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From the Baltimore Sun

Legislators act to keep vote count accurate

Mike Himowitz

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One of the great pleasures of writing this column is the opportunity to rant about things that bug me - like electronic voting.



An even greater pleasure: telling you that Maryland is getting rid of its all-electronic voting system - a well-intentioned if expensive demonstration that technology and politics don't always mix.

A week ago, it looked as if efforts to replace Maryland's Diebold AccuVote TS terminals would fail for the fourth straight year. But legislators and voting reform activists got together in the waning hours of the General Assembly session to hammer out a law that will guarantee not only a paper trail on Election Day, but a real paper ballot.

In the rush of last-minute legislation, the bill didn't generate much attention. But it might be the most important law enacted this year because it guarantees the very underpinning of democracy - a fair and accurate count.

True, we're stuck with insecure and glitch-prone Diebold electronic terminals for one more election cycle. But in 2010 we'll go back-to-the-future - a system of paper ballots counted by electronic scanners.

This technology has been around for decades, and it's relatively cheap and reliable. In fact, most of Maryland's counties were scanning paper ballots long before the State Board of Elections embarked on a \$65 million spending spree for a system of electronic voting terminals in the wake of the 2000 presidential election fiasco.

Maryland now joins 27 other states that have banned all-electronic voting and require a verifiable paper trail. Many of those states acted after glitches, lost votes and Election Day hassles that were well-documented in headlines across the country.

Give Maryland lawmakers credit - they moved before a hotly contested election with results that could never be independently verified.

Having been through legislative sessions as a reporter and editor, I'm always suspicious of last-minute deals like this one. But in daylight, this bill still looks like a good deal - even though backers concede that it leaves some gaps to deal with next year.

3 kinds of ballots

First and foremost, the law will allow three kinds of ballots in Maryland:

- A paper ballot that can mailed in (mainly for absentees).
- A paper ballot marked by hand and scanned electronically in polling places.
- A paper ballot printed at the poll by an audio-equipped electronic voting terminal for visually handicapped voters and others who prefer it.

The bill will force a hostile and defensive state elections board to buy scanners and ballot-printing terminals to replace its touch-screen models.

One major problem with the legislation: There's no money in next year's budget to pay for the equipment. Proponents are counting on Gov. Martin O'Malley to include up to \$20 million for new scanners and handicapped-voting terminals in fiscal 2009.

That may be a tough sell in a year when lawmakers are facing a projected \$1.5 billion deficit. But it shouldn't be. A secure and accurate election is the most important thing a democratic government can guarantee for its citizens. Everything else comes after that.

Also unresolved is an audit system to ensure that scanned ballots have been accurately counted. That's the whole point of a verifiable paper trail. The House and Senate tangled over the details of this provision, but finally agreed to keep the language vague this year to get the bill through. Who audits the vote count - and how and when they do it - will have to be settled next year, too.

The important thing is that we're buying a system where the paper ballot is the actual vote. No matter who counts it the first time around - a machine or a human - a paper ballot is available for a recount in case of a dispute. Maryland's new law even requires that the ballots be tough enough to withstand repeated handling.

That's the ultimate failing of any all-electronic system - and Maryland's in particular. The votes are recorded on silicon and essentially counted in the dark, by rules that you and I can't see. In fact, Maryland's Diebold system uses proprietary voting software that none of us has the right to examine - despite the millions we paid for it.

Are there bugs in the software? Has it been hijacked or gimmicked to ignore every 50th vote for Smith and give it to Jones instead? There's no way to tell. That's why critics call it "black box voting."

We do know that a Diebold terminal similar to Maryland's was so vulnerable that a group of grad students organized by a Princeton University professor broke into it with a key from a hotel minibar. Then they installed a virus that not only switched votes between two candidates, but also erased all evidence of itself the instant the polls closed.

Computer security experts - with Professor Avi Rubin of the Johns Hopkins University in the forefront - have been warning voters and legislators about this problem for years.

The tide turns

Although election officials who bought electronic systems have tried to write off critics as kooks and subversives, the tide has turned. Organizations such as TrueVoteMD and SaveOurVotes have done a classic job of organizing community support. Ordinary citizens and legislators are listening and acting.

Maryland's legislation now calls for a sensible, hybrid voting system. Wisely, it rejects the notion of creating a paper record of an electronic vote by attaching a printer with a roll of paper to a touch-screen terminal. This would just add another layer of technology that could fail on Election Day.

Handicapped voters, particularly the blind, will use a voice- and audio-powered electronic terminal that allows them to cast votes without assistance - one of the main reasons they have supported all-electronic systems in the past.

For election officials, the law is a mixed bag. Many prefer electronic voting because it means they no longer print and store paper ballots - a major hassle in large jurisdictions with overlapping local, state and federal election boundaries.

On the other hand, scanned paper ballots are likely to mean shorter voting lines on Election Day. Scanning takes only a second or two, so a single \$4,000 machine can serve an entire precinct. And voting "booths" are nothing more than cheap plastic tables equipped with marking pens and side screens for privacy. Local jurisdictions can easily afford enough of them to keep voters from waiting in line.

And that's a good enough reason for me.

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mike.himowitz@baltsun.com
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