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MAKING VOTES COUNT

Gambling on Voting

If election officials want to convince voters that electronic voting can be trusted, they should be willing to make it at least as secure as slot machines. To appreciate how poor the oversight on voting systems is, it's useful to look at the way Nevada systematically ensures that electronic gambling machines in Las Vegas operate honestly and accurately. Electronic voting, by comparison, is rife with lax procedures, security risks and conflicts of interest.

On a trip last week to the Nevada Gaming Control Board laboratory, in a state office building off the Las Vegas Strip, we found testing and enforcement mechanisms that go far beyond what is required for electronic voting. Among the ways gamblers are more protected than voters:

1. The state has access to all gambling software. The Gaming Control Board has copies on file of every piece of gambling device software currently being used, and an archive going back years. It is illegal for casinos to use software not on file. Electronic voting machine makers, by contrast, say their software is a trade secret, and have resisted sharing it with the states that buy their machines.
2. The software on gambling machines is constantly being spot-checked. Board inspectors show up unannounced at casinos with devices that let them compare the computer chip in a slot machine to the one on file. If there is a discrepancy, the machine is shut down, and investigated. This sort of spot-checking is not required for electronic voting. A surreptitious software change on a voting machine would be far less likely to be detected.
3. There are meticulous, constantly updated standards for gambling machines. When we arrived at the Gaming Control Board lab, a man was firing a stun gun at a slot machine. The machine must work when subjected to a 20,000-volt shock, one of an array of rules intended to cover anything that can possibly go wrong. Nevada adopted new standards in May 2003, but to keep pace with fast-changing technology, it is adding new ones this month.

Voting machine standards are out of date and inadequate. Machines are still tested with standards from 2002 that have gaping security holes. Nevertheless, election officials have rushed to spend hundreds of millions of dollars to buy them.

4. Manufacturers are intensively scrutinized before they are licensed to sell gambling software or hardware. A company that wants to make slot machines must submit to a background check of six months or more, similar to the kind done on casino operators. It must register its employees with the Gaming Control Board, which investigates their backgrounds and criminal records.

When it comes to voting machine manufacturers, all a company needs to do to enter the field is persuade an election official to buy its equipment. There is no way for voters to know that the software on their machines was not written by programmers with fraud convictions, or close ties to political parties or candidates.

5. The lab that certifies gambling equipment has an arms-length relationship with the manufacturers it polices, and is open to inquiries from the public. The Nevada Gaming Control Board lab is a state agency, whose employees are paid by the taxpayers. The fees the lab takes in go to the state's general fund. It invites members of the public who have questions about its work to call or e-mail.

The federal labs that certify voting equipment are profit-making companies. They are chosen and paid by voting machine companies, a glaring conflict of interest. The voters and their elected representatives have no way of knowing how the testing is done, or that the manufacturers are not applying undue pressure to have flawed equipment approved. Wyle Laboratories, one of the largest testers of voting machines, does not answer questions about its voting machine work.

6. When there is a dispute about a machine, a gambler has a right to an immediate investigation. When a gambler believes a slot machine has cheated him, the casino is required to contact the Gaming Control Board, which has investigators on call around the clock. Investigators can open up machines to inspect their internal workings, and their records of recent gambling outcomes. If voters believe a voting machine has manipulated their votes, in most cases their only recourse is to call a board of elections number, which may well be busy, to lodge a complaint that may or may not be investigated.

Election officials say their electronic voting systems are the very best. But the truth is, gamblers are getting the best technology, and voters are being given systems that are cheap and untrustworthy by comparison. There are many questions yet to be resolved about electronic voting, but one thing is clear: a vote for president should be at least as secure as a 25-cent bet in Las Vegas.