

U.S.A. 2002: CONGRESSIONAL, STATE & LOCAL ELECTIONS



Campaigning for Jeb

Executive Summary

America held mid-term elections on 5th November, 2002. A third of the Senate and the whole House of Representatives were up for re-election as were 36 state governorships. At the same time, many states held referendums on a raft of local issues as well as elections for school boards.

The elections attracted much attention – both in the US and worldwide. For example, it was the first US election to be observed by a team of monitors from the OSCE/ODIHR, presumably because it presented the first opportunity to scrutinize the US system since the much-derided presidential election of 2002. The elections were also widely viewed as a referendum on President Bush's 'war against terror' as well as providing the administration in Washington with a possible mandate for a future war with Iraq. Attention was carefully deflected from domestic issues, despite deepening gloom over the economy and rising unemployment.

After the poll, the US media and government officials indulged in much self-congratulation as a repeat of the November 2000 presidential election fiasco seemed to have been avoided. However, in the pre-election period there had been a raft of complaints concerning irregularities in areas such as voter registration, negative campaigning and the total imbalance between the parties in election expenditure. The most serious (and tragic) event leading up to the poll occurred on 25th October when Senator Paul Wellstone (Minnesota) and his wife were killed in a mysterious plane crash as their small aircraft was coming in to land at Eveleth airport. Wellstone was facing a tight race against Republican challenger, Norm Coleman, and conspiracy theorists have suggested that his courageous stance – Wellstone was the only senator up for re-election who had voted against war with Iraq - may have led to his untimely death.

George Bush's Republican Party won control of both the Senate and the House of Representatives and Washington can now be expected to reassert its authority as the global arbiter of electoral freedom and fairness. Yet the introduction of new state-of-the-art voting systems in the November poll raises uncomfortable questions. Blind faith in what had become out-dated punch-card technology had done much to discredit the elections in 2000. Would today's new technology overcome the practical problems experienced then as well as remove the possibility of politically-motivated interference with the polls? To what extent does the new technology actually strengthen the integrity of the Western-style democratic process? Will an already sloppy electoral system fall prey to anti-democratic forces? Has it already?

BHHRG went to Miami-Dade County in southern Florida for the November 5th, 2002, election. Miami-Dade County, along with neighboring Palm Beach and Broward Counties, witnessed some of the most serious alleged irregularities in the 2000 presidential election. This report attempts to address issues

about the 2002 election that major press and media have thus far chosen not to highlight, and poses questions about the implications of the 2002 election for democracy and the rule of law in the United States.

I. BACKGROUND



Haitians demonstrating outside Miami's Immigration & Naturalization Service building in Little Haiti on the night of 4th November 2002

THE GHOST OF 2000

During the 2000 US election, international news media – particularly US media outlets such as CNN, CBS, etc. – were unable to announce a winner on the night of polling day, reportedly because the result was “too close to call.” To some extent, the US media’s tradition of “calling” elections when only a fraction (sometimes as low as 3%) of votes has been counted did indeed contribute to the embarrassing spectacle in the world’s largest Western democracy, since the hullabaloo surrounding the close finish in Florida intensified an already chaotic situation. The practice of “exit polls” has been standard for television news networks for decades, and journalist Lynn Landes of www.Ecotalk.org has speculated on a link between vote-rigging in America and the computerization of election outcome predictions from 1964 onward (see [“Election Night Projections – Cover for Vote-Rigging Since 1964?”](#) *Dissident Voice*, [Sept. 23, 2002](#)). The acceptance by election officials of predicted outcomes also meant that the laborious task of counting postal ballots was dumped in some states up to and including 2000 because it was decided that they could not influence the predicted outcome where sufficiently wide anticipated margins based on exit polls and partial counts already existed. This meant that exact results including hand-filled early/postal ballots were often not provided.

In the two years since the 2000 election, information has come to light suggesting that the narrow margin of victory enjoyed by then-Texas Governor George W. Bush may have had something to do with foul play, in addition to an even split in the Florida electorate. As reported at the time of the election, several voters – mostly African-Americans – were turned away from polling stations in south Florida when they showed up to vote. Journalist Greg Palast has written several articles exploring this and other issues surrounding the 2000 election (see: www.GregoryPalast.com). According to Palast, the 2000 Republican victory in Florida may have been attributable to a “voter-cleansing” program that the Florida state legislature adopted to remove felons (who cannot vote after conviction until the state reinstates their rights) from voter lists across the state (see Greg Palast, [“Florida’s flawed ‘voter-cleansing’ program.”](#) www.Salon.com, Dec. 4, 2000).

The Florida government contracted a private company, DBT Online (since merged into [ChoicePoint](#)), to create “a ‘scrub list’ of 173,000 names targeted to be knocked off the Florida voter registry by a division of the office of Florida Secretary of State Katherine Harris” (Harris won election as a Republican candidate

to the US House of Representatives in November 2002). Some months before the 2000 election, ChoicePoint gave Florida officials a list of 8,000 names of ex-felons to be “scrubbed.” However, as Palast notes, it turned out “none on the list were guilty of felonies, only misdemeanors.” ChoicePoint then blamed the error on “the original source of the list – *the state of Texas*” (emphasis added), but it was too late to reverse the damage done to voters’ rights. Thousands of eligible voters may have been turned away at the polls as a result of the erroneous list. Furthermore, since the list of “felons” overwhelmingly featured the names of blacks, and 93% of blacks in Florida voted for Democratic candidate Al Gore, the disenfranchisement could naturally have been expected to work to the disadvantage of the former Vice President.

A ChoicePoint spokesman admitted that his company had made a mistake in providing the Texas-made list to Florida, but dismissed the errors in the 8,000 names as insignificant, “a minor glitch – less than one-tenth of 1 percent of the electorate.” However, this fraction was – as Palast has noted – *more than fifteen times* the lead that George W. Bush claimed to have over Al Gore in Florida. Palast also points out that ChoicePoint was far from non-partisan in American politics, since its leadership was composed of high-powered Republicans. A former president of the company who died in 1998 donated \$100,000 to the Republican Party.

PUTTING ON A GOOD FACE

With the 2002 election held in an atmosphere of enduring public suspicion that President George W. Bush may have won office due to electoral skulduggery in southern Florida, local authorities in the region were eager to convey a positive public image. Miami-Dade County organized an extensive programme of media events and photo opportunities to show the world that the district had cleaned up its act. Journalists were given “media kits” – massive folders and stacks of reading materials to acquaint themselves with procedural and technical aspects of the election, and in downtown Miami, a media workroom was equipped with laptop computers and phone lines on the 18th floor of Miami-Dade County Hall. Selected voting sites were opened to media representatives before polls opened, featuring displays and demonstrations of the new voting equipment. Four “media observation precincts” were established, where journalists could observe the inside of polling stations after polls had closed on Monday, November 4th - early voting took place for two weeks before election day), and before opening on Tuesday, November 5th. Miami-Dade County Manager Steve Shiver appeared at scheduled times around the Miami metropolitan area to talk to the media and public, and the Miami-Dade Police “Command Post” was on display for filming and interviews to show that the county was well prepared for any unpleasantness.

