GEOFF DYER ON THE FOLLY AND THE GLORY OF SPORT

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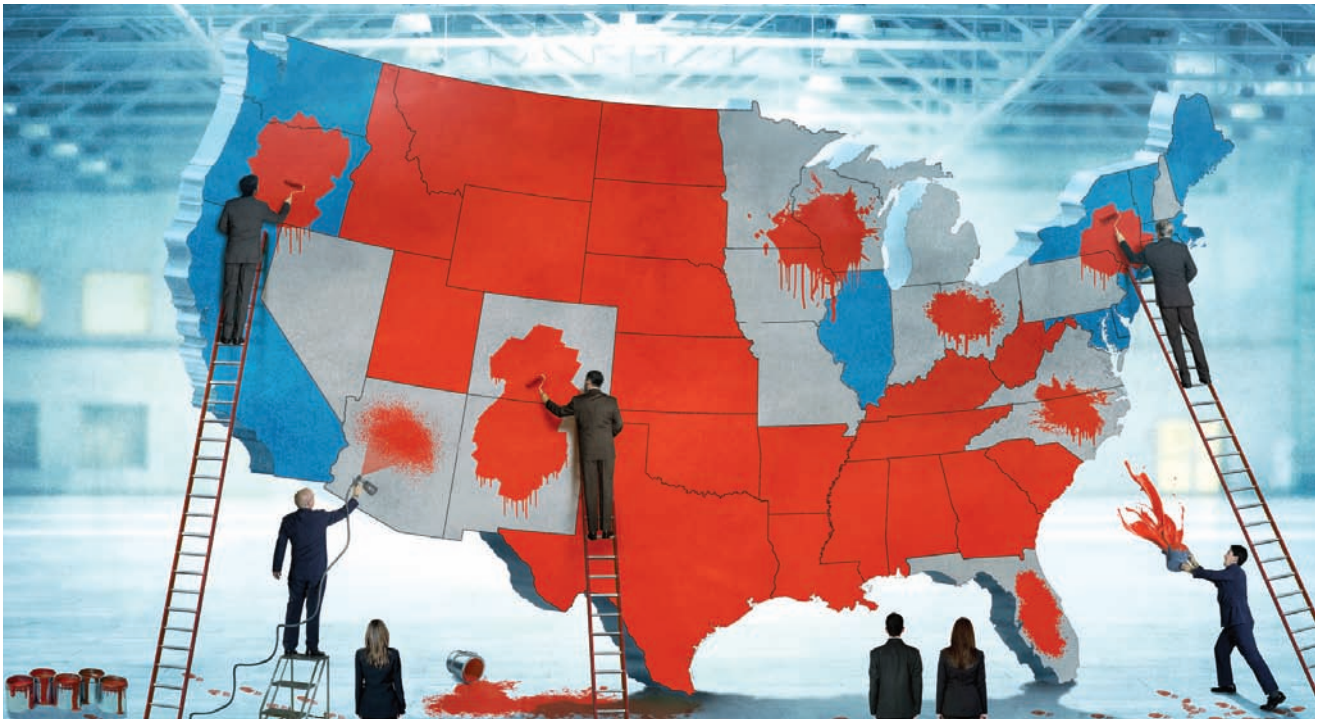

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HOW TO RIG AN ELECTION

The G.O.P. aims to paint the country red

By Victoria Collier

It was a hot summer in 1932 when Louisiana senator Huey "Kingfish" Long arranged to rig the vote on a number of amendments to his state's constitution that would be advantageous to his financial interests. Long was no stranger to rigged votes. This time around, however, the fix delivered by his machine was blatant and sloppy: his favored amendments won unanimously in sixteen New Orleans precincts and garnered identical vote totals in twenty-eight others.

Eugene Stanley, the incorruptible district attorney for Orleans Parish, presented evidence of fraud to a grand jury. Louisiana's attorney general, the less morally encumbered Gaston Porterie, stepped in to sabotage the case for Long. Nonetheless, two judges demanded a recount, at which point Governor O. K. Allen obliged Long by declaring martial law. Intimidated jurors found themselves sorting ballots under the supervision of National Guardsmen, who stood by to "protect" them with machine guns.

When this effort failed, another grand jury was convened. Their eventual finding of a massive conspiracy led to the indictment of 513 New Orleans election officials. Once again, Long used his famous powers of persuasion. At his behest, the Louisiana legislature modified the state's election law, giving ex post facto protection to the defendants. Election rigging, Long might have quipped, had become downright exhausting. But it worked.

