

**April 24, 2004**

MAKING VOTES COUNT

## A Compromised Voting System

**C**alifornia's secretary of state, Kevin Shelley, is expected to decide in the next week whether the state's electronic voting machines can be used in November. His office has just issued two disturbing studies — one on machine malfunctions in last month's primary, another on misconduct by one of the nation's leading voting machine manufacturers — that make a strong case against the current system. Refusing to certify the state's electronic voting machines at this late date is a serious step, but there are compelling reasons for Mr. Shelly to decertify some, and perhaps all, of them.

Electronic voting is no doubt the wave of the future, but it is being rolled out with too little thought, and without the necessary safeguards. The two new California reports, which are online at [www.ss.ca.gov](http://www.ss.ca.gov), provide strong evidence that this is the case. The study of electronic voting in the March 2 primary describes a slapdash system that falls far short of the minimum standards for running an election. A critical machine part failed on Election Day, causing more than half of the 1,038 polling places in San Diego County to open late and an unknown number of voters to be turned away. Faulty equipment in another county miscounted 13,300 ballots that had been mailed in. There were also widespread reports of teenagers' "rebooting" machines for poll workers who could not operate them, a clear security breach.

More disturbing than these equipment breakdowns was the failure of machine manufacturers to have voting machines properly certified. It is not hard to program a computer to steal an election. A crucial safeguard is review of the software and hardware by federal and state monitors. But according to the report, the manufacturers regularly flouted the certification law. Many changes were made at the last minute, introducing the possibility of vote tampering, or simple malfunctions. "The result was a choice between using equipment that had not been fully tested and approved, or using no equipment at all," the report found.

Mr. Shelley's second report singles out Diebold, a leading manufacturer, as particularly blameworthy. Among other serious charges, it says that last year Diebold installed uncertified software in all 17 of the counties it served without notifying the secretary of state, as the law requires.

The answer to all of these problems is a "voter-verified paper trail," a paper record that the voter can check for accuracy. This paper trail will guard against computer tampering by creating a hard copy of votes that can be compared to the electronic results in a recount. Mr. Shelley has already directed that by

2006, every electronic voting machine in California must produce a paper trail. Now he must decide what to do about this year's election.

A state advisory panel has urged Mr. Shelley to bar the use of one model of Diebold machine whose certification was improper; 15,000 of them are in place in four California counties. Based on the two reports, this is the correct course. Diebold's record does not inspire the sort of confidence voters deserve. Equally important, banning these machines is the only way to make it clear that the certification laws must be followed scrupulously.

The harder question Mr. Shelley faces is whether to ban all electronic voting machines that do not produce a paper trail, as many voting experts, and some state legislators, are urging him to do. His obligation to ensure that voting machines function properly and inspire voter confidence argues for a total ban. To do otherwise is to risk Election Day meltdowns, and another presidential election in which voters lack faith in the outcome.

There is the practical question of whether an alternative system can be perfected in six months. It may be possible, by using a combination of more reliable machines and paper ballots, and perhaps some electronic machines fitted with printers. Given the short time frame, the best course is to proceed on two tracks: to work to put in place a system in which every vote creates a paper record, but to keep the existing electronic machines as a fallback.

Bad decisions by voting machine manufacturers and local election officials have left California with a seriously compromised election system. Mr. Shelley's job now is to make it as reliable as reasonably possible by November.