Miami-Dade County also invited “independent” observers to monitor and assess the poll. A Miami-Dade official informed BHHRG that the county had contracted the Washington-based [Center for Democracy](#) (CFD) to monitor the election for \$94,000. Led by academic and author [Prof. Allen Weinstein](#), the handful of CFD representatives worked in conjunction with members of the [International Foundation for Electoral Systems](#) (IFES). Although the OSCE was sending its own delegation to Florida, the CFD-IFES team included former OSCE officials, such as Linda Edgeworth (OSCE Director of Elections in Bosnia-Herzegovina from 1997-99, Head of the OSCE/ODIHR Election Observation Mission in Bucharest, Romania in 2000, and designer of polling stations and vote counting procedures for Kosovo in 2001), and also Tony J. Sirvello III, OSCE observer for the 1997 Albanian parliamentary elections.

Much of the CFD’s 17-page [pre-election report](#) is devoted to commendation of local officials for the time and energy expended on preparation and organization of the election. Certainly, BHHRG noticed county officials’ attentiveness and apparently genuine efforts to deal with inquiries and requests. However, there was a definite “showcase” quality about the county’s preparations for the media. For example, BHHRG was present when a county employee in the media relations department was desperately urging a correspondent from a major news service to visit one of the four “media observation precincts” as opposed to voting sites in other areas of the county, as the journalist expressed a desire to do. The “stage-managed” atmosphere of the whole exercise probably did require much time and energy on the part of officials to achieve, but it hardly created a sense that those charged with conducting the election had nothing to hide.

Finally, the fiasco of the September 10th, 2002, primary elections in Florida (examined in more detail in the next chapter) also served as a grim backdrop to the November 5th poll. Protests by Haitians in the Little Haiti district of Miami on the evening of November 4th over the detention of over 200 Haitian asylum-seekers in a holding pen west of Miami created a further sense of dread, since some of the most egregious incidents of alleged voter disenfranchisement had occurred in this district in 2000. BHHRG observed a demonstration by about 1,500 Haitian-Americans outside Miami's office of the Immigration and Naturalization Service (INS) on election eve. The demonstration was organized by the [Service Employees International Union](#) (SEIU), one of the largest and most influential labor unions in the United States, which played a heavy role in mobilizing the electorate to come to the polls and vote for Democratic candidates.

II. NEW VOTING SYSTEMS

THE ES&S "IVOTRONIC" TOUCH-SCREEN TECHNOLOGY

The new [iVotronic](#) voting system in use in Miami-Dade County and other areas of Florida was produced by Omaha, Nebraska-based [Election Systems & Software](#) (ES&S). In 2001, ES&S received an order from various counties in Florida for \$70.6 million to provide the new system. Of this sum, [Miami-Dade County](#) paid \$24.5 million, while neighboring Broward County paid \$18 million. A group called, appropriately, the Florida Association of Counties lobbied for ES&S before the Florida legislature after endorsing ES&S's touch-screen iVotronic machines, receiving a commission of \$300,000 from ES&S in return. The chief lobbyist for ES&S in the deal was Sandra Mortham, who served as Florida's top election official from 1995-99 and founded "Women for Jeb" (Bush). Some local officials have suggested that Mortham's actions exhibited a conflict of interest.

The iVotronic system resembles touch-screen devices already familiar in various parts of the US. For example, in the convenience shops of many petrol stations, customers can order hamburgers and hotdogs at fast food service counters by just such a mechanism. The user-friendly machines allow the hungry patrons to scroll through a variety of different screens to choose toppings, such as chili, cheese, mustard, relish, and so forth. Likewise with the iVotronic system.

Each "voting booth" device comes in a "suitcase" type container with everything inside: the iVotronic terminal, attachable legs on which the "voting booth" stands so that the touch-screen surface is horizontal, and "privacy screens" that attach to both halves of the open "suitcase" to enclose the touch-screen in a mini booth-like set-up. The "voting booth" is activated by insertion of a "ballot activator" – a 3" x 3", one-inch thick plastic cartridge with an "infrared eye" on it – into a slot in the upper left corner of the iVotronic terminal. Once the "voting booth" is activated, the voter can proceed to fill out the "ballot." With a very long ballot such as in Miami-Dade County in 2002, the iVotronic machine presents a series of several different "pages" to the voter, who can scroll through the many screens by pressing the "next" or "back" buttons. No ballot is finally cast until the red "vote" button above the touch-screen surface is pressed at the end. Once this is done, the "virtual ballot" is – as it were – in the "virtual ballot box," and the voter cannot go back and change it.

The "media kit" handed out by the media relations division of Miami-Dade County includes an "equipment overview" section and explains the steps necessary to vote in terms of pushing buttons and graphics on computer screens. But it does not explain where the vote "goes" after the red "vote" button is pushed to finalize the ballot. As the ES&S "online demo" says on the company's website, "Your secure electronic ballot is contained in the ballot activator cartridge, eliminating the need for a traditional paper ballot," but exactly where and how the ballot information is collected, processed, stored, and sent is unclear. While the answers to these questions may seem straightforward to computer experts, they are needless to say beyond the scope of knowledge of the average voter anywhere in the world. Furthermore, even if an election official with computer expertise were to cogently explain the system to a skeptical "Luddite" voter,

it is difficult to see how such a voter could be entirely reassured. Ultimately, and perhaps ironically given the concerns such state-of-the-art machines are ostensibly intended to assuage, the “trust” variable in a system like the one in use in Miami-Dade County is geometrically higher than anything imaginable in an old-fashioned system of placing a paper ballot in a box with a slot in the top.

Following is an excerpt from an article on the potential for voting systems to be rigged, viewable at <http://www.talion.com/voting-machines.html>:

Can voting systems be manipulated?

Experts say yes, and it's getting worse! Did you know...

- That even when we use paper ballots, most states forbid even their election officials from looking at them? The ballots are removed from the counting machine and sealed in a box; only the number on the counter is used to tally the votes. Even recounts often don't involve looking at the ballots themselves (unless a hand recount is ordered). Yes, it's true. The most progressive states do a spot check with a hand count of 1 percent of the votes. One percent is inadequate! But most states don't even require anyone to look at the paper ballots at all.

- That the public cannot send in its own computer guy to audit the code? Yes, it's true: in most cases, election officials have to ask the company that provided the machines to troubleshoot problems. The voting machine companies went to court to have their counting code declared “proprietary” so no one can look at it. Computer experts who have analyzed the code say it is “spaghetti code” that is almost indecipherable.

- That there are standards for computer software programming, that make the code easy to audit, and even spot changes in the programming, and better yet, even provide a history of all the coding done? These are industry-wide standards that voting companies should use, but they don't.

