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Practical Activism

“MoveOn should take this issue on.”

“What about contacting the ACLU?”

“Have you thought about calling Bill Moyers?”

“Congress should launch an investigation.”

All great ideas, but they are missing something. Taking back our vote is not something we can depend on others to do for us. This requires the top talent we have. Nothing less will do. This job needs *you*.

What are we fighting for? Simply this, and we must accept nothing less: We want voting systems to produce voter-verified paper ballots, and those ballots must be considered the legal record when used for recounts and audits. We must use robust fraud-detering auditing methods, and we must place a much higher priority on catching and correcting software miscounts.

We need a temporary interim solution, so we can be confident that our votes are secure in the next elections. We also need a long term solution, a bill passed by Congress to solve the problems revealed in this book.

We need to develop public policy, auditing procedures, and tamper-proof voting machines based on input from experts in a variety of fields, and we must not allow our collective common sense to be overridden by profit motives, or the desire to save face because of past mistakes.

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Pay No Attention to The Men Behind the Curtain

This chapter in collaboration with David Allen

If you are inclined to let other people fix this problem for you, please remember that “other people” are already hard at work to change your voting system to suit their own agenda and profit margin. These other people may have a different view of democracy from yours.

What are their plans? Let’s look behind the curtain at a secret meeting that took place at 11:30 a.m. August 22, 2003. Invitations were sent out to all the makers of computer voting machines and included the following agenda:

ITAA eVoting Industry Coalition DRAFT Plan, Activities, and Pricing

Purpose: Create confidence and trust in the elections industry and promote the adoption of technology-based solutions for the elections industry. Repair short-term damage done by negative reports and media coverage of electronic voting. Over the mid- to long-term, implement strategy that educates key constituencies about the benefits of public investments in electronic voting, voter registration and related applications.

The Information Technology Association of America (ITAA) is a lobbying firm that specializes in getting special treatment for technology companies.

In this proposal, the ITAA is trying to get hired to provide assistance to Diebold, Sequoia, ES&S and other voting-machine vendors to get

the public to accept their products. Not to correct the flaws in their products, mind you, and not to do any type of “customer survey” to find out what we voters actually want. The idea is for these for-profit companies to define our democratic voting system and then invest in a PR campaign to show us that we like their system.

According to the ITAA, you should never use the word “lobby” because it has negative connotations in the mind of the public. Instead you should “educate key constituencies.”

Audience: Public confidence in the integrity of the ballot box is absolutely critical to the democratic process. To build such confidence, the vendor community must address several constituencies:

1. Media
2. Elected officials at the federal, state and local level
3. Elections administrators, procurement officials and others involved in the purchase decision
4. Academia
5. General public
6. International counterparts
7. Systems integrators and related government contractors

Note that the general public, the people who actually use and pay for these systems, is fifth on the list of constituencies, and that they “address” us, not listen to us.

Success Benchmark: Achieve widespread acceptance among key constituencies that electronic voting is not just an alternative to other balloting systems, but is the ‘gold standard’ to which all should aspire.

They want to make insecure and unauditible voting systems a “gold standard.” Notice that no one has yet funded a \$200,000 lobbying effort on behalf of voter-verified paper ballots and auditing, but somehow hundreds of thousands of us got sold on that idea. Marketing the truth is not nearly as expensive as selling people something they don’t want.

Next, the ITAA suggests models to indoctrinate the public into accepting the voting systems they chose for us.

Model 1 - Goals:

1. Help assure the integrity of IT [information technology] used in the electronic voting process

Sounds good, but this needs open-source software and a paper ballot, something most of the election industry rejects.

2. Generate positive public perception of the eVoting industry

Notice this is second on the list. Actually correcting the security problems is fifth.

3. Speak with a unified voice on industry standards
4. Develop liaison with key constituencies in order to build broader support for e-voting
5. Improve security of technology and development/ deployment processes
6. Improve public awareness of voting technology security
7. Reduce substantially the level and amount of criticism from computer scientists and other security experts about the fallibility of electronic voting systems.

Here's a better concept: Let's encourage computer scientists to continue to act like scientists so they can render an objective opinion.

8. Adopt an industry code of ethics

You mean there has been no code of ethics?

9. Generate collaborative research on non-competitive issues

I'm thinking this may involve research grant funding. We, the for-profit voting industry, hereby grant you, the once-independent scientist, a thick pile of money to underwrite your research. And we'd like the opportunity to make suggestions on what you study and how you study it and offer our expertise on the wording of your conclusions. See the pharmaceutical industry for examples.

Major Activities - Deliverables

1. Establish Blue Ribbon Task Force to evaluate voting technology development and implementation processes, propose process improvements, and establish code of ethics.

We, the men and women behind the curtain, should own the Blue Ribbon Task Force that tells public officials and taxpayers what to think. (There's nothing wrong with evaluations and a code of ethics. I'd just like to see these developed by voters, not vendors.)

2. Produce and publish collaborative research on noncompetitive issues - 2 annual white papers.
3. Assess public attitudes about electronic voting on a regular basis through public opinion surveys, focus groups and other research.
4. Hold seminar/briefings/webcasts on Blue Ribbon Task Force findings, code of ethics launch, white paper releases.
5. Create comprehensive media plan to articulate key messages, identify outreach strategy and tactics, synchronize timing of media outreach to election milestones and other significant events, and raise visibility of issues, activities and the ITAA Election Systems Task Force itself.

Bring the media over to our way of thinking.

To this end, it is interesting that Hart Intercivic, which helped organize this meeting, was one of the first beneficiaries of such a strategy. Let's take a moment to see "Deliverable #5" in action. Ellen Thiesen, a voting activist, noticed that a news story damaging to Hart Intercivic somehow got a midday rewrite.

The first story:

Voters encounter eSlate glitch¹

"...Those who showed up at the Holiday Inn at 7787 Katy Freeway to vote found that the eSlate machines that were supposed to make voting so much easier and more accurate were on the fritz. Instead, election judges were passing out sheets of paper torn in half, along with sample ballots, and telling voters to write in their votes.

"David Puckett said he sat down on the floor and spent 25 minutes scribbling down his choices while other voters just took the time to write in

their votes on the top races before dropping their homemade ballots into a pasteboard box. He said an election judge told him to write on the back of the paper if he ran out of room and then told him he might need to vote again this afternoon if the eSlate machines come back up. Then, Puckett said, the judges decided a second vote wasn't such a good idea.