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From the earliest days of the republic, American politicians (and much of a cynical populace) saw vote rigging as

a necessary evil. Since the opposition was assumed to be playing equally dirty, how could you avoid it? Most Americans would probably have confessed to a grudging admiration for New York City's Tammany Hall machine, which bought off judges, politicians, and ward captains, ensured the suppression of thousands of votes, and controlled Democratic Party nominations for more than a century.

By the beginning of the last century, however, sentiment had begun to shift. In 1915, the Supreme Court ruled that vote suppression could be federally prosecuted. In Terre Haute, Indiana, more than a hundred men had already been indicted for conspiring to fix the 1914 elections for mayor, sheriff, and circuit judge. The incumbent sheriff and judge went to jail for five years, and Mayor Donn M. Roberts spent six years in Leavenworth.

Roberts and his gang, declared the *New York Times,* had failed to grasp that "what is safe and even commendable one year may be dangerous and reprehensible the next." Almost overnight, commonplace corruption had become unacceptable, and vote rigging a serious crime. It took a strongman like Huey Long to remain an exception to the rule. But the overall trajectory seemed to point toward reform, accountability, and security. In 1920, the Nineteenth Amendment was passed, seventy-two years after Elizabeth Cady Stanton first demanded women's suffrage—the right that would, in Stanton's words, "secure all others." By the 1960s, Northern Democrats abandoned their Southern allies and pushed to end the mass suppression of black votes below the Mason–Dixon line. With the Voting Rights Act of 1965, many Americans began to believe that the bad old days of stolen elections might soon be behind us.

But as the twentieth century came to a close, a brave new world of election

Illustration (detail) by John Ritter

rigging emerged, on a scale that might have prompted Huey Long's stunned admiration. Tracing the sea changes in our electoral process, we see that two major events have paved the way for this lethal form of election manipulation: the mass adoption of computerized voting technology, and the outsourcing of our elections to a handful of corporations that operate in the shadows, with little oversight or accountability.

This privatization of our elections has occurred without public knowledge or consent, leading to one of the most dangerous and least understood crises in the history of American democracy. We have actually lost the ability to verify election results.

The use of computers in elections began around the time of the Voting Rights Act. Throughout the 1980s and 1990s, the use of optical scanners to process paper ballots became widespread, usurping local hand counting. The media, anxious to get on the air with vote totals, hailed the faster and more efficient computerized count. In the twenty-first century, a new technology became ubiquitous: Direct Recording Electronic (DRE) voting, which permits touchscreen machines and does not require a paper trail.

Old-school ballot-box fraud at its most egregious was localized and limited in scope. But new electronic voting systems allow insiders to rig elections on a statewide or even national scale. And whereas once you could catch the guilty parties in the act, and even dredge the ballot boxes out of the bayou, the virtual vote count can be manipulated in total secrecy. By means of proprietary, corporate-owned software, just one programmer could steal hundreds, thousands, potentially even millions of votes with the stroke of a key. It's the electoral equivalent of a drone strike.

Symbolically speaking, this era was inaugurated by Chuck Hagel, an unknown millionaire who ran for one of Nebraska's U.S. Senate seats in 1996. Initially Hagel trailed the popular Democratic governor, Ben Nelson, who had been elected in a landslide two years earlier. Three days before the election, however, a poll conducted by the *Omaha World-Herald* showed a dead heat, with 47 percent of respondents favoring each candidate. David Moore, who was then managing editor of the Gallup Poll, told the paper, "We can't predict the outcome."

Hagel's victory in the general election, invariably referred to as an "upset," handed the seat to the G.O.P. for the first time in eighteen years. Hagel trounced Nelson by fifteen points. Even for those who had factored in the governor's deteriorating numbers and a last-minute barrage of negative ads, this divergence from pre-election polling was enough to raise eyebrows across the nation.

Few Americans knew that until shortly before the election, Hagel had been chairman of the company whose computerized voting machines would soon count his own votes: Election Systems & Software (then called American Information Systems). Hagel stepped down from his post just two weeks before announcing his candidacy. Yet he retained millions of dollars in stock in the McCarthy Group, which owned ES&S. And Michael McCarthy, the parent company's founder, was Hagel's campaign treasurer.

Whether Hagel's relationship to ES&S ensured his victory is open to speculation. But the surprising scale of his win awakened a new fear among voting-rights activists and raised a disturbing question: Who controls the new technology of Election Night?

"Why would someone who owns a voting-machine company want to run for office?" asked Charlie Matulka, a Democrat who contested Hagel's Senate seat in 2002. Speaking at a press conference shortly before the election, he added: "Is this the fox guarding the henhouse?" A construction worker with limited funding and name recognition, Matulka was obviously a less formidable competitor than Nelson. Still, Hagel won an astonishing 83 percent of the vote—among the largest margins of victory in any statewide race in Nebraska's history. And with nearly 400,000 registered Democrats on the rolls, Matulka managed to scrape up only 70,290 votes.

