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Out of Touch

You press the screen. The machine tells you that your vote has been counted. But how can you be sure?

By Wyatt Olson

Emil Danciu says he smelled victory a year ago. He's slouched in his chair and looks a bit out of place seated in front of his daughter's office desk. He's faced with a phalanx of framed baby photos. Charlotte Danciu, a Boca Raton attorney who specializes in adoption and juvenile law, has decorated the corner office with scores of framed snapshots of tots and adoring parents.

Her father, a calm man of 72, is dressed casually in shorts, polo shirt, and sneakers. He sports a thin mustache and large wire-rimmed glasses. Slumped and cross-legged in his chair, he appears smaller than he truly is, but in fact he's big-boned with large hands and a frame that could easily accommodate additional pounds.

Charlotte is dressed in a fuchsia-and-black dress and wears her blond hair at shoulder length. Unlike her father, she at times seems ready to bound from her chair. Her ringing cell phone keeps her both distracted and alert.

Early last year, Emil Danciu was one of four candidates vying to win two seats on the Boca Raton City Council. A long-time civic activist, he had spearheaded the drive to preserve public land in Boca Raton in the '80s. He served as mayor from 1985 until 1993, when he lost by 99 votes. In Boca's polarized political camps of development versus slow growth, Danciu represented the latter.

Danciu lost that race, an election mired by glitches in the county's new touch-screen voting computers. Later that fall, during the primary, similar machines by a different manufacturer exhibited some of the same problems in Broward County. Now, a growing number of computer scientists are sounding the alarm over the nation's growing reliance on computerized voting machines that provide no paper trail. Some experts contend that the Danciu election underscores the problems in dealing with paperless recounts and the dubious reliability and security of this new technology. At the same time, exit polling by media outlets -- which is one of the few methods available to detect ballot-box anomalies -- is waning. The nation's switchover to touch-screen computers will likely speed up as billions of dollars authorized by Congress become available for the new technology.

"I quite definitely thought I'd win," Emil Danciu recalls of the election held on March 12, 2002. "We had a good group put together, and we had all the supposedly good things you're supposed to have in a campaign. We had a decent amount of money."

His daughter interjects: "I was the unofficial campaign manager, I guess you could say. All of the polling that was done indicated that he'd win because of this antidevelopment sentiment that was being expressed in Boca. But the real telling factor was that all of the big developers were calling him the weekend before the election trying to get on his good side, offering him money, offering him signs." The Dancius learned that an opposing camp had conducted a poll about two weeks prior to the election and found Danciu about 17 points ahead. "Like everybody else does, we had a mole in the other operation," Charlotte explains. "This poll was taken by the Chamber of Commerce people, the people with all the money."

Even the exit polling they conducted on Election Day was encouraging. "They were overwhelmingly indicating that he would be the victor," she says.

The Dancius gathered at their headquarters on Federal Highway on election night with friends and campaign workers. It was the first election to employ the new touch screens made by Sequoia, which had

been touted as offering quick returns. "We kept waiting and waiting, but Boca couldn't get any results out," Charlotte says. Finally, she and a few others drove to the office of Theresa LePore, the supervisor of elections for Palm Beach County. "There was an army of reporters and an army of people from Sequoia," Charlotte says. "At that point, they said they couldn't tabulate the votes because they'd lost 15 cartridges. They were just missing, and the system was built so it wouldn't give a final tally until you turned in all the cartridges. Then they claimed a poll worker had taken them home, and then they found them." The Dancius were stunned when the totals did come in: Danciu had received 2,863, which was a few thousand votes short of the two winners, Susan Haynie at 6,044 and Bill Hager at 5,446. Even more perplexing was the fact that Danciu had lost in his own home voting precinct.

For about a decade, Emil Danciu says, the slow-growth candidates had been "on the short end by a couple hundred votes, at most. All of a sudden, here's a 2,000-vote spread between us and them. That was really strange to us."

Charlotte continues: "What really alarmed us was the next day when we started getting phone calls from voters who had gone into the voting places -- people we didn't even know -- and pushed Emil Danciu's name only to end up with a check mark by Susan Haynie's name. They repeatedly tried to vote for him, but another name, particularly Haynie's, came up. They couldn't get their vote registered. They were telling wild stories about poll workers unplugging and kicking the machines. They didn't know whether their votes ever counted. Some were told to vote again."

Haynie and Hager were certified as winners by LePore's office. Charlotte Danciu, then joined by lead attorney Rob Ross, filed suit contesting the results on March 25, 2002, in Palm Beach County Circuit Court.