"‘They're making up rules as they go,' he said. ‘It's unbelievable.’"

"Puckett's worried his vote won't count.

"‘I will come back if I need to. I want my vote to count,' he said. ‘It's my privilege. It's my duty. I want my people to win.’"

This version appeared a few hours later:

ESlate voting proves smooth, not flawless²

"...At the Holiday Inn Hotel at 7787 Katy Freeway, election workers decided to use paper ballots when they thought the eSlate voting machines were not working properly. About 75 makeshift ballots were cast — and signed.

"But the eSlates were not malfunctioning. Workers were entering incorrect information into the machines that assigned the wrong ballots to voters. David Puckett, who showed up shortly after 7 a.m., at first registered his vote on a piece of paper, but returned later to cast an eSlate ballot, concerned his initial vote might not be counted.

"‘This isn't Houston's finest moment,' he said. ‘You had to see it to believe it. Really, no one knew what to do.’"

"Elections officials said they would ensure that only one vote per person would be counted."

* * * * *

Look, if the machines are too difficult for ordinary citizen pollworkers to operate, invent better ones or don't use them at all. Back to the ITAA plan:

6. Develop liaison to national associations, government oversight bodies, customer trade associations
 - a. Attend national conferences, work to add agenda items to programming
 - b. Arrange guests at briefings, monthly meetings, receptions
 - c. Arrange meetings with key government executives, lawmakers, staff.

One question: While manufacturers of touch-screen voting invest wads of cash on influence-peddling, who speaks for the voter?

7. Provide customer interface opportunities
 - a. Arrange guests at briefings, monthly meetings
 - b. Develop a regular dinner, reception program.

You mean like vendor-sponsored party boats?³ “Customer interface opportunities” has a nice ring to it — it certainly sounds better than “influence-peddling” and “perks and cash contributions.”

Fees in addition to annual dues: \$100,000 - \$125,000

For sale: One 227-year-old democracy. Asking price: \$100,000 - \$125,000.

Model 2 - Goals: Same as Model 1.

Plus: Perform a detailed evaluation of voting technology security standards and certification processes.

They will give themselves a check-up. But with \$3.8 billion in Help America Vote Act (HAVA) money at stake, my bet is that they’ll pronounce themselves healthy.

Major Activities - Deliverables: 1 - 7. Same as Model 1.

8. Retain consulting firm or think tank for review and evaluation of voting technology security standards and certification processes. Publish findings/recommendations.

They want to have people they hire make recommendations about independent oversight procedures.

Meeting/Events

1. Hold monthly meetings in Washington D.C. or Dallas area
2. Hold bi-annual full membership meetings

Fees in addition to annual dues: \$125,000 - \$150,000

Model 3 - Goals: Same as Models 1 and 2.

Plus: Perform a detailed evaluation of voting technology security standards and certification processes.

Plus: Re-engineer voting technology security standards and certification processes, based on findings in report.

This is nice, but here is something that would be nicer: Instead of voting-machine vendors doing their own evaluation, how about an entirely independent evaluation by people who aren't vested interests and don't have \$3.8 billion at stake.

Plus: Build media, public, and customer awareness of new security and certification processes.

Issue lots of press releases.

Major Activities - Deliverables: 1 - 7. Same as Models 1 and 2.

8. Retain consulting firm or think tank for review and evaluation of voting technology security standards and certification processes. Publish findings/recommendations.

Are they hoping no one will notice they are repeating #8 above?

9. Implement report findings/recommendations; reengineer security standards and certification processes.
10. Launch public relations campaign to build media, customer, and public awareness of new security and certification processes.

Well, actually, 8-10 are pretty much the same as what they do in Model 2, but they are charging more money for it.

Meeting/Events

1. Hold monthly meetings in Washington D.C. or Dallas area
2. Hold bi-annual full membership meetings

Fees in addition to annual dues: \$200,000+

Schedule: With the Iowa caucuses (and therefore the start of the primary season) only five months away, time is exceedingly short to implement this plan. Americans must have full faith in the efficacy of the election systems infrastructure. Numerous factors, including the overarching need to conduct the 2004 election with no "hanging chad" controversies, suggest that work commence with a minimum of delay.

ITAA is ready, willing and able to work with firms in the election systems sector to build and, as necessary, restore, a high degree of confidence in

the integrity of e-voting and related applications.

Notice they want to restore “confidence in the integrity of e-voting and related applications” as opposed to wanting to restore “integrity in e-voting and related applications.”

ITAA provides an ideal forum to undertake this program, offering:

- a sophisticated government affairs and public relations apparatus
- over 20 years of industry engagement in public sector contracting;
- the premier trade association membership of contractors involved in the federal systems marketplace;
- an on-going state and local advocacy program; They have connections in high places. They have connections in low places.
- an existing Election Systems Task Force and internal staff resources well schooled in the underlying issues;
- and a track record of lobbying for federal funding to upgrade state and local electronic systems.

ITAA applauds the companies involved at the Election Center meeting for having the vision and determination to address the current doubts about election systems on an industry basis. Working together, ITAA believes that these companies have already taken the first step to meeting the common challenge.

It’s going to make them millions of dollars; certainly that’s worthy of applause. Perhaps a few billion if they play us suckers ... er, I mean if they “educate these key constituencies.”

* * * * *

Shortly after this agenda was sent out, a secret meeting was held under voting-vendor-style “strict security,” which means that only two reporters and *Black Box Voting* publisher David Allen managed to slip into the teleconference unnoticed. Allen, at least, introduced himself.

“David Allen.”

No one knew who he was, but no one asked, either.

The meeting appeared to have been set up with the help of R. Doug Lewis (executive director of The Election Center) and Hart Intercivic (a voting-machine company). Why someone in Lewis’s position was setting up a lobbying meeting for voting-machine vendors is a matter of some curiosity.

From The Election Center's Web site: "The Election Center is a nonprofit organization dedicated to promoting, preserving, and improving democracy. *Its members are government employees* whose profession is to serve in voter registration and elections administration."

Perhaps colluding with for-profit companies and helping them hire a lobbying firm is in the spirit of this organization's charter — and since we aren't quite sure who set it up, how it gets all its funding or who exactly appointed R. Doug Lewis, his murky relationship with vendors and lobbyist might be exactly what they had in mind.