- That it only takes ONE “true believer” to compromise a voting system? It could be anyone who gets access. There are many ways to do this. Implant a Trojan Horse that, as soon as a particular vote passes a “tipping point,” will start throwing votes the other way; or, stick the mischief into the message (when the modem transmits a certain result, the receiving computer sends data back to change the database). For even more fun, a good programmer can have the code erase itself as soon as it does its work. Or, you can have the program perform random “errors” scattered across a system.

- That a touch screen that registers Democrat when you press Democrat doesn't have to count your vote as Democrat? What you see on the screen involves a different process than how the machine counts the vote.

Can these things be tampered with? If you have any doubt, read this: article by [Ronnie Dugger](#), who will show you how easy it is for a single individual with access to fudge the vote-counting on these machines, in ways that can never be detected. (See [sidebar 2](#) for more information on misprogramming the machines.)

Evidently technology breeds complacency, since – though it would appear America and the West are entering an era of voting by casting “cyberballots” into cyberspace – citizens seem so awestruck and “blown away” by the high-tech machinery facing them in the polling station to contemplate the negative implications. A news item from April 2002 reads as follows:

An electronic vote at Vivendi Universal SA's shareholder meeting last Wednesday may have been hacked, throwing suspicion on shareholder votes at other companies using

electronic voting technology, the company announced Sunday... A preliminary inspection of the equipment revealed no signs of tampering, Vivendi said. However, it said that a small team with a transmitter-receiver and detailed knowledge of the protocols used by the wireless voting system could have fraudulently manipulated the vote. (see "Vivendi: Electronic vote may have been hacked," Network World Fusion, Apr. 29, 2002.)

There has been little public discussion to date of why, under the current rapid computerization of elections, the sort of computer hacking witnessed at Vivendi could not be practiced on a larger scale in an election. According to a segment on CNN around the time of the 2002 US election, several systems in use around the country used "memory cards" to collect ballot data, and these cards were taken to the county courthouse or other central counting facility after the polls closed. But such systems also featured the alternative of sending the data via modem. Even those not expert in computers or the workings of the Internet must by now be familiar with the potential for intercepting e-mail and other data sent electronically. Already systems such as Echelon are in place to track electronic communication for security purposes, and the US Department of Justice has advocated heightening such measures to fight the "war on terror." Such techniques employed by political forces seeking to influence elections could eradicate genuine democratic opposition, and turn Western-style parliamentary democracy into a sham.

MECHANICAL FIASCO IN THE PRIMARIES

On September 10th, 2002, Florida held primary elections. Unlike in many other states, in Florida the Democratic and Republican primaries (which select the final candidate from among a slate from the same party) were held on the same day. In other words, those wishing to vote for their party's candidate were casting ballots in the same polling stations on the same day using the same voting equipment. The same-day primaries may not have struck the casual observer as significant in terms of fairness, but given the problems encountered by voters on that day, it almost certainly was.

For example, BHHRG heard a couple of callers on an election news programme on the National Public Radio (NPR) station in Miami, 91.3 FM, complain that although they were registered Democrats, when they had showed up to vote in the primary they discovered that they were listed as registered Republicans. Likewise, voters reported several instances of the iVotronic system (in use for the first time on September 10th) malfunctioning during the primaries. Some of these problems seemed connected to fast-food grease on voters' fingers hampering the effectiveness of the machines, but the cause of other glitches was perhaps less mundane. For example, several voters reported that they had attempted to vote Democrat, only to watch the touch-screen register their votes as Republican when they pressed the relevant window. The CNN segment examining the various computerized voting systems cited reports from 12 precincts in Miami-Dade County that had encountered just such problems with the iVotronic machines on the gubernatorial ballot. Clearly, this particular problem could have been eliminated if the primaries for the two parties had been held on separate dates. As it was, the memory of the mechanical error-ridden primary less than two months prior to November 5th was heavy in the atmosphere during the days leading up to the general election.

II. CANDIDATES & ISSUES



Two Cuban campaign workers, one for Bush and one for McBride, outside a polling station in Miami, 5th November, 2002

POLITICAL DEMOGRAPHICS AND REDISTRICTING

Florida has perhaps witnessed more controversy than any other state in America on the issue of redistricting, the process of redrawing the boundaries of legislative districts due to population changes (see Lucy Morgan, "[Redistricting squabbles a sign of fights to come](#)," *St. Petersburg Times*, June 22, 2002). An editorial from the *Naples Daily News* from July 2002 reads as follows:

We wondered who Florida lawmakers were listening to when they carved the state into new U.S. House districts.

Actually, we did know. They were listening to friends in high political places — Florida's big cities and Washington. We were asking rhetorically, because we knew lawmakers were not listening to Southwest Florida constituents who wanted to stick together.

Outside of Tallahassee's inner circles, it crossed few minds that another faction catching the ear of map-drawers was comprised of lobbyists — paid a total of \$100,000 by incumbent U.S. House members with an incentive to protect their turf.

Some of the need for on-site eyes and ears came from Florida lawmakers trying to carve out political strongholds for — who else? — themselves.

It's a sickening postscript to a sickening experience for Southwest Floridians, who saw a hefty chunk of eastern Collier County cast adrift to a congressional district dominated by Miami-Dade.

"It's symptomatic with what's wrong with too much money in politics," comments a spokesman for the Washington-based Center for Responsive Politics.

Well put.

(see [Editorial: Florida redistricting – Others had a hand in mess](#), *Naples Daily News*, July 24, 2002)

An article from May 2002 in the same paper discusses the Florida Supreme Court “wash[ing] its hands of the Legislature’s plan to redraw Florida’s 40 Senate districts and 120 House seats,” describing opposition from county commissioners claiming that “the plan was illegal because it places voters with dissimilar interests in far-flung districts that meander across the state,” and “the ruling did not address issues of racial equity” (see Michael Peltier, “[Florida Supreme Court approves redistricting map](#),” *Naples Daily News*, May 4, 2002).

In Florida, the Republicans – party of incumbent Gov. Jeb Bush – essentially control the process of redrawing congressional districts. An article from the *Naples Daily News* in April 2002 reads:

Democrats and some public interest groups are trying to persuade the courts the Legislature did not consider communities of interest and the new lines were drawn to ensure the election of Republicans to the new House districts in South Florida and central Florida.

They point to the two new districts, numbered 24 and 25.

House District 24 includes parts of Brevard, Orange, Seminole, and Volusia counties and has 156,292 Republicans, 126,976 Democrats and 64,391 independents.

*The second new House seat, District 25, contains parts of Collier and Miami-Dade counties and 60 residents in Monroe County. It has 100,847 Republicans, 81,809 Democrats and 49,954 independents. (see Ron Word, “[Congressional redistricting plans favors Republicans](#),” *Naples Daily News*, Apr. 28, 2002).*

Several other pieces from the Florida press over the past year have examined the consequences for ordinary people of splitting politically homogenous blue-collar neighborhoods and other communities into new districts that include affluent, distant areas of Miami (see Cathy Zollo, “Redistricting: New districts split Collier neighborhoods,” *Naples Daily News*, July 14, 2002). On polling day, BHHRG encountered several areas where two precincts had been combined to be serviced by a single polling station, and in every case the newly added precinct was a tiny fraction the size of the old one, in one case including only ten voters. Although the gerrymandering process does appear to have benefited both sides, the Republicans seem to have reaped more rewards, and many of the strangely-shaped new congressional districts are located where a Republican is the incumbent, such as the district of Rep. Ileana Ros-Lehtinen in southwest Miami.

