The New York Times
nytimes.com

May 18, 2004

MAKING VOTES COUNT

Voting Machines for New York

As concerns have grown about the reliability of electronic voting machines, a nationwide groundswell has been forming to demand that the machines produce paper records of votes that voters can check. California will require all electronic voting machines in the state to produce such records by 2006, and Ohio adopted the same rule this month. New York State should have been in the forefront of this movement, but its elected officials have been dragging their feet. If New York acts quickly and resolutely now, however, it can not only protect the reliability of its own votes, but can also help make verifiable paper trails a national standard.

The Help America to Vote Act, a reform law passed after the 2000 election mess, makes billions of dollars available to the states for improved voting machines. As highly paid lobbyists have descended on Albany to fight for rules that favor the voting-machine companies that hired them, the Legislature has approached the critical question of voting machine standards in slow motion. It is critical that the lawmakers resolve the issue in the next few weeks, before the June adjournment. Further delay could leave manufacturers unable to produce acceptable machines in time for 2006 and could risk the loss of millions of dollars in federal funds.

To ensure the integrity of the voting system, the Legislature should require that all electronic voting machines in the state produce a voter-verifiable paper trail. It should also mandate manual audits of a reasonable percentage of the state's voting machines to check their tabulations against the paper records. The Legislature should also insist that manufacturers reveal their computer code to state and local officials to show that there are no software errors or secret instructions to steal votes.

New York's rules on voting machines should be drafted broadly enough that many manufacturers can compete for the business. There should not be variations in the quality of the machines from county to county, but there is nothing wrong with having different companies provide machines to different parts of the state. Some states, like Georgia and Maryland, have made the mistake of buying all their machines from one manufacturer, leaving them with little leverage in the case of bad performance.

To encourage competition, the Legislature should drop New York's silly "full-face ballot" rule, which requires that all candidates and ballot questions must be seen at once by the voter. Incumbents like it because they do not want their names to be overlooked, but since almost no other states have such a rule,

it could discourage voting machine companies from bidding for New York's business.

In an age when consumers expect to be offered a receipt every time they use an A.T.M. or buy gasoline, it is hard to believe that there is opposition to paper records for electronic voting. But the opposition has been strong. Many local election officials and voting machine companies are fighting paper trails, in part because they will create more work and will raise difficult questions if the paper and electronic tallies do not match. Officials in places that have invested heavily in electronic machines that do not produce a paper trail, like Florida and Georgia, have been particularly vehement.

As many computer scientists have explained, voters cannot trust electronic machines that do not produce voter-verifiable records. If New York throws its weight behind California, Ohio and several other states to require them, the odds are good that such records will become the national standard and that even states like Florida will have to retrofit their machines to produce them. It is too late for New York to lead the movement for reliable electronic voting, but if it acts in the next few weeks, it can still be an important part of the solution.