Lewis droned on about this being a long time coming and the need for the industry to "speak with one voice."

Harris Miller (ITAA) gave an introductory spiel about the firm and how it could help the industry "stave off short-term attacks" from academics and activists.

Apparently a meeting had been held in Florida the previous week to discuss how to broaden the base of support for e-voting.

A question was asked about how the ITAA can help the industry speak with one voice. Miller said this meant helping voting vendors establish their own certification standards and "coming to the defense of a company under attack." If anyone missed chapters 9 through 13, we presume this was triggered by Diebold's embarrassing blunders. He then added, jokingly (we hope), "unless you want use your knives on him as well."

Allen says he did not hear a peep from Diebold during the whole call. Miller also touched on the need to establish a "blue-ribbon" panel to help refute problems such as Diebold was having. One assumes this blue-ribbon panel will fill the same role for the black-box voting industry that the Tobacco Institute filled for the tobacco industry.

Because the conference was by telephone, it wasn't always possible to know who was speaking. One individual asked whether the lobby would be addressing Internet voting, which he described as "a train wreck waiting to happen." The ITAA said it was not on the agenda.

The ITAA said that it could help get academics and critics "on our side" (one assumes, then, since Lewis was involved in setting the meeting up, that he is on the side of the vendors). Miller did admit that some critics are unappeasable.

The ITAA felt the industry should help create its own credibility by setting high standards.

He said that working with the National Institute of Standards and Technology (NIST) is desirable; however, he said he assumed that if NIST mandated an oversight committee chaired by Dr. David Dill, “no one would want to play.”

The ITAA suggested “re-engineering” the certification process to eliminate “side attacks vendors are subject to now” from people who “are not credible as well as people who are somewhat credible.”

The Election Systems Task Force

One participant wanted to know if the “Election Systems Task Force” (who?) would be reconstituted or reformatted.

Though I can find out nothing about this group on the Internet, the answers to this question were illuminating.

A voice, apparently belonging to R. Doug Lewis, said that they have been “more focused on the HAVA legislation but would be interested in meeting with this group.” He went on to explain that the major companies involved in the Election Systems Task Force are Northrop Grumman, Lockheed Martin, Accenture and EDS (defense contractors and procurement agencies).

The goal of the Election Systems Task Force, he said, was very limited, because they just wanted to get the HAVA legislation enacted to create more business opportunities for themselves as integrators. Their agenda for HAVA, he said, was, “How do we get Congress to fund a move to electronic voting?”

As mentioned earlier, more than one guest attended the meeting. When I heard this astounding admission, I wanted more documentation. I will tell you this much: I listened to it myself, and this part of the conversation sounds even worse on tape. HAVA was pushed through to create business opportunities for defense contractors and procurement companies. *HAVA = Let’s-make-a-buck-on-a-vote.*

In the segment I listened to, they mentioned that there were about twelve members of the Election Systems Task Force.

Anti-trust concerns

Lewis suggested that the ITAA draft a legal brief to address possible antitrust ramifications so that members of the new group would know what they could and could not do. The ITAA said it would do

so at the first meeting of the new group.

Returning to the topic of collusion a while later, Lewis suggested:

“One of the things that you ought to do is at least employ the ITAA to draft a legal memorandum that says under what conditions you guys can meet together ... and pay them for that ... and maybe even pay them for hosting this sitdown that you want to do to figure out your interests. Then make your determinations on whether you want to go forward with a specific proposal.”

ITAA: “You don’t even have to pay us for it ... and I appreciate Doug ... you are trying to look after my checkbook. I’m willing to come to a meeting wherever and have a couple of staff people come down and eat a couple of grand to do that. I won’t do a hundred-page legal memo.”

Another voice chimed in: “Clearly one of the themes going around is related to collusion among industry sources, so any meeting of all the players is, by definition ... unfortunately taken by some people as not a constructive exercise, but one of negative exercise. So, it would probably be best, as Doug suggested, that it would be better that we pay you to do that.”

Miller: “OK.”

Another meeting participant: “That way, no one would perceive you weren’t an independent body.”

Miller: “OK.”

Lewis appeared to recognize that this business of looking after the ITAA’s checkbook might put him on shaky ethical territory:

Lewis: “In that regard, other than helping you get set up and acquainted with each other and willing to start this process, while we are still in the quasi-regulatory phase ... although the Election Center has no judgments it can issue in any way, shape or form on this ... the Election Center is going to need to bow out of this also. We’ll be glad to talk to you about anything you want to talk about and be a sounding board, but in terms of your organization and discussion of industry issues, we are probably best not being involved in that ... at least until we are no longer the place where we do work for NASED (National Association of State Elections Directors).”

Let's talk about protection

MicroVote asked what would happen if a non-member (in other words, a voting-machine manufacturer who didn't pony up his money) got into trouble over some issue such as security. Would the Blue Ribbon Task Force remain mute, or would it turn into "a loose Star Chamber, where you have commenting vendors commenting on another vendor's situation?"

Miller said that normally the members would not comment on a non-member's situation "unless the industry came to the conclusion that it was negatively impacting the entire industry." In which case, he said, they would reiterate their standards and the coalition's code of ethics and say that they can't comment on the other company.

Nudge: "Any group who gets in trouble would hopefully join us to get out of trouble," Miller suggested. Hint: If you don't, you might be the next Diebold.

Influencing certification

A representative of Accenture said that self-certification will be a "tough sell" to the public.

"We can't win the PR battle if ITAA tries to do an ITA's (independent testing authority's) job," he warned. "But I do think it is very important that the industry be more aggressive and more coordinated in the way that it gives input to the ITA process and the people who control the ITA process. They've solicited that input in the past, and I don't feel the industry has done a particularly good job of providing that input. And this is something I feel this industry can be a real conduit for."

Apparently, according to the men and women behind the curtain, our independent testing authorities should not be allowed to be *too* independent. Or, does providing "aggressive" input to the ITAs mean that they should have as little independence as possible?

The ITAA agreed that instead of involving themselves in an ITA-like certification process, they would bring in people "to re-engineer it."

Even the lobbying is a secret

The ITAA made a motion that its goals and "deliverables" be agreed to. One participant didn't have his special decoder ring and raised

the objection that all goals had *not* been agreed to.