Their case was bolstered, they believed, when Councilman Al Paglia lost his seat by four votes to Lizbeth Benacquisto during a runoff contest held March 26 in Wellington, a town of 42,000 in central Palm Beach County. Although Paglia and Benacquisto were the sole candidates on the ballot, 78 so-called undervotes were registered, meaning 78 voters used the machine but did not cast a ballot. That struck Paglia as odd because he'd garnered 45 percent of the votes during the primary run against three challengers. And then, he too began hearing stories from voters that the Sequoia touch screens had acted erratically. On Paglia's behalf, Charlotte Danciu and Ross filed suit on April 5 contesting the Wellington election. The candidates' legal team was convinced that independent computer experts could ascertain whether something had gone wrong inside those ballot machines. The experts, however, would never get the chance.

The disputed result of the presidential election of 2000 was a watershed event for ballot-box technology in the United States in general but for Florida in particular. The poorly designed butterfly ballot in Palm Beach County led to possibly thousands of voters' inadvertently choosing Pat Buchanan over Al Gore. Televised images of Republican and Democrat monitors holding paper ballots up to the light in search of "pregnant" and "hanging" chads were an embarrassment to officials and citizens alike. Why, some asked, would any county use such an antiquated method to elect its leaders in the era of computers?

In the aftermath of that election, the Florida Legislature took up the subject of election reform. In May 2001, lawmakers banned punch-card ballots and required that new equipment be capable of screening for over- and undervoting. The measure allowed the use of optical scanners, a system that uses paper ballots on which voters fill in an oval beside a candidate's name -- similar to the method used for decades in standardized testing in schools. Optical scanners were already employed in 26 counties. The other approved technology was touch-screen computers, though at the time none had been certified by the state's Division of Elections.

"Everything that the legislature required the rest of the counties to do, we had been doing well in advance of the mandated date," says Ion Sancho, elections supervisor for Leon County, home of Tallahassee. "I was a candidate in a botched election in the September primary in 1986," Sancho recalls. "One of my major reasons for becoming supervisor was having experienced that kind of problem. An incompetent

supervisor of elections had failed to properly program the lever machines that were then being used in Leon County, which led to possibly as many as 5,000 voters' not having their votes count. Many people told me that they tried to vote for me but couldn't figure out how to do that successfully because of misalignment of the levers."

So when he was elected supervisor in 1988, his top priority was to replace the lever machines. "I looked at the voter technologies in the state, and I didn't like any of them," he says. "I went to an optical scan in 1992 that had overvote protection, which meant that if a voter made more than one choice in a race, that ballot was returned immediately to the voter; the machine would not collect it. With other optical machines being used then, the ballot would be collected [and] go into a central tabulation center, where it would be kicked out for an incorrect vote. But the voter wasn't around to correct the problem.

"That was one of the problems that blew up the 2000 election," he notes. "Over 105,000 Floridians tried to cast a vote for an individual in the presidential race and had their votes thrown out. That is what caused the 36-day legal battle."

Sancho testified before a governor's task force on election reform in January 2001 and explained how Leon County's system worked. "I didn't recommend any particular kind of technology," he recalls. "I didn't say, 'Don't use touch screens.' I just pointed out that I had a paper system that worked. In fact, our error rates were some of the best not only in Florida but in the nation."

The lure of touch screens, however, was powerful.

Katherine Harris, Florida's secretary of state, promoted touch screens as the ultimate solution. In August 2001, she told the *Sun-Sentinel*, "The touch-screen technology appears to be a significant leap forward." She added, "[W]e hope we are going to see a lot more of these opportunities materialize."

By late 2001, the Division of Elections had certified for use touch-screen machines manufactured by three companies: Election Systems & Software, Sequoia Voting Systems, and Global Election Systems, which was subsequently bought by Diebold Elections Systems Inc. Because the legislature had mandated a switchover from punch-card ballots by the fall 2002 election, those certifications set off a frenzy of lobbying by the companies and election supervisors. Congress sweetened the pot in October 2002 when it passed the Help America Vote Act, which authorized \$3.9 billion in federal spending to in part help states replace punch-card and lever voting machines. In every county save Miami-Dade, supervisors are independently elected, but the millions of dollars they would need to buy touch screens had to be appropriated by county commissions.