BHHRG discovered a few districts in and around Miami where candidates for the US Congress were running unopposed or virtually unopposed, and a few people chalked this up to overwhelming support for the Republicans among the Cubans. The most notable examples were Cuban-American Republican Rep. Lincoln Diaz-Balart (21st Dist.), who ran without opposition even from a write-in candidate, and Ileana Ros-Lehtinen (18th Dist.), who was opposed by elderly Democrat Ray Chote. BHHRG was told that Mr. Chote’s candidacy was intended to be “token,” and in fact this could well be believed. A few days before the election, BHHRG encountered Mr. Chote handing out campaign flyers at the Bill McBride rally. The glossy printed flyers read: “Genral [sic] Election Tuesday November 5, 2002. What to help? Call me, RAY CHOTE (305) 743-4727.” Upon calling the number, BHHRG learned that it was not in service. Several Miamians BHHRG talked to said they had heard that a Democrat was running against Mrs. Ros-Lehtinen, but had no idea who it was.

THE CUBA FACTOR

It is still widely believed that support for the Republican Party in south Florida is largely attributable to Cuban-Americans staunchly opposed to the Communist regime in Cuba. However, as BHHRG learned, this perception may be outdated. Many apparently believe that Cuban-American support for the US embargo against the island state is a relic of the past that is perhaps out of touch with many younger Cuban-Americans born and reared in America.

In the newly created 25th District, two Cuban-Americans were running against each other: Republican Mario Diaz-Balart (brother of Lincoln) and Democrat Annie Betancourt. An article from the pre-election issue of the *Miami New Times* analyzes the race in terms of the grassroots appeal of the two candidates, suggesting Betancourt's support may have been much higher than official polls indicated (see Kirk Nielsen, "How to campaign in the new House District 25? There's always Cuba," *Miami New Times*, Oct. 31-Nov. 6, 2002, p. 16). "Opinion polls show that while a diminishing majority of *ex exilio* supports the embargo, a *growing* majority also considers it a failed policy... The federal government does not enforce its ban on travel to Cuba... and Cuban Americans send millions of dollars annually to relatives on the island." The article quotes Ileana Ros-Lehtinen commenting derogatorily about Betancourt by saying, "There is certainly money to be made in holding these positions in favor of Castro" because companies were "eager to do business in Cuba." Yet Diaz-Balart attracted roughly 8 times the money that Betancourt did for his campaign (c. \$800,000 to Betancourt's \$115,000). Ros-Lehtinen attracted about \$1.5 million.

In fact, as BHHRG learned, anti-Castro politics may be even more profitable. Since 1980, most immigrants from Cuba have been working-class, a far cry from the wealthy landowners who came to America immediately after the Cuban Revolution in 1959. Because the US Cuban Adjustment Act of 1966 automatically grants asylum to any Cuban who lands in Florida, the legislation has helped Cuba become a source of cheap labour for Miami and south Florida. According to Argiris Malapanis, head of the Miami chapter of the Socialist Workers Party (which ran write-in candidates for governor and Congress in 2002), "the class composition of Cuban-Americans has changed," and "a majority favours normalization of trade relations with Cuba." The Cuban Adjustment Act confers preferential treatment on all Cuban immigrants, making normalization of relations between the US and Cuba a non-lucrative option for many local enterprises. Politically, says Malapanis, the Act is unpopular, as evidenced by the fact that the Cuban government was able to mobilize a movement to reunite Elian Gonzalez – who arrived on American shores largely because of the Act – with his father, and won majority support for the initiative in America.

The Cuban-American Republicans continue to brand Cuba as a totalitarian prison-state, but – according to Mr. Malapanis – anyone can leave Cuba as long as they can get a visa. As more and more people realize this, the ultra-right's earlier ability to mobilize support for the embargo has been limited, and the right has continued to suffer political blows in the region. The downing of two planes by the Cuban government in 1995, which prompted the US government to escalate tension in relations, was an example of one such blow. Cuba had warned the US for two years that the flights were violating its airspace, and that if they continued Cuba would have to act to defend its sovereignty. The incident caused the Cuban-American National Foundation to lose a lot of credibility with the newer Cuban immigrants. In short, the Cuba factor is increasingly becoming a myth with regard to political demographics and right-wing Cuban-Americans still in office in Miami.

BUSH v. McBRIDE

Before lawyer Bill McBride became the Democratic Party's nominee for governor of Florida, the favoured candidate was former US Attorney General, Janet Reno. BHHRG was told by some Miami residents that many Reno supporters – particularly African-Americans – were disappointed or angered by their candidate's quick abdication after the botched September 10th primaries resulted in McBride coming out the winner (see Rebecca Wakefield, "Does it matter to black voters which wealthy, middle-age white guy is Florida's next governor?" *Miami New Times*, Oct. 31-Nov. 6, 2002, p.17). Ms. Reno ultimately fell in with the Party's dictate and endorsed Mr. McBride.

Although largely unpublicized, there was a third gubernatorial candidate on the ballot, Robert Kunst, a registered Democrat and Miami representative of the [Voter March](#) organization. Of the 8 candidates running for governor, all were "write-in" candidates, apart from Kunst, Bush, and McBride. Mr. Kunst, the first independent on the ballot since 1920, told BHHRG he had decided to run against Bill McBride – whom he referred to as "McBush" – because the Democratic candidate did not represent an authentic opposition. [McBride's](#) law firm, [Holland & Knight](#) (5th largest in the United States with some 1,400 attorneys), had donated \$100,000 to Gov. Bush's campaign and also lobbied on behalf of DBT Online

(later ChoicePoint) to win the contract from the Florida legislature to conduct the “voter purge” for \$4 million. Kunst – who campaigned in favour of a paper ballot – said he had been on the same platform with McBride numerous times before the Democratic primary, and yet he had never heard McBride talk about anything but education. Now, suddenly McBride was coming out with all sorts of attacks. The Republicans, he said, had “boosted McBride on purpose,” making McBride into a convenient “dummy” candidate because they did not want one of “Clinton’s people” (*i.e.*, Reno) in Florida. Meanwhile, McBride boosted the Bush campaign with an announcement that he planned to raise taxes – seldom a vote-grabber for any political candidate. When Kunst asked Gov. Bush at a public appearance why he refused to debate the independent candidate, Gov. Bush replied: “The die is cast.” In other words, McBride’s nomination stitched up the election for the GOP.