“I see no lobbying effort here, and secondly, I don’t think we have, as a group, set down and defined what we want before we run off and subscribe to the ITAA process,” said the voice. “We should sit down face-to-face before we spend \$150,000 and determine what we want as a group.”

Chet, from AccuPoll, weighed in: “Absolutely. Lobbying is an essential element for this industry.”

Miller explained: “We were too subtle by half. Our No. 4 goal, ‘develop liaisons with key constituencies,’ is a nice word for lobbying. We just didn’t want a document floating around saying the election industry is in trouble, so they decided to put together a lobbying campaign.”

He went on to boast about his lobbying experience.

“My background is I worked on Capitol Hill for ten years and ran a lobbying firm for ten years, before I took over here in ’95. A third of my staff has direct public-policy experience working on Capitol Hill. We are the most-quoted IT trade association in Washington. ... I can give you all the bona fides if you want them.

“I just don’t like to put it in writing because if this thing winds up in the press somewhere, inadvertently, I don’t want the story saying the e-voting industry is in trouble and decided to hire a lobbying firm to take care of their problem for them.”

But within half an hour, “this thing” wound up in *Scoop Media*.⁴

R. Doug Lewis: “The truth of the matter is you’re not on the same side of the issues when it comes to what you would lobby for. Some of you have a vested economic interest that it should get lobbied one way versus another.”

I’m not quite sure where Lewis is going with this. It sounds like Chet, from AccuPoll — which produces a paper ballot and runs on open-source software — might not be a member of the club when it comes to “speaking with one voice.”

Instead of Diebold’s PR spokesman, journalists will have to ask their questions of the lobbying firm’s PR person.

“Emmett” from Accenture learned that speaking with “one voice” to the media literally meant one voice:

Emmett: “In terms of the task force responding to media inquiry, does the task force handle that role, where someone becomes a spokesman for the group? If so, who does it?”

Miller: “The answer is ITAA. It usually goes out over my name, but we could add other companies if you wish. Let’s assume we wanted to respond to some attack. ... Assume another academic came out and said something against one particular company and the task force wanted to respond. The task force would put out a statement, ‘Harris Miller, on behalf of ITAA, says this is B.S.’... We would also invite other members of the task force to put in comments if they want. ... Normally the first person to put in a comment would be the chairman, and other companies would have a chance to comment ... and be included in the press release.”

Emmett: “So that’s the kind of protocol you have to deal with public debate.”

Miller: “Similarly, when we get press calls and the press says, ‘Joe Academic says your industry’s full of crap and doesn’t know what it is doing. What do you say, Harris?’ The reporters always want to know what are the companies saying?”

“And there can be two scenarios there: The companies may want to hide behind me, they don’t want to say anything — frequently that happens in a trade association, you don’t want to talk about the issues as individual companies. We have that issue right now with the Buy America Act, for example in Congress. No company wants to act like it’s against Buy America — even though they’re all against it. So I take all the heat for them.

“The other alternative is they say sure, my company wants to talk to them, my CEO, my PR director, whatever, I’ll send them over. Our PR people know this. We never give out the name of a company member unless we know the company wants to talk.”

Emmett: “All of that seems ... like currently useful for dealing with this kind of situation we’ve seen lately. It would be a big help.”

A big help for voting-machine makers, perhaps, but this means reporters will have to address questions to a spokesman for the spokesmen. For those of us who are voters, this seems equivalent to taking democracy’s pulse through two thick blankets.

Fixing the price on democracy

Tracy Graham of Sequoia Voting Systems had a question about the cost on “deliverables.”

“Was that a per-member cost, or total cost?”

ITAA: “Total cost.”

Another participant wanted to know how annual dues would be calculated and learned that they would range from \$600 to \$44,000, depending on the company’s sales. Add that to the “deliverables,” which were going to cost from \$125,000 to more than \$200,000.

Everyone pays dues, it was decided; project costs would be split amongst the members of the task force as they see fit.

Miller explained that the fees would depend on what is done. If a “blue ribbon” panel is needed, then fees must be allocated to compensate the panel members. “You would have to pay for some meeting time, for these blue ribbon people, you might have to pay them a fee ... a minimal fee to attend a meeting.”

I guess having actual voters or regular citizens attend meetings would be out of the question.

Graham (Sequoia): “We must have a proactive strategy at this time to improve the overall perception in the industry, so we are absolutely supportive of this type of forum and action on behalf of the industry.”

Jack Gerbel, of Unilect: “We agree as well, with what Tracy said. This is very necessary to do.”

They proposed another conference call six days later, absent *ITAA*, to discuss whether to pay their dues and take their chances that the *ITAA* will come through on “correcting” the public perception of the problem.

Meeting adjourned.

* * * * *

December 9, 2003: Advanced Voting Solutions, Diebold Election Systems, Hart InterCivic, Sequoia Voting Systems, Election Systems & Software and UniLect announced that they had formed a trade group, called Election Technology Council, under the banner of the *ITAA*.⁵

Conclusion

Look, folks. Either we all get together to build the barn, or these people will build it for us and hire a marketing firm to tell us how much we like it.

I propose that we roll up our sleeves and get busy. It is my duty to tell you that as soon as we rebuild this one, we have to go over and help out some of the neighbors.

There are some who are using election-manipulation techniques to transfer a block of power to their friends. This is a business plan, or a form of organized crime, depending on how alarmed you are based on information you have put together yourself.

Manipulation of elections includes the following attack points:

- Strategic redistricting, ignoring normal timelines for reevaluation.
- Black Box Voter Registration: The HAVA bill wants us to do state-wide computerized voter registration, again with secret software produced by a handful of companies.
- Orchestrated vote suppression: Hiring “challengers” to confront voters in targeted areas; moving polling places at the last minute, “losing” the voter registration records for a percentage of targeted voters, booting up equipment late, or not having enough equipment in minority districts.
- Casting and counting the vote on manipulatable and insecure systems.
- Manipulating vote forecasting and calling races prematurely in the media, encouraging candidates to concede.
- Retaliatory recalls and “investigations” to unseat candidates who do not represent the choice desired by a few.

This book contains ammunition for the voting-machine issue. And if you think you are too small to be noticed, you’ve never had an ant crawling up your leg.

Now go out there and take back your vote.

