

November 20, 2009, 2:50PM
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I am disappointed in Bo Lipari's defense of optical scanners.

It's one thing to advocate for voter-marked paper ballots and precinct-based optical scanners (PBOS) in order to fight against DREs, especially after a state has already lost its non-computerized voting equipment and has DREs.

It is another to advocate replacing affordable, non-computerized, easily-administered, mechanical vote-counting equipment (lever voting machines) with computerized systems when we already know we cannot afford to use them securely.

In testimony to the NY State Senate Election Committee on November 12, 2009, Commissioner Kellner, Co-Chair of the NY State Board of Elections, estimated that New York's small counties' election budgets would double when they are forced to replace lever machines with PBOS. Progressively larger counties would see a progressively lower percentage increase. He estimated that NYC would experience a 15-20% increase in our election budget.

The NYC Board of Elections faces \$30 million debt, with an annual budget of approximately \$90 million. New York State anticipates a \$3 billion deficit this year. All agencies including our Boards of Elections are facing cutbacks in funds. Our people are out of work, and the state's income tax revenue is way down. We are still losing jobs and the cutbacks will put more people out of work. Our property owners cannot afford their taxes as it is.

It is irresponsible to advocate more expensive voting technology now. Bo Lipari should know these facts, and so should every other group that is still pushing to replace affordable mechanical machines with unaffordable PBOS. This advocacy will have the result of ending poll site voting, because we will no longer be able to afford it, just like counties across the nation that have already closed many poll sites or are converting to "no-fault" absentee or mail-in voting WHICH PREVENTS EFFECTIVE CITIZEN OVERSIGHT OF VOTE-HANDLING and enables vote-selling and coercion of voters.

I have said since the beginning of 2009 that the increased cost of New York's replacing our lever voting machines NOW will contribute to the breakdown of our communities. Seniors pitted against children, fire fighters against cops, every interest group pitted against every other, in the struggle for survival. We have seniors whose only meal is their lunch at their senior center every day. That is being cut. We have skyrocketing hunger with children and parents going to bed hungry. These facts are in the newspapers daily.

<http://www.wheresthepaper.org/ny.html#WhatWeWillLose>

We used lever voting machines for 100 years, without any election integrity movement arising to claim that they didn't like the equipment. The machines can be properly maintained and used for another 100 years. There is no shortage of parts and service.

<http://www.wheresthepaper.org/ny.html#PartsAndService>

I urge Bo Lipari, and others who are pushing to replace the lever machines now, to reconsider the long term effects of your advocacy.

Below are my specific objections to Bo's new blog piece at <http://blog.verifiedvoting.org/2009/11/20/212> , as may be posted in a comment if VerifiedVoting.org's moderator allows it.

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Mr. Lipari is giving a disingenuous defense of scanners, worthy of a evote vendor.

1. Lipari knows that Dominion has been finishing and fixing their programming on a continuing basis. They did not have a finished product when they submitted it for certification testing to the state.
2. I have worked with UNIX/Linux since 1983, and the claim that Linux is nearly immune to viruses is an overstatement. It is true that it is vastly superior to Windows.
3. Finding a problem before the election is useful only if the problem is fixed. Computer systems and humans may work perfectly in a theoretical perfect world, but as this problem reminds us, our election administrators are imperfect humans and need a system that is simpler than a computer. In fact errors similar to this are easier to discover and fix with mechanical lever voting machines in which the rods and gears are easily visible. A lever machine counter can be tested by twiddling the lever, and the mechanism cannot switch votes between candidates.
4. Paper ballots hold an authentic record of the voters intent **ONLY UNTIL THEY ARE REMOVED FROM OBSERVERS' VIEW**. New York law allows paper ballots to be removed from observers' view for up to 15 days after close of polls on election day, before audits and recounts take place. Lipari is apparently happy to rely upon "documented chain-of-custody" -- which is unreliable because if someone wants to tamper, they will make sure that their documentation is perfect.
5. Lever machine counters do not get stuck frequently, as Lipari claims. When that happens there is a high undervote rate. Yet until some counties stopped maintaining their lever machines in anticipation of replacement, the lever undervote rate was lower than 1%, which is consistent with voters who chose not to vote in a race. In 2008 one county falsified its records, creating a high undervote rate for their lever machines.
http://www.wheresthepaper.org/HowardStanislevicSenateTestimonyNov12_09.pdf
6. Lipari claims that "More than a few lever machine elections had the incorrect candidate declared the victor as a result." As an election integrity activist in New York for over 6 years, I have never heard such a claim, and surely it would be well known if true. Lipari should provide documentation.
7. Lipari claims "When the scanner freezes, everyone knows about it." Maybe, but when a scanner switches votes, it is not likely that people will know about it because New York law

requires only a flat 3% audit of scanners (after the ballots have been out of observers' view for up to 15 days). The flat 3% audit means many races will not be subject to audit at all.

8. Lipari claims that after a scanner is removed from service, "the paper ballots of those who have voted already and of those who will vote later in the day are sure to be counted." For years now, election administrators nationwide have announced, after debacles, that "We are sure every vote has been counted, and the glitch did not affect the outcome of the race." Election integrity activists and VerifiedVoting.org should be able to do better than this.

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