

Dysfunctional Performance: The U.S. Voting Machine Debacle and the Machinery of Democracy
by Nina Mankin

"...The exercise of the elective franchise is a social duty of as solemn a nature as man can be called to perform...man may not innocently trifle with his vote [and] every elector is a trustee as well for others as himself."

-Daniel Webster, 19th-Century U.S. Politician and Elder Statesman.(1)

"Let us never forget that government is ourselves and not an alien power over us. The ultimate rulers of our democracy are not a President and senators and congressmen and government officials, but the voters of this country."

– Franklin D. Roosevelt, 32nd President of the United States

"It's not the voting that's democracy; it's the counting"

-Tom Stoppard, British Playwright

Nothing illustrates democracy like voting. Consider the image of ex-slaves lining up to cast ballots in the Reconstruction South, or that of an Afghani woman in her burka voting for the first time in a country where only a short while before she was forbidden even to leave her house. If, as linguist J. L. Austin first articulated, encompassed in certain speech-acts that he called 'performative' are entire histories of compulsory behavior (the examples he famously gives are the 'I do' solemnizing a wedding and the 'I christen' naming a ship) then voting is an essentially performative *civic*-act. Within the act of voting is contained our most idealized visions of democracy. When you vote you are not only casting a ballot or expressing an opinion, you are performing your enfranchisement in the political system: I vote, therefore I am (a citizen) – with the rights, privileges and responsibilities of a citizen.

Wars of all kinds have been waged over the right to vote, and the U.S. sends delegations of officials (and soldiers) around the world to ensure (and enforce) that this most essential performance of democracy is not disgraced by incompetence or fraud. According to Richard Soudriette, president of the International Foundation for Election Systems (IFES), a Washington-based nonprofit organization that assists in international electoral monitoring, "The United States has played 'a key role' in expanding the number of electoral democracies in the world from 39 in 1974 to 120 in 2000." (2) The technology through which governments facilitate individuals' participation in this performance of citizenship is itself culturally and ideologically revealing. Consider India, for example, where numbers—not names—indicate the candidate's identity, thus facilitating voting by a large illiterate population. Or the United States, where federal laws have only recently been passed to ensure that voting equipment is accessible to all individuals with disabilities—a constituency that, while recognized in theory, has only been enfranchised *in fact* through this changing technology.

The United States is one of only a very few self-declared democracies in which the voting system itself—that is, the machinery and procedures used in the actual practice of

election management—is not standardized across the nation (3). In the U.S. this is because of a governmental balance of "States" vs. "Federal" rights guaranteed under the Tenth Amendment to the U.S. Constitution. (The amendment reads: "The powers not delegated to the United States by the Constitution, nor prohibited by it to the States, are reserved to the States respectively, or to the people.") The Tenth Amendment plays a central role in many difficult cultural-political issues in which the U.S. is continually mired: abortion, gay marriage, the death penalty - all are legislated to greater and lesser degrees, by the individual states. This is true of voting as well. Because of the Tenth Amendment, for instance, regulations legislating whether or not ex-felons (who are disproportionately African-American and thus statistically Democratic) can or cannot vote vary from state to state. It is also because of the Tenth Amendment that laws regulating what kind of voting equipment is used and how (and when) to conduct recounts in close elections also vary from state to state. Thus, U.S. elections are not only performances of democracy, they are performances of a particular kind of pluralistic democracy based not upon federal standards but upon "community standards," a political buzzword often used to evoke the traditionally conservative agenda of states' rights.

This performance of plurality came into sharp and unsettling relief in the 2000 U.S. Presidential election when the voting machines of entire voting districts performed badly. In one of the closest contests ever recorded in U.S. electoral history, the battle over manual recounts in Florida (the state whose electoral votes would decide the presidency) was infinitely complicated by the poor design of these often antiquated machines. The question of whether and how manual recounts of these contested votes would occur resulted in weeks of rancorous national debate.