Although BHHRG saw a few McBride supporters harangue Kunst on the street for being a “spoiler” of the Democratic nominee’s campaign, Kunst clearly did not enjoy significant funding and told BHHRG he was “sleeping in his car.” A McBride rally on the evening of November 1st succeeded in attracting only about 500 supporters, even with an appearance by former President Bill Clinton, which seemed to vindicate Kunst’s claim that “no one is listening” to the Democrat candidate. It must also be noted, regarding Kunst’s suggestion that he was the object of a conspiracy to shut him out of the public eye, that although Mr. Kunst was an independent candidate whose name was on the ballot and who ultimately won 1% of all votes cast in Florida, his name did not appear in the state-by-state results on CNN on election night. Other third-party and independent candidates around the country were routinely listed, even if they received less than 1%.

Gov. Bush’s tenure in Florida has been characterized in the economic sphere primarily by a drive to privatize state services, a trend that began six years ago when the Republicans took control of the state legislature. This policy proved a boon for the Bush campaign. As *The Miami Herald* reported, the company that received a \$69-million contract with the Department of Business and Professional Regulations donated \$45,000 to the state Republican Party. Likewise, the company that won a \$365-million contract for law enforcement communications donated \$100,000, and the firm that secured a \$275-million contract with the Agency for Health Care Administration gave \$285,000. Gov. Bush gave his pro-business policy an added twist, however. While companies in America often donate to both major political parties, Gov. Bush threatened lobbyists with “retaliation” if they or their clients donated to the Democratic Party as well as to the Republicans. According to *The Washington Post*, donations to the Republican Party in Florida increased almost 300%, while Democratic contributions remained flat, since 1996 (see Editorial: Floridians are paying as Republicans profit, *Palm Beach Post*, Nov. 1, 2002).

Although a majority of major newspapers in Florida endorsed Gov. Bush, BHHRG listened to an interesting call-in programme on Miami’s National Public Radio (NPR) station in which a member of the editorial board of one of the major newspapers was asked whether the paper’s endorsement of Gov. Bush was the result of a majority vote, as was the norm, or whether a decision of the editor-in-chief had overridden the democratic majority on the board. The editor replied that this was “privileged” information, but that indeed it was possible for editors-in-chief to exercise such power, as had happened with one other Miami paper in a well-publicized case. Perhaps Gov. Bush’s tactic of threatening lobbyists and businesses was used against the press as well.

IV. THE ELECTION



In Miami-Dade County Hall, polling station workers put "ballot activator cartridges" in bags for transport to the central counting facility as a TV cameraman captures the action

THE HIERARCHY OF OFFICIALDOM

Florida state law specifies that the only persons allowed inside the polling stations while voting is taking place are:

- o The Supervisor of Elections or the Deputy Supervisor of Elections (county officials who are the equivalent of regional or district election commission chairmen)
- o Clerk and Assistant Clerks (equivalent of precinct election commission chairman and deputies)
- o Inspectors (precinct election commission workers who verify identity and authorize voters to receive ballots)
- o Poll Deputies (civilian officials who maintain order around the polling station)
- o Poll watchers (equivalent of election observers)

Poll watchers must be certified by the Supervisor of Elections and must be designated by a candidate, political party, or "political committee." No "independent" local non-governmental organizations such as the International Society for Fair Elections & Democracy, for example, which BHHRG has often encountered in countries such as Georgia, are allowed to sit throughout the day in every polling station. However, the County can "deputize" observers, such as Washington-based Center for Democracy or Vienna-based OSCE, to enter polling stations and talk to poll workers.

In addition to the above election officials, a new class of election employee has arisen as new voting technology has developed, and these are also authorized to enter and remain in the polling stations. In Miami-Dade County, these include:

- o Demonstrator Inspector (familiarizes voters with the new iVotronic touch-screen machines)
- o Activator Inspector (collects voter authorization slips and activates the "ballot" by inserting the Ballot Activator device into the iVotronic terminal)

- o Technical Support Specialist (activates iVotronic terminals, troubleshoots equipment when necessary, and delivers the Results Bags to the designated Collection Centers as soon as the polling station closes on election night)
- o Verification Specialist (looks up voter's status in the Voter Registration Rolls in laptop computer, and stays in contact with the Elections Department Precinct by phone when unable to determine voter eligibility using the laptop computer)
- o Quality Assurance Managers (assists in setting up of polling stations by supervising assembly of the iVotronic "voting booths," oversees Verification Specialists and Technical Support Specialists, and ensures that voting procedure complies with all legal requirements)

The appearance of the new technology has created a bifurcated hierarchy of officialdom within each polling station. In the "Polling Place Table of Organization" featured in the "media kit" provided by the county, the Clerk (election commission chairman) appears to be on an equal level of authority with the Quality Assurance Manager, both being immediately subordinate to the Supervisor of Elections.

PRE-ELECTION PERIOD

Unlike in many European countries, there is no ban on political campaigning in the US immediately prior to election day. Campaign rallies continue long into the night before polling day, and also into polling day itself, something Western countries and the OSCE would certainly never countenance in, for example, states of the ex-USSR. However it must be noted that in Miami during election 2002 there was a distinct dearth of campaign ads and posters visible around the city. Televised campaign commercials were almost constant, but on the streets and sidewalks signs that a major election was taking place were few and far between.

The period of early voting in Miami-Dade County was relatively long – two weeks. A major initiative had been implemented to encourage voters to go to the polls early, with posters in many public places that read: "Vote Early! Vote Today!" The early voting was supposedly a way of guarding against the possibility of huge crowds discouraging voter turnout, and to prevent a repeat of problems encountered in election 2000, when thousands of voters were allegedly turned away from the polls. A slogan put out by the County read: "NO ONE WILL BE TURNED AWAY." Under the rules of this election, voters were entitled to cast "provisional ballots" if they merely asserted their right to vote at a particular polling station, regardless of whether polling station officials were able to establish such an entitlement on the spot. The idea behind the "provisional" (paper) ballots was to allow everyone to vote who wanted to, and then count these votes later once the voter's eligibility had been firmly established. [BHHRG has seen this "provisional" system used - and abused - in American-organised elections in Kosovo, for instance, where international officials arbitrarily permit or invalidate "provisional" votes in ways which necessarily affect candidates' vote-totals.]

For early voting, any voter could vote in any of the functioning polling stations, regardless of where they were registered. On Sunday, November 3rd, BHHRG's representative visited Miami-Dade County Hall to observe voting. A woman outside in a bright yellow t-shirt that read "NOW!" and "CBC Early Voting Project" was handing out "The People's Slate" – a leaflet listing Democratic candidates running in the election, and designed to assist voters in quickly completing ballots once they reached the "voting booth." The woman said the initiative was primarily concerned with making class size smaller in state primary and secondary schools, although she did not know what "CBC" (Congressional Black Caucus) on her t-shirt stood for. She told BHHRG that she liked the new touch-screen voting system, "everybody loves it," and it was "much easier." However, when asked whether she fully trusted the accuracy and reliability of such a system compared to a paper ballot, the woman said she was unsure. When asked her opinion of the Democratic primary in Florida, she said she had preferred former US Attorney General Janet Reno as a candidate to the ultimate winner, Bill McBride, and that "ninety-five percent of all women" favoured Ms. Reno as well.