The Broward County Commission began looking into replacing the county's punch cards in early 2001. Commissioner Ben Graber recalls that there was consensus among the commissioners then that they should go with optical scanners, but they met with fierce resistance from Miriam Oliphant, the new elections supervisor. "We didn't want the touch screens because we were not sure of the technology," he says. "It was new, and it was expensive. We had concerns about the security and that there was no paper trail. We had our first meeting where we pretty much agreed that we wanted optical scanners. Then Miriam went out and started this campaign in the condos to get the touch screens approved. We started getting letters, people yelling at us, telling us we were backward. Editorial boards started saying it should be touch screens. So we said, 'The public wants touch screens; we're going to have to go with touch screens.'"

Commissioner Sue Gunzburger also contends that Oliphant put the commission in an "impossible position politically" by selling the voters on touch screens.

Oliphant denies claims that she swayed the public. "We went around this county to determine what the *people* wanted, between optical and [touch-screen] technology," she recalls. "I wasn't pushing a particular vendor; I was concerned about [the] kind of voting system." Senior citizens and disabled people overwhelmingly called for touch screens, she says.

Looking back, however, she believes the state and county moved too quickly in embracing the new technology. "What I know today, I wish we would have waited," she says. Still, she doesn't think an optical-scan system, which is currently used to count absentee ballots, would work in a county as large as Broward. "When we look at the number of absentee ballots that we have to scan, about 70,000, and I look at the paper jams... what if we were doing 700,000?"

County commissioners and elections supervisors from Florida's most populous counties quickly rejected the idea of upgrading to optical-scan systems, largely because they involved paper ballots, which were anathema after November 2000. That left the touch-screen machines. With multimillion-dollar sales at stake in each county, the companies that produce them lobbied ferociously and, at times, oversold a relatively new technology.

Broward commissioner Graber recalls an Election Systems & Software (ES&S) representative telling the commission that the machines were 100 percent accurate. "And I said, 'You're already lying, because nothing is 100 percent accurate if it's made by a human being,'" Graber says.

Some of the lobbying was of dubious ethicality. The Broward State Attorney's Office is currently investigating the County Commission's \$17.2 million purchase of touch screens from ES&S in October 2001, according to the *Sun-Sentinel*. Three commissioners -- Josephus Eggelletion, Ilene Lieberman, and Lori Parrish -- had ties to the ES&S lobbyists. The three have maintained that their choice of ES&S was based solely on quality.

Among the lobbyists hired by ES&S was Republican Sandra Mortham, who was Harris' predecessor as Florida secretary of state and also a lobbyist for the Florida Association of Counties (FAC). In June 2001, the FAC, which represents and advises the state's county commissioners, endorsed ES&S as its choice to replace banned voting equipment in Florida. In a deal reported only later in the media, ES&S had agreed to pay a percentage of its profits to the FAC for each county that purchased its equipment. Mortham also received a commission for each county that bought ES&S machines.

"I objected to it strenuously," Leon County's Sancho says. "I called it unethical."

The selection process became mired in ethical conflicts in Pinellas County after county commissioners there learned in July 2001 that ES&S had close ties to Deborah Clark, the elections supervisor. As reported in the *St. Petersburg Times*, during the time Clark was deputy elections supervisor, her husband, Richard Clark, worked for ES&S. In 1995, Dorothy Ruggles, then the elections supervisor, signed a \$186,000 contract with ES&S for voter registration software, with an additional \$112,000 annual software fee until 2000. Richard Clark resigned from ES&S shortly before his wife became elections supervisor in 2000, and he founded his own firm that installs and repairs voting machines. His work had been confined to Alabama, but ES&S was his only client, the *Times* noted. As a result, the County Commission decided to appoint a citizens' committee to review the companies' proposals.

Pinellas commissioners, however, were in store for more surprises when the *Times* reported in October 2001 that a key employee for front-runner Sequoia Voting Systems had been indicted in January for an elections kickback scheme in Louisiana. Phil Foster, a regional sales vice president, was allegedly involved in a conspiracy and money-laundering scheme that involved the sale of machine parts at inflated prices and kickbacks of nearly \$600,000. Sequoia was not involved, nor was the company charged. Still, the revelation disturbed commission Chairman Calvin Harris, who told the *Times* that he assumed the state had checked out the competing companies while their machines were being certified. Not so, said Clay Roberts, director of the state's Division of Elections, who maintained that background checks were a job for counties. "That's outside our expertise and our mandate," Clay told the *Times*. "Our role is to do the testing and to make sure the system works."