Acknowledgements

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I've been told that simple solutions, like Australia's open-source system that cost only \$150,000 to develop, could take all the profit out of making voting machines. Well, who thought it was a great idea to make a buck off a vote anyway?

Corporations make poor decisions all the time. Dot-coms go blam. Hardly anyone buys electric typewriters anymore. Try selling Thalidomide to a pregnant woman nowadays. Vendors who created unauditible systems with secret software will just have to dust themselves off and think up a new plan, because we are not going to compromise on our vote.

Let's block new legislation designed to protect and encourage flawed election systems, identify public officials who allow such systems to grow or refuse to support sensible reforms, and re-educate those who are open to it. For the most intransigent, toss them out of office. And we need to spread the word as widely and quickly as we can.

A little conceptual work

Some of us have a stereotyped impression of activism. We think it means joining some group marching down Main Street or standing in front of a building, holding signs and chanting.

There may be opportunities for that, but that isn't what I'm asking you to do. The following information demonstrates how we can *all* get involved, even those of us who are not inclined to march down the freeway in the rain.

Swarms work better than centralized power. We can win more readily with a loosely organized set of allies, coming at the problem from different angles in unpredictable ways. You can't decapitate a swarm, and a series of stings tends to provoke reactions which in turn attract interest from new hives.

Those who show leadership and tenacity should be encouraged to form their own followings. There are no requirements that groups share information about their doings with any central authority, nor should everyone use the same approach. Now and then we meet at the water cooler.

We need not even get along or agree completely on what the solution should be, though that would be nice. Indeed, our opposition may try to wedge us apart, but we're quite capable of bickering and internal drama even without that. If one group of activists becomes irritated

with another, as long as both keep coming after the issue without pause, the strategies of each group — because they are different — become all the more unpredictable to the opposition.

Ordinary citizens have already had a real impact, with almost no financial backing. Now we need to increase the number of people in the swarm and build more hives.

It is up to you to decide what your role will be in this movement. I offer the following suggestions to help you define your own role:

1. Take stock of what you like to do already. You'll be more effective if you invest your time doing things you enjoy.
2. Look at your skill set and apply your talents to this cause.
3. Create a group of friends, so that you can enjoy socializing as part of your activism.

The remainder of this chapter will illustrate how ordinary people like you have used their talents to make a difference. If you're not sure where to start, begin by visiting www.BlackBoxVoting.org.

* * * * *

One day, Washington Director of Elections David Elliott answered a phone call from a concerned citizen about a Washington State requirement for prior certification. In Washington, voting systems could be accepted only if they had first been certified and used elsewhere (in addition to NASED certification). The caller, Linda Franz, thought that requirement stifled state options for voting equipment. Elliot suggested she support pending legislation to delete those requirements.

I suppose he didn't expect her to look up the legislation and read all of it, because that set off alarms and a call to action.

After looking more closely, Franz found that the *only* positive aspect of the bill was dropping prior-use/certification requirements. The rest of the bill eliminated the requirement for a separate ballot, enhanced the legality of the electronic vote record and *gave the secretary of state free rein to accept voting-system changes, certified or not*. Franz, along with other concerned citizens such as computer consultant Marian Beddill (finance- committee chair for Whatcom County Democrats), stopped the bill — and its various incarnations — in its tracks.

Never underestimate the power of one or two determined people.

Linda Franz is not a very public person, and, though she is one of the driving forces on voting activism, she does things so quietly

that few people outside the elections industry even know who she is. Why would a private individual such as Franz decide to take on voting legislation and the public officials who are promoting it?

“All I know is that I’m 50 years old, and I never expected to have to spend the second half of my life fighting for my son’s right to vote,” she says.

What are *your* talents and interests?

New York City’s Jeff Matson has a knack for coming up with slogans and sound bites. He put out a call on the Internet for ideas on quick, appealing messages to help all of us spread the word.

What followed over the next 48 hours was a flurry of volunteer contributions for you to use on bumper stickers, pins, billboards, posters, flyers, T-shirts and ads.

This voter chose to highlight the failure of the Help America Vote Act (HAVA) to mandate proper accounting:

Help America Vote Act?

How About Voting Accountability!

One voter suggested a play on words using the term “corrupted”:

Matson got such an enthusiastic response to his request that we can cheer up the rest of this chapter with ideas triggered by his activism. You can use these concepts in your own efforts.



What other skills can you bring to the table?

Dogged determination — Keep the message up front and let your elected officials know you are not going away and that you expect them to defend your right to vote. Call them, write them, e-mail them,

fax them and, by all means, visit them.

Number crunching — “The election went smoothly and no one reported any problems.” You’ll hear that on election night. Yet, in Chapter 2, you read about dozens of documented voting-machine miscounts, and hardly any of them were discovered while people were voting on the machines. Problems are found *after* the election — days later, when media interest has died down.

Help collect vote totals as they are coming in, catch anomalies, report them and join others in analyzing them. Hop online on election night and flag discrepancies, and post them in the forums at BlackBoxVoting.org, where you can compare notes with others.

A citizen volunteer who goes by the screen name “SirRhino” reported these numbers after returns came in for the 2003 California recall election:

“After printing the spreadsheet out, taping it to a wall and contemplating it for a while, there are three counties that give me pause, Alameda and Tulare, and possibly Humboldt. In Tulare, Jerome Kunzman (Ind) got 694 votes while he got only 56 in LA. (the county with by far the highest voter turnout). Jerome’s second highest was in Fresno (366) and third highest in Humboldt (240).”

“SirRhino” wanted to take a look at why Kunzman got 14 times as many votes in a small county like Tulare as in Los Angeles, and he noted that Tulare, Fresno and Humboldt are Diebold counties.

“HarmonyGuy” suggested an explanation:

“Thanks for pointing out the Tulare ballot — don’t know how the heck you found it, but it seems to answer the Palmieri/Kunzman issue ... those blasted BUTTERFLY-type ballots are back.”

