

The Columbus Dispatch

Ohio's Greatest Online Newspaper

Can we trust the voting results?

Diebold defends touch-screen machines, but a study fans debate over their reliability

Thursday, August 17, 2006

Mark Niquette
THE COLUMBUS DISPATCH

Diebold and many elections officials yesterday downplayed an independent study that questions the accuracy of touch-screen machines used by more than half of Ohio voters, saying the units are sound.

But critics and the study's director say more review is needed to answer a fundamental question: Can Ohioans trust results from those Diebold machines, especially when there's a close election or recount?

"We need to further investigate, and only when we have the outcome of that investigation will we know," said Steven Hertzberg, founder of California-based Election Science Institute.

Hertzberg said such a review cannot be completed before Ohio's nationally watched Nov. 7 general election, and it was unclear yesterday what additional investigation might be done in coming weeks.

Cuyahoga County commissioners hired the independent, nonpartisan consultant to review the results from the May gubernatorial primaries in the county; the ESI determined that the electronic vote totals from the Diebold touch screens did not always match the paper record.

Hertzberg said he cannot say whether it was human error, machine error or both without a forensic analysis.

But Diebold's Mark Radke said the North Canton company still contends the study was flawed and that the discrepancies can easily be explained. He also said the system has performed well in 46 of the other Ohio counties it's used in and many states.

"We're very confident in the accuracy and reliability of the system," Radke said, noting it has been thoroughly tested in Ohio and by federal authorities.

Too close for comfort?

Examples of recent Ohio elections in which the difference of just a handful of votes per precinct would have changed the outcome:

NOVEMBER 1990, OHIO ATTORNEY GENERAL

Democrat Lee Fisher beat Republican Paul E. Pfeifer by 1,234 votes.

NOVEMBER 1997, NEWARK SCHOOL INCOME TAX

Passed by seven votes.

MAY 2003, WALNUT TOWNSHIP SCHOOL INCOME TAX

Passed by 10 votes.

NOVEMBER 2003, MOUNT STERLING MAYOR

Incumbent Robert Roy nipped challenger Mary Lou Stiverson by two votes.

MARCH 2004, 14TH OHIO SENATE DISTRICT, GOP PRIMARY

Jean Schmidt edged fellow state Rep. Tom Niehaus by 22 votes.

NOVEMBER 2005, JOHNSTOWN-MONROE SCHOOL BOARD

Terry Holter topped Lisa McCloud by 11 votes.

MAY 2006, 21ST OHIO HOUSE DISTRICT, DEMOCRATIC

Secretary of State J. Kenneth Blackwell said his office will review the report, but he primarily blamed poll-worker training and myriad other problems that surfaced in the primary in Cuyahoga County.

"It would be irresponsible to summarily dismiss any of their findings, and it would be equally irresponsible to start to sound alarms about the accuracy and the effectiveness of this equipment," Blackwell said. The election "was done right in 87 counties."

Even so, Democrats and some election experts say the study raises serious questions about the use of touch screens with paper printers.

Jennifer Brunner, the Democratic candidate for secretary of state, said she doesn't accept the explanation that the vote discrepancies documented in Cuyahoga County can be explained by human error.

"There needs to be more study, there needs to be more investigation so that we can assure the voters that the machines accurately count the votes," she said.

Brunner and other Democrats — many of whom enjoy leads in the polls — are urging Ohioans to take advantage of a new law allowing them to vote early. Many counties' early voting setup uses paper ballots read by optical scanners.

Election directors at several other counties that use the same Diebold equipment, including Fairfield County, reported no major problems with the machines.

Alice Nicolia, director of the Fairfield County Board of Elections, said the county conducted a recount using the paper receipts from the machine last November without incident.

"We find that it is a system that is reliable," she said.

Jeffrey Matthews, director of the Stark County Board of Elections, participated in the Election Science Institute study and uses the Diebold equipment. He said the Cuyahoga County discrepancies can be explained and that there's no reason to doubt the units.

But J. Michael King, chairman of the Licking County Board of Elections, wanted his county to choose optical-scan devices with paper ballots instead of the Diebold touch screens. He cited problems with the paper printer attached to each unit.

"I think it's just a bunch of plastic that doesn't wear well," King said. "I broke one in training."

The Ohio legislature, bowing to critics who wanted to verify electronic votes, decided in 2004 to require that touch screens have a paper record. Diebold reconfigured a design by adding a printer, but critics say the process was rushed.

Keith Cunningham, the former president of the Ohio Association of Election Officials who also participated in the ESI study, said it's clear to him that the printer units must function at a higher level because, by law, the paper receipts are the official ballot used in recounts.

Of the 467 machines that ESI studied in Cuyahoga County, nearly 10 percent had receipts that were destroyed, illegible or otherwise compromised.

Matthew Damschroder, director of the Franklin County Board of Elections, has said the county chose the touch screens from Diebold rival Election Systems & Software in part because the printer unit was incorporated as part of the machine design.

He argued that the legislature needs to revisit the law requiring the paper receipt to be used in recounts or provide clear guidelines for how to conduct recounts if there are problems.

Democrats also are arguing that Blackwell didn't do enough to ensure a smooth transition to the new voting machines from older systems.

Noting the controversy surrounding both Blackwell and Diebold from the 2004 presidential election in Ohio, some critics question whether Blackwell should oversee the fall election — especially if it's close or there's a recount — because he's also a candidate for governor.

"I'm not making accusations at this point, but I do think there's a perception, a widespread concern ... that our election oversight is such that any way that Mr. Blackwell can find to use his position to achieve some actual or perceived advantage will be taken," U.S. Rep. Ted Strickland, the Democratic gubernatorial nominee, said yesterday.

Blackwell dismissed such talk, noting that bipartisan county elections boards, not him, count votes.

"I will rest comfortably on Nov. 7 knowing that our strong, bipartisan, decentralized election administration in the state of Ohio has once again given the voters of Ohio an accurate count and a fair system," he said.

Dispatch reporter Jim Siegel contributed to this story.

mniquette@dispatch.com

Copyright © 2006, The Columbus Dispatch