In her recent book *The Archive And The Repertoire*, performance studies scholar Diana Taylor (who is also the senior editor of this publication) outlines her concept of the "scenario" as a tool for cultural analysis. The scenario, she explains, is an organizing principle that allows for the incorporation of such things as cultural assumptions, expectations, and behaviors into the historic repertoire. For example, Taylor presents "conquest" as a scenario that informs an array of expressions as diverse as the writings of Christopher Columbus, the organizing principle behind certain museum exhibitions, and the power of such pop icons as the television show *Fantasy Island* and the singer Grace Jones. She writes of the U.S. "frontier" scenario as a set of stereotypes and behaviors that "organizes events as diverse as smoking advertisements and the hunt for Osama Bin Laden." (4)

"Election," in the United States, is its own scenario within which we can find such sub-scenarios as "voting," "protest," "political conventions," etc. Taylor presents scenarios as particularly useful in their capacity to encompass strongly divergent viewpoints. "Elections," for example, are seen by some as unchallengeable performances of stability, patriotism and enfranchisement, while others may see them historically as performances of corruption, apathy, and disenfranchisement. The debacle that was the 2000 presidential election provided a new sub-scenario to the broader category of "Election" – that new scenario is called "Florida."

"Florida"

November, 8, 2000, U.S.A.: election day. With the majority of electoral votes already decided, whichever candidate won the state of Florida and its 25 electoral votes—whether it was standing Vice President Al Gore or Governor of Texas, George W. Bush—would win the U.S. presidency. At 8 p.m. the television networks called Florida, and the election, for Al Gore. But the Bush camp refused to concede—Florida Governor Jeb Bush (brother of George W.) insisted that despite numbers suggesting otherwise, his state had in fact been won by the Republicans. An hour later the networks retracted their earlier statement and soon thereafter called the election again, this time for George W. Bush. By 4 a.m. everyone conceded that the race was too close to call.

The legal and cultural battles that ensued over who actually won Florida (and thus the presidency) have been called variously "The Florida Moment," "The Florida Debacle," "The Floridization" of politics and, simply, "Florida". No fewer than thirty lawsuits were filed in State and Federal court over whether and how Florida would conduct a recount of the historically close election. These lawsuits culminated in the landmark U.S. Supreme Court decision *Bush v. Gore*, in which what is considered a conservative (and thus traditionally pro-states'-rights) 5-4 majority took an uncharacteristically Federalist position, taking away Florida's right to call its own election in what one dissenting opinion called "the interest of finality"⁽⁵⁾—not democracy. It was only the second time in U.S. history that a president was chosen by the intervention of the Supreme Court and the fourth time in U.S. history that a candidate was elected president with the electoral college majority but not the popular vote. According to the vote count ratified by the Supreme Court, George W. Bush won Florida (and the presidency) by a majority of 537 votes out of nearly 3 million cast statewide, while Gore won the overall popular vote by over half a million nationwide ⁽⁶⁾.

Butterflies, Chads, and Felonious Acts

At the center of the drama that was "Florida" was the image of an electoral system that was deeply flawed, both by mechanical failure and by intentional voter disenfranchisement. In the days and months following November 7th a whole new vocabulary of dysfunction bombarded the U.S. media: "chads," the small circles that fall out from the ballot after a hole-punch voting machine successfully registers votes; "hanging chads," those same circles incompletely punched out; "dimpled" and "pregnant chads," the possible indication of a voter's intent in a ballot whose chad has been unsuccessfully processed by the voting machine. And then there were the "butterfly ballots," ballots so poorly designed (in "butterfly" rather than traditional "column" layout) that thousands of votes in a Florida district overwhelmingly populated by Democrats appear to have been mistakenly cast for Pat Buchanan (the most overtly radical right-wing conservative candidate in the election) rather than for Al Gore, whose name lay confusingly across the ballot from Buchanan's.

Florida law requires an automatic recount when the difference in the total number of votes cast is less than one half of one percent. The legal standard for such a recount is

based upon ascertaining "voter intent." The Bush team disagreed, arguing that to even try and assess intent from the array of mechanical failures was an abrogation of the equal protection clause of the U.S. Constitution, as there couldn't possibly be one equal standard for ascertaining that intent. (The equal protection clause is part of the 14th Amendment. It states that "no state shall make or enforce any law which shall [...] deny to any person within its jurisdiction the equal protection of the laws." It was enacted shortly after the American Civil War to ensure fair and equal treatment to ex-slaves.) The Supreme Court majority agreed, and so a law that was designed to enfranchise voters was interpreted in this instance as a way of disenfranchising them.

And voter disenfranchisement did not just occur through the mechanical failure of punch-card and paper ballot machines. There were also tens of thousands of disproportionately African-American Florida voters (90% of whom would statistically have voted Democrat) who were not even allowed to cast their votes. These were what one reporter called Florida's "disappeared" votes (7).