BHHRG entered the County Hall building and watched the voting taking place. The polling station was crowded and noisy by the standards of American polling places, with long, chattering lines of voters

snaking through airport-style, roped-off lanes before being directed to one of the people sitting at the poll workers' table in front of a laptop. It was impossible to see what the polling station officials were looking at or typing on the little portable computers.

Around the entrance of the polling station were several people wearing bright orange t-shirts - these were "goodwill ambassadors," county employees assisting with bussing large numbers of people in from different areas of the city to vote. The supervisor of the group, Rev. Dr. Willie E. Sims, Jr., Director of Special Projects/Crisis Team Coordinator for the Office of the County Manager Community Relations Board, told BHHRG that the Early Bird Voting Project was being spearheaded by Kendrick Meeks, a Democratic candidate for the US House of Representatives, and by Bishop Victor T. Curry of the New Birth Baptist Church. About forty churches had brought their congregations to the polling stations early, and the polling station in the County Hall had already "served over 3,000 voters" that day. He said there were about 50 goodwill ambassadors working on the Sunday, but on election day there would be roughly 2,000. The goodwill ambassadors would be responsible for crowd control at rallies and demonstrations across Miami-Dade County, and would be present at polling stations on election day until the last voter in line at 7 p.m. (when the polls closed) had voted, even if this took until midnight. The programme, he said, was an attempt to rectify past problems, and he mentioned in particular the primary on September 10th, when "a lot of people complained that they were registered Democrats, but were given a Republican ballot when they showed up to vote." Rev. Sims also said many of the machines had not worked properly during the primaries.

On Monday, November 4th, BHHRG's representative visited three polling stations open for early voting. At each one, lines were long. At the West Miami City Hall (901 S.W. 67th Ave.), BHHRG found a crowd of voters bunched up on the external staircase leading up to the second floor. The line barely moved during the twenty minutes or so that the polling station was observed. The district was heavily Hispanic, and BHHRG was able to find only one person willing to answer questions because everyone else claimed they spoke no English. This gentleman said he thought the new voting machines were a "good idea" but that it would take time to overcome the sharp "learning curve" among the populace. He believed the machines would "definitely" be "much more accurate."

At the North Dade Regional Library (2455 N.W. 183rd St.), in a heavily African-American district, BHHRG found a line of about a hundred people extending out the door onto the sidewalk, and was told that many more people were waiting inside to vote. A campaign worker said the line had been getting longer throughout the day. At the North Miami Public Library (835 N.E. 132nd St.) in the Little Haiti district, the voter line was entirely within the building, although it appeared to number perhaps thirty. A couple of middle-aged Haitian immigrants told BHHRG they were not happy with the new iVotronic voting machines, which they felt could not be trusted. The man compared it to machines at petrol stations where you "pay at the pump" with a credit card, saying he did not always trust the machines to give him the right amount or quality of fuel, and claiming it would be much better to keep a paper ballot. Likewise, Service Employees International Union Florida 1199 President Monica Russo, also at the scene, told BHHRG that "the jury is still out" on the new touch-screen voting system because the "potential for fraud is still unknown." Computer literacy in the area was "not high," she said, and assistance with voting was critical. However, Philip Brutus – a Florida state legislator running for reelection from the Little Haiti district (who won overwhelmingly) – said he believed that the 2000 election debacle had been a "catalyst for a lot of things that will make it a seamless process." He believed that the large early voting turnout in reaction to the scare of 2000 and the 2002 primary would make the black and Haitian vote felt.

The large crowds at polling stations during early voting made for a chaotic atmosphere, and although it was impossible for BHHRG to determine whether this chaos adversely affected the integrity of the process, it was certainly believable that it might have. Supposedly, any registered Florida voter could vote in one of the 14 early voting polling stations, and this vote would be recorded in the iVotronic terminals in such a way as to prevent such voters from voting again later somewhere else. But amid the confusion created by the masses of early voters, it almost seemed as if Miami-Dade County could have benefited from a system familiar in ex-Soviet republics, whereby voters have their passports stamped after casting ballots. Instead, ultimate faith had to be put in the touch-screen machines and computer

databases to keep track of the votes of thousands of voters around the county, many undoubtedly with similar names and other personal data.

POLLING DAY

BHHRG's representative visited 10 polling stations around Miami on election day proper. All were very sparsely attended, with only a tiny stream of voters evident at all times of the day. At Coral Way Elementary School (Precinct 570) in the predominantly Cuban-American district of Little Havana in southwest Miami, BHHRG was told that 200-300 voters had come between 7:30 and 8:30 a.m., before working hours, but for half an hour from 9:55 to 10:25 a.m. the total number of voters going in and out was five. Of these, sadly very few were willing to answer questions because (they said) they spoke no English. BHHRG was warned by the poll deputy at the door to stay back, and no poll workers emerged to answer questions. One woman understood enough of BHHRG's question about the new voting machines to answer: "No good, no good."

Even at polling stations where two precincts had been amalgamated into one since the last election, turnout was extremely low. At the El Cordero Presbyterian Church (Precincts 571 & 594), turnout was even lower than at the single precinct previously visited. A campaign worker for a school board candidate said about 2,200 voters were on the list here, and that roughly 250 had already voted at 10:30 a.m. He believed the new voting machines were "intimidating to older folks." At the Douglas Park Community House (Precincts 540 & 577), turnout from 11:45 a.m. to 12:30 p.m. totaled only about 9 or 10. BHHRG was allowed to approach the entrance of this polling station and talk to the poll deputy, who said that there were roughly 1,000 voters registered at this site, even though she said the exact figures were unavailable. However, she did add that Precinct 540 only had "about ten people in it," the rest all belonging to Precinct 577. This, she said, was due to redistricting. Most of the voters on the roll here, in Republican Rep. Ros-Lehtinen's congressional district, were elderly. Another poll worker told BHHRG that no one there would know how many had voted there until the end of the day, and no one was keeping count. One elderly gentleman was ambivalent about the new voting system, while an older couple described it as "great" and a group of four elderly women said they thought the machines were an improvement on paper ballots.

Rules about who was entitled to enter the polling station were unevenly enforced. For example, at the Shenandoah Elementary School in southwest Miami (Pct. 572), an argument was under way between the clerk standing outside and a group of campaign workers for a school board candidate. The campaign workers complained that people were walking in and out of the polling station wearing campaign t-shirts and buttons, violating the provision of the electoral law prohibiting campaigning inside the voting place. Indeed, BHHRG did see campaign workers for Democratic gubernatorial candidate Bill McBride walking in and out of the schoolhouse, but the clerk explained that these persons were actually employees of the school who just happened to be wearing McBride t-shirts. Consulting his superior by cell phone, the young man determined that it was not possible to prevent school employees from entering their place of work, and also not appropriate to ask them to remove their shirts. The matter was never settled in BHHRG's presence, and several threats were made against the clerk.