A Louisiana state judge dismissed the charges against Foster in April 2002, according to the *Advocate* in Baton Rouge. The judge ruled that the prosecutors' case depended upon Foster's grand jury testimony against others involved for which he was granted immunity.

Despite the well-publicized Foster affair, the background and security of companies producing voting machines has not been a prominent consideration for officials making the choices. Bev Harris, a Seattle-based literary publicist and writer, has spent the past few years investigating those companies and posting the findings on her website, blackboxvoting.com. Although mostly ignored by the mainstream press, her disquieting disclosures have led to articles in *The Hill* and on Salon.com. She began looking into the ownership of ES&S in late 2001 after reading an article about problems with electronic voting systems. The Omaha-based ES&S is the world's largest elections-supply company and is partly owned by the McCarthy Group, a merchant banking holding company. Michael McCarthy, the firm's chairman, was campaign treasurer for Chuck Hagel, a conservative Republican elected to the U.S. Senate from Nebraska in 1996. Harris learned from news archives that Hagel had been president of ES&S, which was then called American Information Systems, from 1992 to 1995. Election records she obtained indicated that Hagel was still holding \$1 million to \$5 million of stock in the McCarthy Group, which in turn owned about 25 percent of ES&S.

According to a January 3, 2003, article in *The Hill*, in 1997 the director of the Senate Ethics Committee requested from Hagel "additional, clarifying information" in regard to the financial disclosure statement senators are required to submit annually. Specifically, the director wanted to know the value of assets he held in the McCarthy Group. Hagel declined and instead cited the assets as exempt as defined by Senate rules.

The article states: "Hagel's filing underscores the currently murky world of Senate disclosures rules in which definitions are subject to change and interpretations can be accepted without further question." The story goes on to describe the significance of the holdings. "Hagel's unrecorded stake in the voting systems company poses an apparent conflict of interest on election reform issues. Three companies, including ES&S, stand to make large profits from election-reform legislation enacted last year by Congress. Many precincts around the country are expected to upgrade to optical scan and touch-screen voting machines as a result of recently enacted election reform." Hagel denied any conflict of interest. "If the machines are auditable and they're counted right, then ownership is not such an issue," Bev Harris contends. "But without an audit and where we have blatant conflicts of interest, it's an egregious situation."

Harris also questions ballot-box security during the November 2002 election in Georgia, in which incumbent Democrat Max Cleland, a war hero and the favored candidate, lost to Republican Saxby Chambliss. It was the first election in which the entire state used touch-screen machines, in this case purchased from Diebold Elections Systems. Harris found a database maintained by Diebold that allowed outsiders access to software files via the Internet. She described the site as "a virtual tutorial for anyone interested in vote-rigging: easy-to-edit source code, hardware and software specs, testing protocols, sample ballots, and election data." Harris points out that shortly before the November 2002 election in Georgia, a software "patch" had been used to correct a glitch in about 5 percent of the machines, though Georgia elections officials have told Harris that the nonsecure database wasn't used in the patch. Just how those machines were tested for accuracy and security, however, remains unclear, Harris asserts. "In Georgia, I talked to the secretary of state, who says, 'It wasn't my job to test the patch,' and he points to the elections guy," she says. "The elections guy says he didn't test it, and he points to someone else. No one seemed to know."

A growing number of computer scientists are expressing skepticism over the nation's wholesale transition to paperless voting. David Dill, a professor of computer science at Stanford University, began soliciting his colleagues at Stanford to sign a statement calling for an auditable paper trail for every voting machine. "I know that between the time a person casts his vote on the screen and the time that vote gets recorded in memory or counted later, there's no way to check if the vote was recorded properly," he says. "Computer errors, which happen all too frequently, or tampering, which people might be inclined to do given the stakes in some elections, could change that. So basically you put your votes in the black box, the black box tells you who won the election, and you have no way of checking whether the black box did that in a correct and honest way."

Dill has gathered more than 100 signatures. "These are people from all over the country and even overseas, many of whom are experts in computer security or electronic voting," he says. "I think the

problem is that if you have a small number of people they can always be dismissed as anomalies. What I'm trying to do is get the community of computer professionals, including system administrators, who have to deal with security on a daily basis, and show that there is a near-consensus opinion on this. Salesmen for elections companies are much more aggressive about seeking out elections officials than [computer scientists], who don't necessarily poke their heads up from research and say, 'There's a social problem here.'"

