



CFP'93 - The Business of Elections

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In recent years, "getting out the vote" has become a billion-dollar industry. With Congressional races often costing in excess of a million dollars per candidate (an immense war chest is required just to lose an election), and state and local politicians finding that it takes tens of thousands of dollars to run even the smallest campaign, huge sums of money are changing hands long before the citizens make their way to the polls. Campaign costs include printing, rallies, postage, office expenses, TV and radio advertising, travel, mailing lists, etc., all in an effort to create an image for the candidate, and encourage his or her supporters to cast a ballot on election day. Large organizations, with particular agendas (such as the environment, civil rights, abortion, labor...) and powerful lobbies, are now openly in the election business too, spending record amounts both in direct support of particular candidates, and more generally, in increasing public awareness of issues. The focus of all of this attention and expense, is that single day in November, when candidates are separated into winners and losers.

Election day brings with it a flurry of activity. Bipartisan officials are stationed at the polls to oversee the voting process. Committeepeople, ward leaders, campaign staff members and interested private citizens station themselves on the streets within the legal distance from the voting area, to distribute leaflets and talk to the voters. In many municipalities, law enforcement personnel (police, marshals) are on hand to discourage or deal with violations of election laws. At the end of the voting session, poll watchers (often appointed by the candidates) arrive to ensure, to the best of their abilities, that the votes are tabulated properly. Stringers from the press collect the tallies and phone in the results. Most of these individuals are paid, albeit often nominally, for their services in the election process.

The vote tabulation procedure itself incurs considerable expenditures. Whatever the method used to collect the vote (human or machine-readable paper, lever machines, direct recording computers) it must be prepared, distributed to the polling sites, tabulated, and collected after the election. Ongoing costs amortized over all elections may comprise all or some of the following: voter registration, procurement (evaluation and purchase) of voting systems, storage of voting machines and other related paraphernalia, and repairs. Costs directly related to an individual election include ballot printing, set-up (which may involve software programming), examination of equipment (before and after the voting session), and transportation of materials. If an election is contested there may be additional expenses related to court proceedings and recounts.

The entire election process is adversarial. It is not a "win-win" business game; most certainly some people are going to come out as losers. The overriding assumption is that each individual involved in the process is operating with some overt or possibly even hidden agenda, and that they wish to tip the

balance in favor of that agenda somehow. The poll workers who are closest to the voters are not "non-partisan" citizens working for the interests of the general public, rather they are declared to be members of one party or another. The system is supposed to provide "checks and balances" so that each group monitors the other, but in actuality this is often not the case. Workers from the "majority" party typically appoint or approve the workers from the "minority" party, which (in overwhelmingly majority districts) are frequently persons sympathetic to the majority ticket who have registered as minority party members for the sake of the appointment. Business as usual. Friends make sure their friends are employed for the day, and as in industry, most jobs are filled through inside contacts. Indeed, the process of becoming appointed as a poll worker is typically so obscure or confusing (with petitions that may need to be filed and deadlines that have to be met) that only insiders understand what must be done.

By the time the voters cast their ballots, each has been subjected to advertising and media blitzes, run the gauntlet of leafleteers, and has somehow sorted through it enough to make a decision. This decision may even be to let someone else decide, as retired Speaker Tip O'Neill notes in his book *Man of the House*:

- The old-timers used to tell stories of how Martin [Lomasney, a Boston politician] would greet them at the polls on election day. "Here's your ballot," he'd say, "I've already marked it for you. When you get in there, pick up the ballot they give you and give them back this one." When you came out you'd give Martin the clean ballot, and he'd mark it off and give it to the next guy in line.