The clerk told BHHRG that exact information on the number of voters registered at this polling station was unavailable because they were "having a lot of problems with the machines," but he added that a poll worker had told him there were over 2,000 on the voter list, and that about 400 had voted by 11:20 a.m. He added that there were no poll watchers in his polling station, and that he was serving in the capacity of clerk, assistant clerk, and poll deputy because he was short of personnel. One campaign worker told BHHRG that the big issue in this precinct was that the head of the local teachers' union had sent an e-mail to each teacher asking them to give each pupil a note to take home to their parents urging them to vote for McBride. Another campaign worker here said it had taken her 45 minutes to vote using the new iVotronic machine.

BHHRG found two precincts (611 & 648) housed within the luxurious Biltmore Hotel in the Coral Gables neighborhood west of Miami. Voters walked past the large swimming pool, where people were eating lunch under a colonnaded passageway, to get to the voting area. Here, poll workers repeatedly came out

into the corridor to warn BHHRG's representative and a couple of university students reporting on the election for class to stay back. All attempts to obtain answers to basic questions were fruitless, as the poll workers said they had no information concerning the number of voters registered there, nor were they required to have such information. Continued requests for information finally resulted in the emergence of an elderly man in a baseball cap identifying himself as the "deputy sheriff." Although he told BHHRG that "over 300 have already voted" (by 1:10 p.m.), he was unable to provide any information on the number of voters registered, saying that, "only the elections department has that information." He said he had been a polling station worker many times in the past, but had "never seen" an actual list of registered voters, whether on the wall or in book form. A campaign worker outside the polling station said that there was a total of about 800 voters, although with the addition of another precinct since the last election she could not be sure. She did say that the precinct usually had a high turnout.

The same lack of information about numbers of registered voters was encountered at the Polish-American Club of Miami, Inc. (Precincts 545 & 989). The poll deputy said that Precinct 989 had joined 545 since the election in 2000, and he simply had no idea and doubted that anyone else did. He was apparently the only person around this polling station who spoke any English at all. At the New Mount Pleasant Institutional Baptist Church, Inc., in the northeastern Miami neighborhood of Little Haiti (Precincts 502 & 590), BHHRG was allowed inside. The Clerk told BHHRG that he believed at least 50% of the roughly 600-700 voters registered here had voted, but again he could not give exact figures. Precinct 590 had been added in 2000, and everything had been recorded in the computers, he said. There had never been any long lines at his polling place, no one had been turned away, and everything had always run very smoothly. Two voters entered the polling station while BHHRG was there.

Although the lack of information about registered voters was apparently the norm, it was not evidently the rule. At two polling stations, BHHRG found that this information was indeed available at the Thena Crowder Elementary School (Precinct 507) in northwest Miami. But a county employee wearing a badge that said "media relations," told BHHRG that there were exactly 1,210 registered voters at this polling station, and that about 320 voters had cast ballots by 3:00 p.m. It seemed odd that such precise information should be so readily available here but not elsewhere. However, as BHHRG learned, the Thena Crowder Elementary School had witnessed high-profile irregularities in 2000, including the turning-away of voters, and for the 2002 election it was serving as one of the four "media observation points" (*i.e.*, media showcases) designed to create a good impression, so perhaps this was why the county official was able to pluck figures out of the air so quickly. Concerning the new voting machines, he said, "some people like the touch-screens" but he thought they were "not so good for the elderly."

At the Sheraton Biscayne Bay Hotel (Precincts 541 & 984) in southeast Miami the voting area was on the second floor, accessible only by elevator. The poll deputy said he was unsure of the number of voters registered there. However, he did say that the voter register was an actual book with paper pages, not a file in a laptop computer hard drive. He said this polling station had always "done it the old way," and thought this was for the best, adding that the new high-tech voting systems were probably not a good idea for guaranteeing fairness. Two people who may or may not have been voters entered the elevators during the ten minutes or so of conversation.

Finally, at the "Unity on the Bay" church in northeast Miami (Precincts 538 & 595), BHHRG saw very little activity at 5:00 p.m. From the vantage point at which BHHRG's representative was made to stand, across the street, only three or four voters entered during a space of about fifteen minutes. Talking to two campaign workers outside, one for Gov. Bush and one for challenger Bill McBride, BHHRG learned that the new voting machines were very popular. But again, uncertainty was expressed about the reliability and trustworthiness of "virtual voting." BHHRG watched this polling station close up, and was interested to note that the poll deputy urged an approaching voter to hurry up because the doors would be closed for good in exactly one minute. This was the proper time, but a few minutes later, another voter approached and was allowed in without a problem.

Above all, polling day was characterized by a very low turnout and widespread ignorance among polling station officials as to the most basic data usually expected to be at their fingertips. It was interesting, though inexplicable, that voters and others who were asked about the new voting machines almost all

said they liked them because of the ease of use, but expressed uncertainty or disapproval when asked whether they trusted the system. Perhaps this serves as useful commentary about opinion polls in general, since questions phrased a certain way can always generate the desired result.

The complacency of voters despite their doubts about the new system was remarkable. For example, on the NPR radio station, several of the callers registered complaints about the voting process but added immediately how “proud” they were to be voting. Perhaps the most notable of these was a young woman who said it was “kind of weird” that at her polling station she saw ballot activator cartridges lying in a big pile on the table, and upon asking the poll worker sitting nearby whether or not this was “normal” was told that in fact it was not, and that the devices needed to be put away somewhere. The cartridges were not marked in any way so as to identify them, but were supposedly already used. But the caller then went on to say how fulfilling and enlivening her voting experience had been, and about how she planned to always take her children with her to polling stations for elections. There were also several callers expressing indignation about the fact that Miami was a focus of media attention, but also recounting troubling experiences at the polls.

All in all, BHHRG’s experience on polling day could not be described as reassuring, even compared with many countries in which BHHRG has observed elections where democracy is deemed by the West to be only in the “developing” stage. The new high-tech system did little to assuage fears that American electoral procedure may be sliding into the abyss. For one thing, one of the advantages of the new all-computerized voting systems was ostensibly to make counts more or less instant, yet there were instances where precincts in Miami-Dade had supposedly not finished counting ballots hours after polls closed. Surely, if everything was recorded instantly in computer databases, shouldn’t the figures have been available at the push of a button?

CONCLUSION

The election seemed at best sloppy, so much so that even elections BHHRG has monitored in “pariah” states of the ex-Communist bloc compared favorably in terms of cleanliness and order. Furthermore, turnout by BHHRG’s observation was lower than reported. Even if the large figures for early voting in some south Florida regions were correct (approx. 25% for Miami-Dade County, 20% for Broward County), the stream of voters going to the polls on polling day itself never appeared to exceed a trickle. As already noted, at one polling station, BHHRG waited almost twenty minutes for a voter to even show up. A report from *The Miami Herald* on Nov. 6th claims that Broward County’s initially reported turnout figure had to be “corrected” from 35% to 45% after it was discovered that the new voting machines had made an error – 104,000 ‘missing’ votes suddenly appeared. But from what BHHRG could see, the 35% figure was closer to reality.