In what many see as part of the U.S. scenario of "Jim Crow," (8) on November 7, 2000, tens of thousands of black voters arrived at polling stations to find that electoral boards had passed draconian measures requiring three pieces of identification to be able to vote, or that the board had failed to register them through the "motor voter" laws specifically designed to register lower income citizens. Most insidious in this scenario of voter disenfranchisement was the egregiously incorrect (and illegal, even by Florida law) "felons list" which purged 57,000 ex-felons from the voter rolls in what voter demographics authority David Bositis called a "patently obvious technique to discriminate against black voters." (9) This list, compiled by a private consulting firm in an unprecedented governmental move that gave a non-governmental agency power to facilitate the elimination of voters' rights, contained many hundreds of mismatched names. The result was voters arriving at the polls to find they couldn't vote because an ex-felon of the same name was on the list. The list also contained names of thousands of voters who had been convicted only of misdemeanors or who had served time in states that had reinstated their voting rights after their release from prison. In all, it has been estimated that 90% of the names on the felons list (also referred to as "the scrub list") were "fake"—that is, they were on the list erroneously, either by intention or by mishap (10). The company that created the list, ChoicePoint, was hired by Florida Secretary of State Katherine Harris (at the request of Governor Jeb Bush). When the corruption was revealed, Harris blamed ChoicePoint for the errors, while ChoicePoint in its turn blamed the whole morass on misunderstanding the guidelines given by Bush and Harris (11).

A Government Performance: The Help America Vote Act

Following his inauguration, in an initial moment of bipartisan rapprochement, newly named (though arguably not elected) President George W. Bush pledged to reform the election system to ensure that nothing like "Florida" ever happened again. And so he put together a task force to draft election reform legislation. What resulted was the Help America Vote Act of 2002 (HAVA), signed into law by the President in October of 2002.

In the wake of hanging chads and butterfly ballots, HAVA envisioned the panacea of new high-tech electronic voting machines. These machines, purchased by individual voting districts with matching funds from the government, would replace the rusty old mechanical machines blamed for "Florida," and would promise fair and secure elections. HAVA mandated legislation for how those districts that accepted federal monies would operate. (This kind of contingency funding is a common way for the U.S. government to get around the Tenth Amendment and impose federal standards.)

HAVA outlines a number of clearly needed election reforms for voter identification, for access to polling stations and machines (including access for people with disabilities), and it states how tally and audit systems must function for paper and optical scan ballots to be secure and accountable in the case of a voter recount. HAVA also says that electronic voting machines must have verifiable paper audit trails, a measure that election reform advocates have universally called for. However, significantly, HAVA does not mandate paper back-up systems for electronic voting machines until 2006. According to HAVA, electronic voting machines purchased prior to 2006 can rely on electronic back-up systems for the 2004 election. Another thing HAVA requires, in the name of standardization, is that all states have computer-generated voter lists like the ones used in Florida to identify (read: purge) ex-felons from the rolls; it does not, however, specify guidelines as to how these rolls are to be generated, and unlike the audit provision, *this* provision must be in place by the 2004 election (12). HAVA is a big reason why we are in the mess we are in today.

Electronic Voting Machines: The Debate

On July 28th, 2004, the front page headline of The New York Times read, "Lost Record of Vote In '02 Florida Race Raises '04 Concerns. (13)" The Miami-Dade Election Reform Coalition, a citizens group trying to investigate voting machine irregularities, requested to see records from the first election in their county that relied on electronic voting machines. Officials of the manufacturer of the touch-screen machines, Election Systems and Software, were forced to concede what they had earlier presented as unthinkable: all the records from the 2002 Democratic primary election were erased following two unforeseen computer crashes that occurred just months after the election. When, two days later, the data miraculously reappeared on a disc in an election official's desk, it was hard to know which truth would be more astounding: that the machine manufacturers and election officials had (illegally) recreated the lost data or that they could have so carelessly misplaced it. When asked about the incident, Linda Rodriguez-Taseff, a lawyer who is chair of the Election Reform Coalition, had this to say: "This shows that unless we do something now—or it may very well be too late—Florida is headed toward being the next Florida." (14)

This mishap is far from an isolated incident. Similar mishaps have been reported across the country in election after election that has relied on electronic voting machine technology. In November of 2003 in one county in Virginia, all the electronic voting machines stalled, jammed, and shut down when 953 precincts called in their tallies simultaneously (15). In March 2004 an improperly calibrated mark-sense scanner

overlooked 6,692 absentee ballots (16) . In Riverside County, CA the Registrar of Voters' office was the scene of possible criminal activity when technicians from Sequoia, one of the nation's largest manufacturers of electronic voting machines, apparently interrupted the election to tamper with the machines' software (17) . None of these voting machines was equipped with a paper back-up system and all of them were programmed with proprietary code developed with a Microsoft-based operating system.