This winter, officials of Santa Clara County, where Stanford is located, proposed purchasing touch-screen machines. "So we basically got carloads of computer scientists to show up and speak up," Dill says, "and we got involved in their decision-making process." Dill and others argued that each machine should provide a paper-auditable trail. The county Board of Supervisors declined to do so; however, the scientists did win some concessions. "If the state makes clear regulations for a voter-verifiable audit trail, then the vendor has to add that feature at no cost," Dill explains. "Furthermore, there will be a pilot study in Santa Clara County where they will use printers to see how well they work." Dill has also been appointed to a statewide taskforce that will recommend changes in California voting regulations. Paul Craft, who heads the Florida Division of Elections' Bureau of Voting Systems Certification, dismisses the worries of Dill and other scientist naysayers. "Basically, these people are crying about the black box and that you don't know how it works," Craft contends. "Well, in fact, we actually *do* know how it works. We thoroughly test it.

"By and large, the people talking about how easy it is to mess with these machines and how you can do it without being discovered and all that don't know what they're talking about. And if they do, then they need to come down and show us how easy it is to corrupt these machines so we can do something about it. My personal opinion is that the reliability and security of the machines is very high, and it would take a very, very large conspiracy of a whole bunch of people in order to do these things that they're suggesting and cover it up."

The need for a voting paper trail became clear to Emil Danciu and Al Paglia as they began questioning election returns in March and April of 2002. Shortly after those losses, their legal team contacted Rebecca Mercuri, an assistant professor of computer science at Bryn Mawr College in Pennsylvania who is one of the leading critics of paperless voting systems.

"During [Election Day], many people said they were experiencing problems with the new equipment," Mercuri says. "These equipment problems were similar to those in Miami-Dade and Broward, which used ES&S machines, but these kinds of problems are endemic to touch screens." Those malfunctions include spontaneous lockups, misalignments that caused the wrong candidate's name to light up, machines needing to be reset, and rejection of voter cards, she says.

Still, the most serious problem, she declares, is missing votes. She points to the Paglia race in Wellington in which 78 people didn't cast a vote on the sole race. "Why would anyone get out of their bed in Palm Beach County to go to an election and then not bother to cast a vote for either one of the candidates? It's simply absurd," Mercuri exclaims. "Why would anyone even bother to go?"

Elections supervisor LePore was nonplussed in the wake of the election and remains so. "There could be several scenarios," she says. The first is that the ballots were in English only, and some voters could have hit the "cast your vote" button without realizing they hadn't voted, she says.

LePore continues, "The other scenario is: They knew there was an election. Everybody said, 'Go vote.' They got there and decided there was nobody they wanted to vote for and cast their ballot anyway, for whatever reason, maybe to maintain voting history."

Mercuri says such explanations defy common sense. Besides, it's not good enough to *guess* about what happened to missing votes.

In the Danciu case, Mercuri says, several precincts showed as much as 8 percent of the votes missing. "And it also seemed that in some machines in some districts, more votes were missing, particularly in Danciu's district, where he lived. All we wanted to do was get some machines impounded and examined by outside experts."

County commissioners were also pressing LePore for answers about the accuracy of the system they'd just purchased for \$14.4 million -- on LePore's recommendation. In late April, Assistant County Attorney Leon St. John wrote a letter to the commission on behalf of LePore, stating that she considered a review by outside computer experts as "not appropriate, nor necessary" given the "rigorous" state and federal testing Sequoia machines underwent.

Commissioners and the congressional delegation, fearing that spring elections problems would lead to a debacle in the fall gubernatorial primary, continued to pressure LePore, who in May finally agreed to conduct a mock election to test the accuracy of the machines.

Paglia dropped his lawsuit around that same time. "I was just wasting my time with legal bureaucracy and folks calling me from newspapers," he explains. "I just had to wipe the slate clean, make a speech to our council urging them to support my successor, and not get so embroiled in a lawsuit against them and the supervisor of elections."

Danciu, however, battled on in court, hoping to get a look inside some Sequoia machines. "One of the things we requested was to see the records on the inspections of the machines that are maintained by the state," Mercuri says. She wanted to examine inspection reports, testing protocols, and codes on voting equipment. "They're supposed to be escrowed so that if there's an issue with the machines, you can get them out of escrow and examine them," she says. "We were denied all our requests to see any of those materials, and we were also denied our request to fully inspect a machine because of the trade-secret agreements that are signed with all these vendors. Unfortunately, the election laws in this country do not require that voting systems be sold under patent and copyright protection. That would be open information. Vendors have chosen to sell the equipment with restrictive trade-secret agreements that make it a felony to reveal how the machines actually work."

