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Guest columnist:
Law professor sees need for swift action to prevent e-voting fraud

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The bitter wounds opened by the 2000 presidential election continue to fester. But if we do not act immediately to address the dangers of electronic voting machines, the 2004 election will be far worse, with potentially devastating and irreparable consequences for democracy.

As U.S. citizens, we generally take pride in our democracy. We may not be as active in the daily monitoring of our government as we should be, but at least we can head to the voting booth every few years to "throw the bums out." What would happen, then, if we lost our democracy? If the results did not correlate with our choices on Election Day?

To be sure, fraud in voting is nothing new. Stories of stuffing ballot boxes trace back for decades, if not centuries. But what is new is the potential for fraud on a scale we have never seen before -- the potential for electronic voting machines that do not reflect what voters want. Even worse, the potential, by not leaving any paper trail, to erase those preferences from our collective electoral consciousness without a trace.

Electronic voting warrants concern on several levels. First, it has been plagued by flaws and mishaps. Numerous elections have been marred by machines that have jammed, inexplicable undervotes and failure to credit votes for particular candidates.

Second, reflecting at least a potential conflict of interest, major voting-machine vendors have ties to the Republican Party. The contacts include:

- A Republican fund-raiser who promised "to help Ohio deliver its electoral votes to the president" (Diebold CEO).
- A member of the right-wing Council for National Policy and Christian Reconstructionist movement (Election Systems and Software initial funder Howard Ahmanson).
- Former President George Bush (recent senior adviser to the Carlyle Group, a partner of a parent company of Sequoia).
- Tom Hicks (major investor in Hart Intercivic and purchaser of Texas Rangers from President George W. Bush).

Third, the results of previous elections themselves warrant suspicion. The 2002 elections in Georgia were conducted entirely on electronic voting machines manufactured by Diebold, with employees of the company changing the software before the election and creating an Internet folder called "rob-georgia." Perhaps not surprisingly, a number of upsets of Democrats occurred in these elections, including that of triple-amputee Vietnam veteran Max Cleland (who was leading in pre-election polls but lost 53 percent to 46 percent) and that of Gov. Roy Barnes (who was leading by 9 to 11 points but lost 51 percent to 46 percent). Another example is "the major Republican upset" in the 1996 election involving the election to the Senate of Chuck Hagel, who -- two weeks before announcing his candidacy -- was CEO of ES&S (then American Information Systems), the company whose machines counted 85 percent of the votes in the Nebraska election.

The 2004 election likely will be decided in "swing" states that are using electronic voting machines without paper trails. There's a significant chance that the current polls in these states are, and in fact the exit polls will be, irrelevant because software that is faulty or been tampered with -- not voters -- will determine the outcome.

If this state of affairs is disturbing, there is still time to take democracy into our own hands by making four phone calls. First, call Congress and tell your representative to pass H.R. 2239, which would require a voter-verified paper record for electronic voting machines. Second, ask your senators to back S. 2437, which also requires a paper trail.

You need to make two more calls, to Secretary of State Glenda Hood and local election officials (particularly in counties like Sarasota and Charlotte where touchscreens are used) to demand an ample supply of paper ballots (for at least 25 percent of a precinct's registered voters) are available on Nov. 2.

The paper ballots should not be used solely as provisional ballots -- for voters whose registration is in doubt -- but as an option for voters who choose not to use touchscreens and for emergency use if the touchscreens malfunction.

We still can act. We still can save democracy. But it will take five minutes of your time. It will take four phone calls.

Together we share this thing called democracy. And each of us is responsible for maintaining this democracy. Each one of us has to have five minutes to spare for democracy.

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