exaggerated accusations by a handful of vocal activists,” said Mark Radke, director of marketing for Diebold Election Systems, one of the largest sellers of touch-screen machines. “But if you want to talk about fraud and tabulation error, the newer technology is far more accurate.”

Mr. Radke cited a study from the California Institute of Technology that found that between the 2000 election, when touch-screen machines were not used, and the 2004 election, when they were, there was a 40 percent reduction in voter error in Maryland, making the vote there the most accurate in the country.

“There is always the potential for human error,” Mr. Radke said, “but that is easily correctible.”

But critics say bugs and hackers could corrupt the machines.

A Princeton University study released this month on one of Diebold’s machines — a model that Diebold says it no longer uses — found that hackers could easily tamper with electronic voting machines by installing a virus to disable the machines and change the vote totals.

Mr. Radke dismissed the concerns about hackers and bugs as most often based on unrealistic scenarios.

“We don’t leave these machines sitting on a street corner,” he said. “But in one of these cases, they gave the hackers complete and unfettered access to the machines.”

Warren Stewart, legislative director for VoteTrustUSA, an advocacy group that has criticized electronic voting, said that after poll workers are trained to use the machines in the days before an election, many counties send the machines home with the workers. “That seems like pretty unfettered access to me,” Mr. Stewart said.