"In court, the county's attorney said that it would be considered a third-degree felony for Theresa LePore to reveal the internal operations of how the machines work. You can't inspect it, you can't get the codes, you can't open it up. All of the inspections that are done, not only by the state but the National Association of State Election Directors, are all done under trade-secret protection."

Of course, trade-secret protection has applied to many products, Mercuri points out, such as in civil lawsuits against Goodyear alleging it manufactured defective tires. In certain cases, examiners for the defense will sign trade-secret agreements and then provide a sealed opinion to the judge. "But we were getting so much resistance that it was unlikely the judge would have granted that," she says. "But why would you even *have* these state laws that things need to be escrowed if no one can ever see it? It's bizarre."

In late July, Circuit Judge John Wessel denied Danciu's motion to allow a computer expert to examine voting machines, but he did order LePore to provide Danciu a "walk-through inspection" of the equipment used in the March election. The machines, however, were in a mode that allowed them only to continue to print out a total; Mercuri says she and her client learned nothing from that.

Mercuri was able, however, to watch the machines being tested for the 2002 primaries. From that, she learned that the test is limited to casting a ballot for the first candidate for each race on the machine. "In the case of the Danciu race, in which this was the first time the machines were used, he was third on the ballot," Mercuri says. "So he was never tested before the election. They never test the ballot face for every candidate in every race. Unfortunately, that's standard procedure. It's not standard elsewhere in the [computer] industry, but it is for voting machines."

Like a mounting number of computer scientists, Mercuri maintains that the only way to keep touch-screen voting on the up-and-up is to allow voters to review a paper receipt after casting their vote. "Think about it: Our whole identity system is paper," she explains. "We've got paper ID cards, licenses, passports. When you make an ATM transaction, you get paper. And certainly when you buy a lottery ticket, which are sold in the millions, you wouldn't pay your dollar and then have them call you if you win. You want that ticket!"

She describes the paperless machines as having "an Enron style of audit: It's an internal audit, and it's going to be shredded afterward."

The Florida Division of Elections doesn't allow paper receipts on touch screens, says Paul Craft, whose office certifies all new equipment, because no company has applied for testing of such machines. Regardless, Craft opposes the idea. "The question becomes, what is going to be the official source of your election results?" he says. "If it's going to be the paper, then use paper, and count the paper and that's going to be the results. If you're going to do it electronically, do it with a secured system that's been properly tested and has proper logs and ballots."

New Jersey-based Avante International Technology offers a touch-screen machine that provides paper receipts, says James Minadeo, a technical-support manager with the firm. The company hit a brick wall, however, when it tried to get its machine certified in Florida in the fall of 2001. Craft informed the company that to qualify for certification, Avante would have to provide machines to count absentee ballots, which it did not manufacture at that time. Craft also told Minadeo that the paper receipts would violate state law because votes must be cast in secret. Minadeo contends that the receipt system was sufficient, but the company dropped its attempts to enter the Florida market.

Oliphant says she and other election supervisors wouldn't welcome back paper. "We sit on the canvassing board, and we have to sit there and determine whether that's a vote," she explains. "We don't like being in that position. But with technology, it's 100 percent accurate. It's either a vote or not a vote." LePore, who calls skeptical scientists like Mercuri a "vocal minority," also opposes receipts. "First of all, we had paper, and those were called punch cards, and nobody liked them," she jokes. She adds that "if someone really wanted to play games with the process, they could, when they get a receipt, say, 'This isn't how I voted.' How would we know that?"

"The other reason is, once the receipt is printed, the vote's already cast. What if they say that's not what they voted for? You can't take it back."

"That's our point exactly!" Charlotte Danciu shrieks, literally tugging on her hair over LePore's logic. "She just doesn't get it. Receipts will uncover problems. That's what her job is: to make sure we have every vote counted."

Judge Wessel dismissed Danciu's case in November 2002, maintaining that even if Danciu were given all the votes cast in the six precincts the lawsuit had questioned, he would not have won the election. The younger Danciu calls the decision "simplistic" and missing the underlying point of a systemic problem. They chose not to appeal the decision primarily because of the expense. "To this day," she says, "we believe that election was stolen from my father."

Although he dropped his suit, Paglia says he's not convinced that more problems won't crop up in future elections. "We never found, for the good of the government or the people," he says, "the true reason why those machines malfunctioned."