Skewed Results?

Traditionally the Republican Party in the United States has been the better funded of the two major parties. In catering to their “business” constituencies, county governments and state legislatures all over the country have evidently found an incentive to purchase new, very pricey high-tech voting systems at taxpayers’ expense. According to the company’s website, ES&S was responsible for counting roughly [half the ballots cast in the entire United States](#) on November 5th. The neighboring state of Georgia actually had a uniform, statewide touch-screen voting system for the election, the only state to institute such a system in every precinct. The Texas-based [Diebold](#) company, which manufactures ATM banking machines, provided 22,000 touch-screen voting machines to Georgia at a cost to the state of \$54 million. These machines varied only slightly from the ES&S machines used in Florida. Another type of touch-screen machine was in use in Houston, Texas, and Charlottesville, Virginia. All in all, according to CNN, nearly \$4 billion-worth of new technology was put in place for the 2002 election. Republicans scored big wins in all the above areas where the new and highly expensive machines were operating.

The gubernatorial race in Florida was billed as very close, yet incumbent Gov. Jeb Bush – the first Republican governor in history to be re-elected in Florida – won overwhelmingly and took Miami-Dade County, by far the most populous and ethnically diverse district in the state. As with any large urban centre, Miami could have been expected to vote for the left. BHHRG visited several areas where social services were at best in disarray, at worst collapse. Homelessness and unemployment are clearly problems, but there are many neighborhoods where endemic alcohol and drug abuse are readily apparent as well. Under the Dolphin Expressway (Interstate 395) in downtown Miami, BHHRG saw groups of people wandering around in the middle of the day and late at night, clearly drugged-out and perhaps under the influence of crack cocaine. Maybe the picture in the rest of Florida is much rosier, but one would have thought that in Miami, at least, the relentless “free market” privatization policies of Gov. Bush would have worn out their welcome.

Elsewhere, the incumbent Republican governor of Texas won with the help of his state’s largest metropolitan area, Houston, and in Virginia’s 5th Congressional District, of which Charlottesville is the most populous area, a Republican won handily in a race viewed as close. Perhaps no upset was quite as stunning as in Georgia, where not only did the Republican gubernatorial candidate achieve a surprise come-from-behind victory, but Democratic Sen. Max Cleland – whose seat had been considered fairly safe – was also beaten handily by a GOP newcomer, Saxby Chambliss. On 6th November the BBC reported that during the president’s recent visit to the state “Bush joined in the accusations against Democrats, such as Mr. Cleland, accusing them of being more interested in workers’ rights than the national security”. As journalist Eric Margolis observed: “One poignant photo said it all: Georgia’s defeated Democratic senator, Max Cleland, sitting in a wheelchair, missing both legs and an arm lost in combat in Vietnam. This highly decorated hero was defeated by a Vietnam war draft-dodger who had the audacity to accuse Cleland of being “unpatriotic” after the senator courageously voted against giving Bush unlimited war-related powers. I do not recall a more shameful moment in American politics”. (“After Iraq, Bush will attack the real target”, www.canoe.ca/Columnists/Margolis 10/11/02) Anyway, surely the jury is still out on Mr. Bush’s success as the guarantor of national security while the organizers of 9/11 are still at large and snipers attack innocent citizens in the Washington DC area.

The Efficiency Myth

Clearly, it is impossible to prove that the new technology delivered these sort of results resulting in the Republican control of Congress as well as a majority of state governorships, but it may not be outrageous to suggest that the “cyber-ization” of voting in America may have played a role in skewing the result. Experience has already called into question the reliability of such new devices, but little has been said about their advantages in terms of efficiency. Here is a report from one Florida newspaper:

Union County... has had trouble-free elections dating back at least to the early 1920s as the only county in Florida that continued to hand count its ballots. But that changed this year... The old way, stacking and restacking the color-coded ballots into winners and counting them, could be completed by a dozen or two poll workers in time to send the paperwork to Tallahassee and still be home for the late news on Election Day.

But counting the county’s 2,642 ballots using the new optical-scan machinery this year took two days, after a programming error rendered the automatic count useless. So it was back to the tried-and-true hand count for Union County, which is about 130 miles east of Tallahassee.

The equipment vendor, Election Systems and Software Inc., accepted responsibility for the problems, which were caused when a printing error gave both Republican and Democratic ballots the same code. The machines read them both as Republican.

Todd Urosevich, vice-president of election product sales, said the company will pick up

the expenses for the hand count and apologized to the county. (The Bradenton Herald, Sept. 17, 2002)

The story from Union County highlights the obvious advantages of “low-tech” paper ballots not only from the standpoint of reliability but efficiency as well. A host of other articles and reports demonstrates the extent to which American public complacency about the new technology’s implications for democracy may be misplaced.

Lax (or Absent) Observers

The Center for Democracy’s pre-election report makes various sober recommendations for ensuring a fair and orderly poll on election day, but it is remarkable the entire 17-page report contains no discussion of the potential for manipulation and fraud inherent in the new “touch-screen” voting technology itself. The report focuses on human organizational aspects of the poll at the expense of criticism of the implications for democracy of the (very expensive) high-tech machinery.

This attitude appears very much the mainstream among media and other commentators, who have largely ignored the issue of technological glitches even as they have accepted (if not hailed) the election results as, among other things, a huge “yes” vote in a “referendum” on President George W. Bush’s plans for war on Iraq. In fact, much evidence exists that it was nothing of the sort, since some polls in America indicate that the vast majority of Americans do not think the issue of going to war with Iraq is of any consequence in their day-to-day lives. Perhaps the 2002 election was more a referendum on whether or not widespread concern exists about the implications of faulty high-tech voting machines and sloppy electoral procedures for the future of democracy. The passivity of the majority of voters who stayed home for the election, viewed in conjunction with voters’ responses to BHHRG’s questions in Miami during the election, make it look as if the result of this “referendum” was a resounding “no.” In any case, it is supposed to be a function of outside monitors to point out problems that ordinary voters might not notice.

On the night of November 5th, Miami-Dade County Manager, Steve Shiver gave a press conference in which he hailed the election as a success, noting the presence of “international observers.” But in response to BHHRG’s questions about where these observers could be found and whether or not a press conference was planned, Mr. Shiver responded that he had “no idea.” Later, BHHRG ran into Alexander Veshnyakov, Chairman of the Central Election Commission of the Russian Federation and a member of the OSCE delegation who said that the OSCE would release a “limited” statement that reflected the “limited” nature of the observation mission. As this report is written, the OSCE/ODIHR’s web site contains no information, not even a preliminary report on the conduct of the poll. This is unprecedented in this Group’s monitoring of the OSCE/ODIHR’s record of election observing in the post-Communist era.