From the 2003 Tulare County, California, recall ballot:

<input type="checkbox"/>	CHERYL BLY-CHESTER Businesswoman/Environmental Engineer	Republican	<input type="checkbox"/>	PETER W. DIEBOLD Businessman/Chemical Engineer	Republican	<input type="checkbox"/>	GEO MANTONIAN Professional Center
<input type="checkbox"/>	B.E. SMITH Lawyer	Independent	<input type="checkbox"/>	KILL PRADY Television Show/Producer	Democrat	<input type="checkbox"/>	PAUL MARSHALL Ministry
<input type="checkbox"/>	DAVID RONALD SARRI Businessman/Professor/Writer	Republican	<input type="checkbox"/>	ERIN PRICE University Chemistry Instructor	Independent	<input type="checkbox"/>	ROBERT E. SHANNON Retail Businessperson
<input type="checkbox"/>	JAMIE ROSEMARY SIFFORD Business Owner	Republican	<input type="checkbox"/>	GREGORY J. PAWLIK Radio/Broadcasting	Republican	<input type="checkbox"/>	FRANK & MACALUSO, JR. Physician/Marketing Director
<input type="checkbox"/>	LAWRENCE STEVEN STRAUSS Lawyer/Businessman/Student	Democrat	<input type="checkbox"/>	LEONARD PRILLA Law School President	Independent	<input type="checkbox"/>	PAUL "GIPP" MALANDRIN Golf Professional
<input type="checkbox"/>	ARNOLD SCHNAPFENGLASSER Auto/Businessman	Democrat	<input type="checkbox"/>	RONALD IRVIN PALMISTO Tax, Rights Attorney	Democrat	<input type="checkbox"/>	DENNIS DUGGAN MCMANON Banker
<input type="checkbox"/>	GEORGE E. SCHWARTZMAN Businessman	Independent	<input type="checkbox"/>	CHARLES "CHUCKY" PRIDEA JR. State Training Officer	Democrat	<input type="checkbox"/>	MIKE McRELLY Actor
<input type="checkbox"/>	WAZ SCHERER Ministry	Democrat	<input type="checkbox"/>	HEATHER PETERS Banker	Republican	<input type="checkbox"/>	MIKE F. SECARDY Local Car Dealer

Web design and Internet skills — If you can volunteer to create simple Web sites, you'll find many takers in the activism community.

Computer programming — If you have computer programming knowledge, your presence is needed at public testing and certification meetings. A 28-year-old computer programmer named Jeremiah Akin decided to show up at a public Logic and Accuracy (L&A) test in Riverside County, California. He was shocked when he was told to sign off on the test before it was completed. He wrote a 22-page report about various anomalies he spotted during testing of the Sequoia machines. Akin's story was featured in the online magazine *Salon.com*, exposing important problems with the certification process.

We also need computer scientists to develop and critique open-source voting-system software.

Writing — If you are a good writer, you can help other activists hone their message into concise, clear, credible handouts and assist candidates by providing material they can use in speeches.

Using the forums: If you have not used an Internet forum before, now is the time to learn. The BlackBoxVoting.org forum is "self-serve." You simply go to the Web page and log in, and you can ask for resources, request research, join projects, post your own documents and artwork for others to use. It's easy, and there are step-by-step instructions.

Several voting-issue forums are available. Among the sites that have forums for voting-issue activists:

www.BlackBoxVoting.org — Participatory activism

www.BlackBoxVoting.com — News & Comment

www.VerifiedVoting.org — Legislative activism

www.OpenVoting.org — Development of an open voting solution.

www.VoteWatch.us — Voting discussions and election reporting

Desktop Publishing — If you enjoy creating brochures, posters and handouts, volunteer your skills. Your work may very well end up at rallies, in libraries and at town meetings.

Printing — Contributing at-cost printing is an important activism activity, to get newsletters and fliers into as many hands as possible.

Organizing — If you are a good organizer and like to get on the phone and work with the media, your help is needed both for events

and to corral creative talents into applying their skills where they are most needed. Your help is also needed to moderate activism forums.

Public speaking — If ever there was an issue that begged for town meetings, this is it. You are a voter and therefore have a stake in telling people about the problems and what needs to be done. Feel free to draw from this book to develop your speeches, and you'll find much more information in the forum and the "Public Library" at BlackBoxVoting.org.

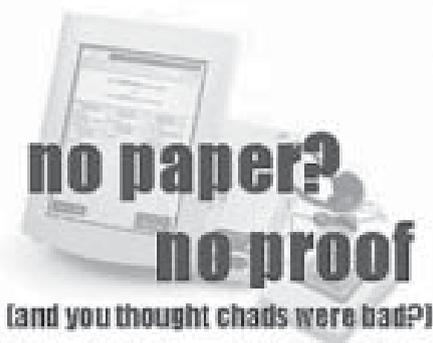
Sometimes we are blessed with a person who has organizing, writing and public-speaking skills all rolled into one, and when such a person also has tenacity and media skills, she can influence an entire state — even one as vast as California.

Kim Alexander, president of the California Voter Foundation, is such a person. With degrees in political science and philosophy, Alexander cut her teeth in activism while working with the powerful citizen lobby Common Cause. She then breathed life into the California Voter Foundation in 1994. For nearly a decade, she has been at the forefront of efforts to make our political system more accountable, with voting machines and other efforts.

Telephone work — If you are organized and unafraid of the telephone, your talents are badly needed. Andy Stephenson is one such person. Stephenson takes excellent notes, but more than that, he seems to be able to get people to do things for him. He called the secretary

**THINK chads
were BAD?**

(Now look what's happened)



of state's office in Georgia and persuaded it to fax him certification documents that had eluded Georgia activists even after two public-records requests. He called Bob Urosevich at Diebold Election Systems to ask him if he was still the president, because they kept trotting out a person named Tom Swidarski as the president of Diebold Election Systems. Stephenson learned that they had two people wearing the mantle at the same time: Swidarski and Urosevich. He says Urosevich called him back and said: "If you don't back off, you're gonna get a visit,"

(You might want to try less intimidating phone calls, like helping local activists track down meeting times and records.)

Political and lobbying skills — If you have the ability to read legislative law, which can be daunting to some, we need you. We need citizens who can go into current and pending legislation, interpret and make a concise translation.

Legislative activism requires people who refuse to let stubborn officials shake them loose. Linda Franz is such a person. She has a knack for figuring out other people's alliances and positions, so she can quietly maneuver around them. Franz admits she's still learning about the legislative process from others; a lobbyist for other issues gave her valuable help. If you are new to this, try to find someone to work with who already knows the system.

