

## Fair Election Means Ability To Recount

Don Eret is a former Nebraska State Senator, presently the vice chairman of the Saline County Democratic Party, and is the authorized representative in Nebraska for the LaRouche in 2004 campaign. Eret is a farmer and a retired space engineer. Having known Mr. Eret for many years, and being aware of his interest in voting rights issues, *EIR* spoke with him on Jan. 28.

Former Senator Eret expressed his strong belief that the ability to conduct a recount is essential for citizens to be able to have confidence in elections. While it is possible to conduct a recount with optical-scanning voting machines which use a paper ballot card, Eret notes that it is impossible with touch-screen machines, unless they are modified to produce a printed ballot or receipt.

“We know they’ve been mandated by the Help America Vote Act, and are mandated now in all precincts in the United States for handicapped accessibility—which we don’t fully understand,” Eret told *EIR*. “HAVA calls for them to be fully operational for the 2006 elections. . . . I would have thought this would have made it very easy for someone to challenge that whole mandate. It’s one Congressional act conflicting with another, because in 1965, they passed the Voting Rights Act, which mandated that all ballots be auditable. It calls for observers, to be able to observe the tabulation of the vote.”

Eret cites Title 42 of the United States Code, Sec. 1973, which provides for Federal observers in jurisdictions covered by the Voting Rights Act, and that such observers can be present at any voting location “for the purpose of observing whether votes cast by persons entitled to vote are being properly tabulated.”

That, of course, is impossible to do, if the votes are being counted by a computer, which is true for both optical-scanning and touch-screen systems.

Eret believes that the credibility of a state’s elections are dependent on its recount laws. “If you don’t have a procedure that allows for an audit of actual ballots, suspicions develop about the way a race might have turned out, if it is quite close. We’ve had several races in Nebraska that fit my category of being suspicious. We feel that if the law was corrected, so that it did allow this, that should remove those suspicions. It would remove the temptation for someone to think about manipulating a vote count.”

“This whole business with the machines—you can’t help but feel that there’s a partisan element, because these companies are all owned by Republican people,” Eret says. He notes that one company, or even one person in the company, has to service all the state’s voting machines, “because the counties can’t program their own machines; they have to go on contract with ES&S to get their machines programmed.” He points out that “local election officials don’t know what’s going on, and have no right to investigate it.”

“People I know, just see that this as a big bold move by Bush to get himself re-elected.”

—Edward Spannaus

the HAVA legislation enacted as a means of creating more business opportunities for the companies involved.<sup>1</sup>

On Sept. 6, 2002, ITAA demanded that House and Senate conferees resolve their differences over their respective versions, and pass HAVA. Just over a month later, they did. HAVA was signed into law by President Bush on Oct. 12, 2002.

### Where It Stands Today

More recently, amid Congressional moves to amend HAVA, ITAA escalated and established a group—made up of electronic voting machine companies—to “raise the profile” of electronic voting, and peddle its “benefits” to the American public. Members of the Election Technology Council (ETC), formed on Dec. 9, 2003, are Advanced Voting Systems, Diebold Election Systems, Election Systems & Software, Hart InterCivic, Sequoia Voting Systems, and

Unilect.

ITAA says the ETC builds on the work of its Voting Reform Task Group, the which lobbies for HAVA funding.

HAVA called for the appointment of an Election Assistance Commission (EAC) by February 2003, which was to oversee the establishment of standards for voting equipment. The White House stalled for a year after passage of the bill, and didn’t forward its nominations for the EAC to Congress until October 2003. The nominees were only recently confirmed, and the Commission is just now getting off the ground. It was only given \$2 million of the \$10 million it was promised.

The states are caught in a conundrum, as the National Association of Secretaries of States has pointed out. In order to meet Federally-mandated HAVA deadlines—and to be eligible for Federal monies—and prompted by aggressive lobbying and salesmanship by voting machine companies, state and local officials have already been rushing to purchase and install DRE voting systems. Companies such as Diebold and Sequoia are taking advantage of the fact that there are still no

1. Bev Harris, *Black Box Voting: Ballot Tampering in the 21st Century* (Renton, Wa.: Talion Publishing, 2004), Chapter 16.