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# Activists Sue to Block Electronic Voting

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By THE ASSOCIATED PRESS

Published: July 13, 2006

### **Filed at 3:31 p.m. ET**

Computerized voting was supposed to be the cure for ballot fiascos such as the 2000 presidential election, but activist groups say it has only worsened the problem and they've gone to court across the country to ban the new machines.

Lawsuits have been filed in at least nine states, alleging that the machines are wide open to computer hackers and prone to temperamental fits of technology that have assigned votes to the wrong candidate.

Manufacturers say their machines are more reliable than punch cards and other traditional voting technologies.

But they face a determined opponent in Voter Action, which has filed lawsuits in Colorado, California, Arizona and New Mexico. Similar bans have been sought by voters in Texas, Ohio, Florida and Pennsylvania. On Thursday, a coalition of groups filed a lawsuit in Georgia.

"The designers of video games have built far more sophisticated security into their systems than have the manufacturers of voting machines," said Lowell Finley, co-director of Voter Action, a nonprofit and nonpartisan group based in Berkeley, Calif. "The biggest problem is security against tampering."

About 80 percent of American voters will use some form of electronic voting in the November election, where every seat in the House of Representatives is up for re-election, as are 33 Senate offices and 36 governorships.

[New York University's](#) Brennan Center for Justice released a one-year study last month that determined that the three most popular types of U.S. voting machines "pose a real danger" to election integrity.

The survey examined optical scanners, which electronically read ballots, and touch-screen machines, which operate like ATMs. Some produced paper receipts, others didn't.

More than 120 security threats were identified, including wireless machines that could be hacked "by virtually any member of the public with some (computer) knowledge" and a PC card; the failure of most states to install software that could detect outside attacks; and the failure of many states to audit their electronic systems.

Voter Action's lawsuits target the most popular machine manufacturers: California-based Sequoia Voting Systems, Nebraska-based Electronic Systems & Software, and the biggest of them all, Diebold Election Systems of Ohio, a subsidiary of giant ATM maker Diebold Inc.

Diebold spokesman David Bear said his company's technology "has proven to be more accurate" than punch cards, and most Americans prefer to vote electronically. He also dismissed recent studies that showed computerized systems were vulnerable to hackers, saying "those are what-if scenarios."

The company's former CEO, Wally O'Dell, authored a 2003 Republican fundraising letter that promised, "I am committed to helping Ohio deliver its electoral votes to the president next year."

As it turned out, Ohio did push George Bush over the top, but only after problems at voting precincts -- including malfunctioning Diebold machines -- prompted lines as long as 11 hours. Diebold denied any wrongdoing, as did the other machine makers, who say e-voting problems are coincidental, reflecting expected glitches in new technology.

The jump to electronic voting was spurred by the 2002 Help America Vote Act, which reworked election standards and encouraged states to get rid of punch-card systems by making \$3.9 billion available to states for upgrading election equipment.

Manufacturers of touch-screen machines and optical scanners touted their young technology to election officials as the best way to get those funds, and to avoid the chaos caused by punch cards in the 2000 election.

But according to voters' rights groups, much the money was disbursed well before a mandated HAVA committee published its stringent new election standards.

Bear said there has been no evidence in any election of hackers breaching electronic security measures and manipulating votes. However, Finley said Voter Action has documented other problems with e-voting.

"We had dozens of affidavits from voters in New Mexico who said they touched one candidate's name, but the machine picked the opponent," he said. In the state's biggest county, home to Albuquerque, touch-screens machines purchased from Sequoia lost 13,000 votes, Finley said.

In the end, Voter Action agreed to drop its New Mexico lawsuit when the state stopped purchases of the machines and reverted to paper ballots that would be electronically scanned for results.

Other states had similar problems during the current primary season. In Arkansas, for example, one county's results were delayed for four days because of faulty software, machines that wouldn't boot up and a shortage of technicians to fix the \$15.9 million system recently purchased from ES&S.

The company's machines also drew complaints from officials in Indiana, Oregon and West Virginia, where Secretary of State Betty Ireland blamed ES&S for "vast delays" and "broken promises" and reported the firm to the Federal Election Assistance Commission.

Finley says there is an easy solution to the problems.

"The best and simplest way is to have voters vote on paper," he said. "You can use modern technology -- like scanners -- to verify the vote," he said. "But you always have the assurance that you can go back and hand count those ballots."

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On the Net:

Voter Action: <http://www.voteraction.org>

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