Here are some of Franz's suggestions:

- When naming a group, make sure it encompasses a broad region, like a state. Franz found that once citizens statewide learned there was an organization working on the voting issue, they wanted to join. Also, if you tie the name to a specific county, representatives from other areas might not listen because they assume your group would only represent that area.



OR



THE CHOICE SHOULD BE YOURS !!!

BBV

Black Box Voting =

Blind Faith Vote?

- Don't forget ethics complaints. Some elections officials seem to skate very close to the line when it comes to mingling with vendors. In some states, ethics allegation can be filed *after* the official's time in office, allowing redress after elections have become old news.

- You'll often hear Franz telling people to be careful how they use language because she has learned that clever lobbyists will weasel around any words they can.

“Voter-verifiable” ballot sounded good, until we learned that companies like VoteHere proposed to use printers at the polling place, not for printing a ballot that you can look at and authorize, but to print a receipt with a code on it, which you can take home and look up on the Internet to “verify” your vote.

One system proposes to print bar code on a paper ballot that is then read back to the voter via a bar code reader. Not acceptable. Can the average voter read bar code? How do you verify what was “read” vs. what the machine — and even the bar code — might actually say? This leads to an addition:

“Voter-verified paper ballot that the voter can read without an interface (except for certain disabled individuals who need such help), said ballot deposited in a secure ballot box at the polling place.”

While you are watching your language, learn to say “ballot,” not “receipt,” because opponents have been passing laws to make the electronic record (not the paper ballot) become the legal representation of the vote. A ballot has legal standing. A receipt may not.

Affix the words “voter-verified” to the words “paper ballot,” because if you don't, opponents will tell you the machines do produce a “paper trail.” What they are talking about is the machine's ability to print individual pages from its internal data.

I

VOTED!

Or did I?

Franz also researched why Avante and AccuPoll (manufacturers that produce a touch screen with a paper ballot) were not being chosen for purchase in her state. Accupoll is close to meeting Washington State requirements, but she discovered that Avante, which *is* qualified, appears blocked from Washington State certification.

For some reason Washington didn't act on

**Think YOUR
vote counts?
- NO PAPER
- NO PROOF**

DEMAND PAPER BALLOTS **(Voting should not be a touchy subject)**

Avante's certification documents and issued statements that conflicted with the truth. Washington State Elections Director David Elliott told listeners on the Dave Ross radio show January 3, 2003, "... and if anybody comes to market with something like that, we'll certify it for use in Washington State. No one has presented a system like that for certification yet."²

But Avante had applied for certification in December 2002 and has made repeated attempts since then. You, like Franz, can start pursuing questions like this. Find out what's going on with certification. Investigate. Don't take answers at face value.

A citizen who goes by the moniker "larry1" unearthed the request for sales proposal for Ohio and reports that Ohio will not allow any machine with a paper ballot that can be removed from the polling place. What is the purpose of such a law? We have been voting with paper ballots for 230 years, and this is the first I've heard of an uncontrollable urge on the part of voters to remove their ballots from the polling place instead of placing them in a ballot box. Such a law seems designed to protect and encourage flawed election systems.

Jim March is an entirely different kind of lobbyist. He decided in August 2003 to apply his bespectacled, 6-foot, 4-inch presence to voting issues. In "real life" he is a Republican/Libertarian gun lobbyist who lives near the Capitol in Sacramento, California. March thinks nothing of crossing the street (and party lines) to talk to Democrats, pulling out CDs he created which contain a certified version of GEMS software, with step-by-step instructions for how to slip by passwords and change the audit log. He brings this CD to reporters and public officials and demonstrates the software's flaws to them.

His style differs markedly from that of Franz; he does not focus on specific legislative language, but on influencing lawmakers' willingness to tackle the issue. He is flamboyant and makes some activists uncomfortable, but in

PAPER BALLOTS
not
VAPOR BALLOTS



twelve weeks, he managed to get two national news articles focused on voting-machine security problems. He pops up like poison ivy when there are certification hearings.

Filming and videotape production — There’s nothing like seeing an employee of the state election division literally turn tail and run when you show up with a camera. That’s what happened to Greg Palast when he attempted to question Clay Roberts about the Florida felon purge.³ Another videotaper caught New Orleans voting machines giving Susan Barnecker’s votes to the wrong candidate.

A California activist who goes by the screen name “ParanoidPat” took to the streets in Alameda County on October 7, 2003, during the California recall election. He has been preparing a documentary about this issue. He’s just an ordinary guy with a talent who is applying it to something meaningful. You can, too.

Flash Media and Shockwave productions — Michael Stinson, of TakeBackTheMedia.com, created a powerful presentation about voting-machine problems which has been making the rounds on the Internet. His presentation, set to “Revolution” by the Beatles, is politically charged and quite powerful.⁴

An entertaining presentation done with animation was created for TooStupidToBePresident.com, featuring Arnold Schwarzenegger quizzing Wally O’Dell, CEO of Diebold, about the Georgia patches and other matters. It is quite funny and makes a powerful point.⁵

You can participate in easy activism simply by e-mailing links to such efforts to all your friends and posting links on your Web site. If you have talent, create your own presentation.

Research — Faun Otter, concerned about the lack of any exit polling in the November 2002 general election, decided to research the campaign contributions made by Diebold executives — mind you, this was before the Diebold files were found on the Web, at a time when

Diebold was receiving almost no scrutiny. He discovered that Diebold's campaign contributions were lopsided towards the Republican Party.

Who knows — perhaps the the next “scoop” that *Scoop Media* breaks will be your own.

Legal — If there is one group of citizens whose skills are badly needed, it is attorneys.

The American Civil Liberties Union was fighting for the wrong side of the issue. They were fighting *against* paper ballots. Let's not depend on someone else to fight this for us. If you are a lawyer, we need you. If you do legal research, we need you, too.

The Electronic Frontier Foundation filed a case, but it was limited to fighting Diebold copyright-violation claims. What we need are lawyers willing to work on three things:

- 1) Creating a template for a citizens' initiative. This can be distributed via the Internet to other states and citizens' groups.
- 2) Participating in legislative processes and helping write good legislation at the state and national level.
- 3) Filing public litigation.

One such suit, brought by Susan Marie Weber in California, takes the position that forcing voters to vote without a ballot (and therefore without auditability) is a violation of civil rights. The judge ruled against Weber; she appealed but lost. As of this writing she is preparing another appeal. This is an important suit, and had the original been filed at this point in time, the verdict might have been different. At the time Weber filed her suit very little information was available to help her prove her case.