It could be conjectured that this simplistic but efficient system may be one of the reasons that the majority of ballots (even those counted by computers) are still cast on some form of paper in this country [the survey from Election Data Series in the late 80's showed 63.4% of voters casting paper, punch-card or mark-sense ballots, the remainder using lever or direct recording electronic machines]. Banks (as well as taprooms) used to be closed on election day, ostensibly so that people would not be tempted to "buy" or "sell" votes, but as these days of electronic tellers make cash available on a 24-hour basis, most now opt to remain open, unless constrained by local or state election laws. Clearly, in a paper election, it is possible to purchase votes on a person-by-person basis, and to verify that the voter cast the paid-for ballot. Just another simple business transaction.

As the collapse of the Soviet Union and the demolition of the Berlin Wall were driven largely by the need for food and services rather than by the belief that democracy is a superior (or even desirable) ideology, so too must we remember that our United States democracy was founded by wealthy landowners, hoping to preserve their rights to life, liberty and property. In these times fueled by global economics, it has never been more strikingly obvious that democracy and free enterprise go hand in hand. The majority wants to eat and business supplies the cake.

We are led to believe that the adversarial process of elections somehow ensures a fair and accurate tabulation of votes. But in actuality, when it comes to elections, free enterprise is the name of the game. Consistent with this observation are the policies and statements by those individuals and organizations who are a part of the "Fortune 100" of the election business. Here is a small sample of what has appeared in print on the subject of computerized vote-tallying:

- "Election system vendors are often forced by competitive bidding pressures to offer jurisdictions the cheapest possible systems, and the products they offer do not maximize fraud protection." [NY Times, August 21, 1985]
- "A \$35-million contract to plug New York City into electronic voting has been stalled because the comptroller's office has questioned why the Department of General Services and the Elections Project is backing a proposed \$1.02-million consultant study instead of one costing half the

price." [NY Newsday, February 23, 1987]

- C. A. Rundell, Jr., chairman and CEO of Cronus, a company which in 1985 claimed to have about 40% of the election-service market, replying to a reporter's question regarding which jurisdictions their equipment would be counting votes in 1988 - "We certainly are not going to provide you with a list of customers and the kinds of systems they have." "We've got to ask how much competitive intelligence we divulge to our competition." [New Yorker, November 7, 1988]
- Curt Fielder, VP of DFM Associates, a company producing vote-counting software, speaking against source code deposits - "Our feeling is these people [the escrow agents] will read everybody's software... and eventually they will filter into the business and steal our ideas." [LA Times, July 2, 1989]
- Penelope Bonsall, director of the National Clearinghouse on Election Administration, a branch of the Federal Election Commission - "Sure, anything is vulnerable to fraud or manipulation. But you've got to have technical knowledge and you've got to have collusion. One person can't do it in most systems." "The feeling in the industry is that there are so many easier ways to affect an election that tampering with the tabulating software doesn't really make sense." [LA Times, July 4, 1989]
- Robert Boram, chief engineer of direct recording electronic voting machines at R. F. Shoup, on rigging elections despite the existence of internal ballot images - "I could write a routine inside the system that not only changes the election outcome, but also changes the images to conform to it." [NY Newsday, August 26, 1992]

Clearly, no one is making any attempt to hide the fact that vote tabulation is a business, that elections can be rigged, and that votes can be bought. Highly-paid teams of consultants are brought in to city and state Boards of Elections to place their imprimatur on the procurement of voting systems that have been acclaimed to be unauditible and tamper-prone by scientists and engineers, spokespersons from NIST, the FEC, bar associations and public interest groups, as well as the vendors themselves.

If it looks like a business, sounds like a business, and smells like a business, then the business of elections will, more than likely, continue to operate under the traditional law of supply and demand. The suppliers will provide systems which meet the election criteria that have been specified by the purchasers, and in the absence of such criteria, may use their own judgement in the manufacture of these products. If it is truly the case that the voters desire that the process remain unsecured, systems that allow opportunities to throw elections will be created and sold. Alternatively, if the public demands that the election system be subject to such regulations and scrutiny as those applied to other businesses that rely on the public trust (such as banking or health care), then rigorous standards and compliance procedures will be developed and enforced. The choice is ours.



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