"Security Through Obscurity" vs. "Many Eyes Make Safe Houses"

There are two different issues in contention over electronic voting machines: their dependability and their integrity. Dependability is about functionality. There is no doubt that electronic voting is the wave of the future but the question is: is the current technology up to the task of successfully facilitating the votes of upwards of 140 million people? Incidents like the ones cited above lead many to believe it is not, but the manufacturers continually insist that this is not the case. Unfortunately, at this point, even if the 2004 Presidential election were to appear to go without a hitch, there is a substantial population of computer scientists and concerned citizens who will still believe it has been rigged unless satisfactory auditing systems are in place. And at this point it doesn't look like they will.

Now to the issue of integrity. Electronic voting machines of various kinds have been in limited use since the early 90s. Growing out of the ATM and electronic gambling securities systems, electronic voting machines have relied on a concept of electronic security known as "security through obscurity," operating systems whose code remained secret except to those few technicians with access to it. And "security through obscurity" also worked well for the e-business community, as those secret operating systems were inevitably built on proprietary, or "closed source," operating code that is protected under copyright law. Even recently a faction of computer scientists still believed in this concept as the best method of securing information—no longer.

The "open source" movement has been around since the inception of the Internet. Proponents of open source believe that there is no such thing as perfect security: no system is un-hackable and therefore the best way to ensure security is through a system, sometimes distinguished by the aphorism "many eyes make safe houses," in which security code is publicly published. It can then 1) be successfully beta-tested for inevitable bugs, and 2) be utterly transparent to user error and misuse. The problem with proprietary code, open source proponents argue, is not only that it can't be audited in a transparent manner or that it is, inevitably, hackable; arguably the biggest problem is that the manufacturers of the code have a vested interest in their system appearing to work correctly. For voting machine manufacturers, this interest is worth hundreds of millions of dollars. Thus, flaws and malfunctions in a proprietary system might conceivably be covered up, or at the very least go unreported, as they were recently in Florida. Open source is now almost universally regarded as the more secure system, yet all but one (18) of the U.S. electronic voting machine manufacturers still uses closed source code.

According to a recent article in *The Nation*, over 80 percent of U.S. citizens who go to the polls this coming November will vote on some form of computerized voting system. (19) Adam Putnam, Chair of the House Subcommittee on Technology and Information Policy, estimated that 50 million registered voters, representing nearly 30 percent of the national total, are expected to cast their votes using some form of direct-recording-electronic (DRE) touch-screen voting system this November (20). The realization that the majority of those voters are neither secure nor auditable is terrifying to many people. Australia recently instituted an open-source voting system (though one without the paper ballot back-up system preferred by voter activists) which runs on the non-proprietary Linux operating system and is completely open to public scrutiny. Commenting on why they had chosen to go the open source route, Australian Election Commissioner Philip Green said, "We'd been watching what happened in America (in 2000) and were wary of using proprietary software that no one was allowed to see." (21) In the 2003 *Wired Magazine* article on the subject, the lead engineer for the machines used in the Australian election, Matt Quinn, added, "Why on earth should [voters] trust me, someone with a vested interest in the project's success? A voter-verified audit trail is the only way to prove the system's integrity to the vast majority of the electors who, after all, own the democracy." (22)

Private Purveyor of Dysfunction: Diebold

Diebold Elections Systems along with Election Systems and Software, Inc.—both owned by the Ohio based security systems giant, Diebold—are together responsible for tallying as much as 80% of votes cast in the United States (23). Diebold has long been at the center of the electronic voting controversy because of its reliance on Microsoft based code that critics claim is easily compromised (24). Diebold came under furious fire in August of 2003 when it was revealed that its chief executive, Walden O'Dell, had sent out a fundraising letter to Ohio Republicans in which he said he was "committed to helping Ohio deliver its electoral votes to the president next year." A few months later a group of political activists from Swarthmore College got hold of internal communications from Diebold Elections Systems employees and posted them on the web in what they called an act of electronic disobedience (25). The memos appear to reveal numerous undisclosed security problems with Diebold systems and to illustrate a culture of cavalier disregard for election propriety on the part of some Diebold employees. When the student organization, Why War?, posted the documents on its website (26), Diebold filed a cease-and-desist action against Swarthmore College, the activists' web server. Diebold filed this action under the Digital Millennium Copyright Act, claiming that the postings were an infringement of copyright. After a two-month-long legal battle Diebold agreed to drop its case against the activists, leaving questions about the security of Diebold systems unanswered. Why War? continues to disseminate the memos.