Fraudulent claims: An RFP sales document is prepared when the machines are purchased. It contains the specifications the vendor must meet. We now know that they don't always come through on their promises. This opens a litigation avenue and will help counties recoup their investment from the manufacturer.

*Should your vote be kept secret
from **YOU?***

STAND
and be counted
DEMAND
your paper ballot

Use of uncertified, unsworn technicians to evaluate vote data: Nothing in the law actually allows temporary workers to help call an election. Some voting-machine techs are hired only for the day, and we know little or nothing about their backgrounds. Candidates have standing to sue, and this may be a good issue when there has been a technical glitch.

Failure to follow regulations: Use of uncertified software, failure to certify key parts of the software, last-minute program modifications and use of unauthorized data-transmission methods such as cell phones all fit into this category.

In each case, decisions need to be made as to who the plaintiff will be (The voter? The candidate? The county? The state?), what harm can be claimed, what remedies will be requested and what venue (county? state? federal?) will receive the complaint.

It all starts with finding a few good men and women in the legal profession willing step up to the plate to help protect democracy.

Strategies

Use a variety of strategies, but remember that it all needs to end up on one doorstep: effective legislative change.

- Set up events and participate in meetups.
- Pay visits to public officials.
- Communicate with others via e-mail lists.
- Call and ask reporters to cover voting stories.
- Advertise — TV ads. Bumper stickers. Billboards.
- Put this book in people's hands. If you can't afford it, print a free copy off the Web.
- If you are in the creative fields, apply them to communicating the problem. Write poetry about voting machines. Write a song. Write a screenplay. Get the word out using your talents.
- Enter politics yourself and fight for trustworthy voting.
- Become a vote watcher or poll worker during upcoming elections.
- Get involved with your community, especially if you have connections with the people most likely to be disenfranchised — ethnic groups, people with disabilities and senior citizens.

The whack-a-mole story

If you have been in an arcade, you've seen the game in which you take a big foam sledge and whack moles that pop out of holes, faster and faster until the moles (usually) win.

Brent Beleskey from Barrie, Ontario, Canada, is director and a researcher for the International Voters Coalition (www.voterscoalition.com). Beleskey has taken it upon himself to fight the voting machine proliferation in Canada. Wait — isn't Canada famous for its calm, deliberate and speedy all-paper, hand-counted elections?

Yes, but that hasn't stopped voting machine vendors from selling their machines, which are used in municipal elections. Beleskey has made it a mission to locate voting machines in Canada, which he told me he has found hiding in back rooms. Each time he finds one, he goes to bat against its use, fighting to get rid of it. No sooner does he whack one down than another pops up.

Diebold's whack-a-mole adventure:

Diebold started whacking people who published embarrassing documents about how the voting machines work.

Whack.

The New Zealand server that posted program files from an unprotected FTP site got a Diebold cease-and-desist order.

Whack. Whack.

DemocraticUnderground.com got more than one.

Whack.

A forum participant who goes by the screen name "Zhade" received one for mirroring Jim March's rig-a-vote files.

Whack. (Oof!)

Jim March got one but kept the documents up and dared Diebold to come and get him, promising to enjoy the discovery process.

Whack. (Oops.) Whack. (Whoops, missed!)

I posted the 24 memos exposing the certification problem, and my ISP got one. Its attorney refused to comply, saying Diebold's attorneys didn't write it correctly. By the time they had prepared a better one, we'd shifted the memos elsewhere.

I vote.

The machine decides.

Not in any democracy!

Whack!

I got another when someone posted a link to the memos on my site.

Whack.

An activist who goes by the name “Trogl” received one.

Whack everything!

“bpilgrim,” a programmer who created a search engine that could find things in the Diebold memos, got one. Perhaps Diebold didn’t like the suggested search terms: “boogie man,” “fake” “hack” and “what good are rules.” Diebold ordered him to destroy his search engine.

Whack. Whack. Whack. Whack. Whack. Whack. Whack.

IndyMedia, with Web sites all over the world, started posting links to the memos, and soon Diebold memos were popping up faster than mushrooms after a spring rain.

Whack — OUCH!

The Internet Service Provider (ISP) for *IndyMedia*, Online Policy Group, decided to fight the takedown orders. The Electronic Frontier Foundation agreed to fight the case.

WHACKWHACKWHACK!

Students at Swarthmore College began posting memos. But you don’t whack college kids without drawing a little attention to yourself. Soon, students at eleven colleges were posting Diebold memos.

whackwhackwhackwhackwhackwhackwhackwhack...

Students at 32 colleges posted the memos and *Indymedia* posted a running tally of cease-and-desists, along with the latest memo locations.

“I Got a Diebold Cease & Desist!” bumper stickers popped up.

On November 2, 2003, *The New York Times* did a feature on all this whacking of memos.

I received a call from presidential candidate Dennis Kucinich’s office. “Might we get some memos?” one of his staffers asked. “The congressman might want to post them on his Web site.”

At least two “greatest hits” memo sets were prepared for the honorable Rep. Kucinich.

B O O M ! ! !

Kucinich delivered the knockout punch: He posted a selection of Diebold memos on his congressional Web site, with links to more, and issued a public challenge to Diebold to back off.

Diebold formally withdrew from the game.

Activism works. But we need your involvement: If *we* don't define our own voting system, someone else will do it for us. And in the next chapter, David Allen will introduce you to them.

WHERE'S MY BALLOT?!?

E-voting system flaws risk election fraud
New Scientist, UK - Jul 25, 2003

Election fraud risks attract wide notice
The Inquirer, UK - Jul 25, 2003

US researchers critical of electronic voting systems
The Age, Australia - Jul 24, 2003

Voting machine fails inspection
CNET News.com - Jul 24, 2003

Security Of E - Voting Systems Seriously Questioned
Information Week - Jul 24, 2003

High-Tech Votes Can Be Hacked, Scientists Say
Reuters, UK - Jul 24, 2003

Study finds computer voting system vulnerable to tampering
San Jose Mercury News, CA - Jul 24, 2003

E-voting flaws risk ballot fraud
MSNBC - Jul 24, 2003

**Does it count accurately?
What do you base that 'yes' on?**

blackboxvoting.org