

Documents show Maryland held election, primary on uncertified, illegal Diebold voting machines

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Filed by Carlos Miller

The Maryland State Board of Elections allowed Diebold Election Systems to operate its touch-screen voting machines during the state's 2002 gubernatorial election and the 2004 presidential primaries before the state agency actually certified the controversial machines, according to recently disclosed documents.

AccuVote-OS Precinct Counter Firmware version 1.94W AccuVote-OS Precinct Counter Firmware version 1.96.4 AccuVote TS-R6 Precinct Counter Firmware Version 4.3.15D Windows CE OS 8/8/02 Bootloader 7/7/02 AccuVote TSx Precinct Counter Firmware Version 4.4.5 (2002) Spyrus Vote Card Encoder 1.3.2 (2002) Key Card Tool 1.0.1 (2002)	N-1-06-12-12-002 (1990)	5/20/2004
		Diebold

That is a violation of state law, according to Linda Schade, executive director of TrueVoteMD.org, an election integrity group.

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Schade discovered the document among thousands of others she recently acquired through a lawsuit filed against the Maryland State Board of Elections in 2004. After almost two years of public records requests and attorney wrangling, she received four boxes filled with e-mail conversations, faxes and contracts between the elections office and Diebold.

"So far, we've only gone through one box and have just started the second box," she said Wednesday. "We expect to find much more."

Meanwhile, Maryland Republican Governor Robert Ehrlich Jr. delivered a scathing letter to the State Board of Elections Wednesday, lashing out at the agency for intending to use Diebold's systems for the upcoming 2006 election while California and Pennsylvania have either decertified or refused to certify the voting systems, which recent studies show can easily be hacked to manipulate votes.

"I no longer have confidence in the State Board of Elections' ability to conduct fair and accurate elections in 2006," the Republican governor stated in the four-page letter.

At the center of both controversies is Linda Lamone, administrator of the State Board of Elections, who did not immediately return several calls seeking comment over the last two days.



Upsets and unusual outcomes

In November 2002, Lamone, a Democrat, allowed Diebold to operate its machines in four counties for the state gubernatorial election. That was when Ehrlich became the first Republican governor to be elected in 36 years in what had always been known as a solidly Democratic state.

That was also the year when a Republican political newcomer, a self-described "nobody," ousted a veteran Democratic state senator in what The Baltimore Sun described as "one of the most remarkable election upsets in recent Maryland political history."

After serving for several decades, Democratic House Speaker Casper R. Taylor Jr. lost his Allegany County seat to LeRoy E. Myers. Allegany County was one of the four counties where Diebold machines were used that year.

In March 2004, during the presidential primary elections, Maryland became one of only two states in the country to use Diebold voting machines throughout the entire state. A month later, Schade filed her lawsuit in an attempt to prevent Diebold from running the upcoming November 2004 presidential elections, accusing Lamone in the suit of "recklessly certifying" the machines for the primary elections.



But at the time, Schade had no idea that Lamone had not even bothered certifying the machines. In fact, the machines did not get certified until the following month. The machines were finally certified May 20, 2004.

Though now certified, machines still may not meet FEC standards

And the fact that they were eventually certified does not even place them in compliance with the law, said Douglas W. Jones, an associate professor of computer science at the University of Iowa, who has been studying flaws within computer voting machines since the 1990s.

"The question is, should it have even been certified in the first place?" he asked. "My reading of the 1990 and 2002 standards suggests that use of the

software from the PCMCIA cards should not have been in use in the first place."

Jones is referring to the standards put forth by the Federal Election Commission in those years, which the states have to legally abide by in order to receive federal funding.

An easily altered paper trail

The Diebold voting machines used in Maryland since 2002 use a common PCMCIA card, which record the numbers of votes cast on that particular machine during an election. When the polls close, election workers are suppose to print out results from each machine before shipping the PCMCIA card to a the main elections office.

Just last month, computer expert Harri Hursti showed Florida election officials in Leon County how easily these cards can be manipulated in a study now known as the "Hursti Hack."

"What Harri discovered was that using a laptop and a PCMCIA card reader, which you can buy on the Internet, he could change the contents of the card," Jones said. "He could reprogram the card to print anything he wanted and it only took seconds."

The contents on the card, which are shipped off to the main elections office, remain unchanged, but the printout, the only paper trail produced by the machines, end up altered, he said.

"And the paper trail is what most people would look at to verify an election," he said.

Skyrocketing costs and financial incentives

Despite the obvious flaws and election law violations, Lamone still managed to run up a multimillion dollar budget to maintain the Diebold machines, according to the governor's letter.

"The cost of Maryland's Diebold voting machines has skyrocketed as our confidence in the system has plummeted," he said.

"At the time, the General Assembly's fiscal note for House Bill 1457 estimated that the total cost would be \$36,890,000. The actual cost, which has been financed by the state by the State Treasurer was \$65,564,674 – an almost 78 percent increase from the original cost estimate.

"However, this misjudgment pales in comparison to the 1000 percent

increase for estimates of the annual maintenance costs for the system," the letter states.

Schade, who ran for state legislator in 2002 under the Green Party and has spent the last two years researching the situation, said that Lamone authorized more than \$111 million in contracts to Diebold since 2002. She also believes there is a conflict of interest between Lamone and Diebold because for the past two years, Lamone has been president of the National Association of State Election Directors, which approves all voting machines before they are used.

"You can imagine the financial incentives that are used to cozy up to NASED," she said.

The document, which shows the date of Diebold's certification, can be [found here](#). The report date is the date the machines and software were certified.