In July of 2003, following the disclosure by journalist and activist Bev Harris that Diebold's e-voting security code was so secret they had found it on the Internet, security researchers at Johns Hopkins University and Rice University announced they had discovered serious security flaws in the Diebold e-voting system. Among the flaws were ways in which individual voters could vote multiple times in a given election, and methods that would give unauthorized persons access to the entire system. The activist

organization Electronic Frontier Foundation (EFF) responded to the findings with this comment: "EFF supports electronic voting, but this report indicates Diebold e-voting system isn't ready for prime time.....Only with open review, vigorous security testing, and a voter verifiable paper audit trail can the public have confidence that e-voting machines will provide an actual accounting of the will of the people." (27) Diebold responded to the allegations, calling them "irresponsible," and, in a statement echoed by election officials, said such comments would undermine voter confidence. Writing in response to a similar statement by an election official in Florida, one Florida resident wrote in a recent letter to the New York Times, "When we allow state officials with strong ties to one candidate to reject independent audits of the integrity of voting machines because it would 'undermine voters' confidence,' we are indeed undermining voters' confidence in a dramatic way." (28)

The Power of Perception

Democrats' continued belief that Bush "stole" the 2000 election contributes to the current climate of mistrust and suspicion around electronic voting machines. It's easy to see not only "Florida" but the entire national scenario of voter disenfranchisement as a very frightening confluence of right wing agendas: the privatization of the national voting system by companies with connections to the right; the institutionalization of governmental trust in a software industry dedicated to secrecy and the continued privatization of digital information; the increased disenfranchisement of African-American voters; and the consolidation of political power in the hands of blatantly partisan election officials and a right-wing court at the expense of democratic process. In a country where only 50.3% of the electorate voted in the last presidential election, any kind of mismanagement or corruption could decide the next president.

As documentary filmmaker and propagandist Michael Moore has made so clear in his last two movies, fear is one of the government's most powerful methods of maintaining control over an increasingly insecure public. When it was recently proposed that the office of Homeland Security needed a provision to postpone elections in the case of a national terror emergency, what governmental agency was the source of this blatantly unconstitutional (and by some interpretations unpatriotic) suggestion? The U.S. Elections Assistance Committee, formed by Bush after "Florida."

Government and private figures estimate that 1-3% of votes in a presidential election are discounted because they register as blank—either because of voter intention or mechanical error (29). That figure has been shown to be as high as 7% for electronic voting machines, and was even higher in predominantly African-American neighborhoods in Florida; in black sections of Jacksonville, one in three ballots did not count in the Presidential election (30). This performance of systematic disenfranchisement is creepy. Just how intentional the dysfunction of the current electronic voting machine system is is a matter of conjecture. What is certain is that the perception of corruption becomes itself an exercise of power. In his recent theatrical presentation/analysis of the Bush Agenda, "Patriot Act" (presented recently at New York Theatre Workshop in New York City), media analyst and NYU professor Mark Crispin Miller aired many of our

most pessimistic fears when he asserted that the Bush camp will just refuse to give up the Presidency. They plan to win the 2004 election, he said, "no matter what." Crispin Miller invokes the discussion over the many failures of electronic voting machines as part of his scenario of what "no matter what" might look like.

Bush's performance of sinister authority creates the feeling among some voters that their vote doesn't matter because it will never be counted. Beyond the questions addressed in this article, it is perhaps that perception that is the most powerful tool Bush has to disenfranchise voters through the forces most insidiously destructive to democracy: resignation and apathy. One thing is unquestionably clear: ever since the nightmare of the 2000 Presidential election, citizen groups from across the U.S. have been calling for election reform. That reform, given the proven track record of the new high-tech electronic voting machines, is proving to be a remedy possibly more dangerous than the disease.

Notes

1. Webster, Daniel, *The Works of Daniel Webster* (Boston: Little, Brown, and Company, 1853), Vol. II, p. 108.
2. Soudriette, Richard, "Revisiting Florida 2000: Promoting Democracy at Home." *Journal of Democracy* 12.2 (2001) 133-138 (citation from p.134).
3. Sweden and Switzerland are the two other notable exceptions. The U.K. instituted statewide procedure only in 2001. *ibid*.
4. Taylor, Diana, *The Archive and The Repertoire, Performing Cultural Memory in The Americas*. Durham: Duke University Press, 2003, p.32.
5. Bush v. Gore (SC 00-949); "Justice Stevens, with whom Justice Ginsburg and Justice Breyer join, dissenting." December 12, 2000
6. Investigations that were undertaken by major newspapers after the debacle indicated that if Gore had won Bush v. Gore and recounts had been done in the counties he requested, Bush would still have won the election. If, however, the Supreme Court had sent the problem back to Florida and mandated a complete statewide recount (thus addressing the "equal protection" problem argued by the Bush camp which said, and the court agreed, that recounts without universal standards were an abrogation of the Constitution) then Gore would have won.
7. Palast, Gregory, "Florida's 'Disappeared Voters': Disenfranchised by the GOP." *The Nation*, February 5, 2001.
8. Jim Crow is the name for the period after the U.S. Civil War that was characterized by systemic racism and disenfranchisement of ex-slaves. This period officially ended with the civil rights movement, though its scenarios continue to be played out to this day.
9. *c.f.* #vi
10. Palast, Gregory, "Vanishing Votes." *The Nation*, May 17, 2004
11. In the entire nation 1.4 million black men who have served jail sentences can't vote; that's 13% of the U.S. black male population. *Ibid*.
12. The Florida "scrub lists" were only made available to journalists this past March and the names on them turned out to be even more disturbing than had been

- thought following the 2000 election. Of over 48,000 names on the list, only 61 were Hispanic while 22,000 were African American (Hispanics are much more likely to vote Republican than African-Americans). Because of controversy generated by the list, Governor Bush declared that it would not be used state-wide but said individual counties could choose to use it at their discretion. See Fessenden, Ford, "List of Purge of Voters Proves Flawed." July 10th, 2004, NYT, Section A, Column 2, National Desk, P.13. Also <http://www.gregpalast.com/detail.cfm?artid=122&row=1> for an image and early description of the purge list.
13. Goodnough, Abby, "Record of Vote In '02 Florida Race Raises '04 Concerns." *The New York Times*, July 28th, 2004, Section A, p. 1.
 14. *ibid.*
 15. See: http://en.wikipedia.org/wiki/Electronic_voting#Problems_with_electronic_voting Also "A Paper Trail For Voters." *The New York Times*, Section A; Column 1; Editorial Desk; P. 28
 16. *ibid.*
 17. "Activists cry foul in electronic voting furore." *The Independent*, UK __date (link #5)
 18. The not-for-profit Open Voting Consortium has developed open source voting software: <http://www.openvotingconsortium.org/>
 19. Dugger, Ronnie, "How They Could Steal the Election This Time." *The Nation*, August 16/23, 2004.
 20. Federal Document Clearing House Congressional Testimony Independent.uk.com, July 20, 2004 Tuesday <http://news.independent.co.uk/world/americas/story.jsp?story=535566>
 21. Zetter, Kim, "Aussies Do it Right: E-Voting." *Wired Magazine*, November 3, 2003. <http://www.wired.com/news/ebiz/0,1272,61045,00.html> accesses 7/12/04. In Venezuela it was recently revealed that the government owned a 28% stake in the electronic voting machine company that designed the systems to be used in the August, 2004 plebiscite; the government has since sold its shares. See cite #6
 22. *ibid.*
 23. Because individual states are even now in the process of updating their voting systems, there is discrepancy among sources giving numbers regarding how many votes will be cast on these systems and which companies will be providing them. I found this 80% figure on Wikipedia (<http://en.wikipedia.org/wiki/Diebold>). Ronnie Dugger (c.f. #xi) gives similar statistics, while some government agencies (c.f. #xx) give lower figures.
 24. See investigative journalist Bev Harris's website: www.blackboxvoting.org
 25. <http://why-war.com/features/2003/10/diebold.html>
 26. *ibid.*
 27. Electronic Frontier Foundation Press Release, July 24, 2003. Investigative journalist and activist Bev Harris is using these findings in her recently filed "whistle blower" suit against Diebold in which she claims that Diebold perpetrated fraud in the 2002 California election (c.f. #xxi).
 28. Pasha, Terri, Pompano Beach Fla., "Letters to the editor." *The New York Times*, July 28th, 2004

29. I found various figures given for what are called variously “nonvotes” or “spoiled” votes. Steven Hill in his article “One Man One Vote” (see next footnote), claims that “A typical election has a spoiled ballot rate of about 1% cast” while the Supreme Court in *Bush v. Gore* claimed a 3% spoilage rate.
30. Hill, Steven, "Make One Man, One Vote Count." *The Baltimore Sun*, December 7, 2000.