Hagel had never actually disclosed his financial ties to ES&S, and Matulka requested an investigation by the Senate Ethics Committee. His request was rejected. Equally futile was his call for a hand count of the ballots, since a state law specified that recounts had to be conducted using the very same "vote-counting device" that was used to begin with—in this case, the ES&S optical scanners.

Meanwhile, the new millennium, far from delivering a democratic promised land, presented Americans with the debacle of the 2000 presidential election, whose fate hung absurdly on "hanging chads"—the little pieces of punched-out ballot so contentiously examined during the monthlong recount. Few Americans knew (and many still do not know) that a faulty computer memory card triggered this fiasco. Late on Election Night, Al Gore's total in Volusia County, Florida, suddenly dropped when one precinct reported 16,000 *negative* votes. Fox News was immediately prompted by Florida governor Jeb Bush to call the election for his brother. On his way to a 3 A.M. public concession, Gore changed course when a campaign staffer discovered that he was actually ahead in Volusia County by 13,000 votes.

But the damage was done. Gore was cast as a sore loser in a hostile media environment. His effort to obtain a recount was described by Sean Hannity on Fox News as an attempt to "steal the election." Meanwhile, George W. Bush invoked his duty to get on with the business of running the country. The rest, as they say, is history.

We are now in the midst of yet another election season. And as November 6 approaches, only one thing is certain: American voters will have no ability to know with certainty who wins any given race, from dogcatcher to president. Nor will we know the true results of ballot initiatives and referenda affecting some of the most vital issues of our day, including fracking, abortion, gay marriage, GMO-food labeling, and electoral reform itself. Our faith-based elections are the result of a new Dark Age in American democracy, brought on, paradoxically, by technological progress.

The spread of computerized voting has carried with it an enormous potential for electronic skulduggery. In 2003, Bev Harris, a citizen sleuth and the author of *Black Box Voting: Ballot Tampering in the 21st Century*, made a

shocking and game-changing discovery: Diebold, then one of the primary manufacturers of voting machines, had left the 40,000 files that made up its Global Election Management System (GEMS) on a publicly accessible website, entirely unprotected. Diebold was never able to explain how its proprietary tabulation program ended up in such an exposed position. Harris downloaded the files, and programmers worldwide pounced, probing the code for weaknesses. "The wall of secrecy," said Harris, "began to crumble."

GEMS turned out to be a vote rigger's dream. According to Harris's analysis, it could be hacked, remotely or on-site, using any off-the-shelf version of Microsoft Access, and password protection was missing for supervisor functions. Not only could multiple users gain access to the system after only one had logged in, but unencrypted audit logs allowed any trace of vote rigging to be wiped from the record.

The public unmasking of GEMS by an average citizen (who was not a programmer herself) served as a belated wake-up call to the world's leading computer-security experts, who finally turned their attention to America's most widely used voting systems. Damning reports have since been issued by researchers from Johns Hopkins, Princeton, Rice, and Stanford Universities, the Brennan Center for Justice, and the Government Accountability Office (none of them institutions hospitable to "tinfoil hat" conspiracy theorists). Experts describe appalling security flaws, from the potential for system-wide vote-rigging viruses to the use of cheap, easily replicated keys—the same kind used on jukeboxes and hotel minibars—to open the machines themselves. In 2005, the nonpartisan Commission on Federal Election Reform, chaired by Jimmy Carter and James Baker, stated unequivocally that the greatest threats to secure voting are insiders with direct access to the machines: "There is no reason to trust insiders in the election industry any more than in other industries."

As recently as September 2011, a team at the U.S. Department of Energy's Argonne National Laboratory hacked into one of Diebold's old Accuvote touchscreen systems. Their report asserted that anyone with $26 in parts and an eighth-grade science education would be able to manipulate the outcome of an election. "This is a national security

issue," wrote the Argonne team leader, Roger Johnston, using the sort of language that would normally set off alarm bells in our security-obsessed culture. Yet his warning has gone unheeded, and the Accuvote-TSX, now manufactured by ES&S, will be used in twenty states by more than 26 million voters in the 2012 general election.

Johnston's group also breached a system made by another industry giant, Sequoia, using the same "man in the middle" hack—a tiny wireless component that is inserted between the display screen and the main circuit board—which requires no knowledge of the actual voting software. The Sequoia machine will be used in four states by nearly 9 million voters in 2012.

Why did a physicist choose to hack into voting machines? "This was basically a weekend project," Johnston told me, expressing his amazement at the meager funding available to examine America's voting systems. "We did it because a lot of people looking at the machines are cybersecurity experts and programmers—and when you have a hammer, everything looks like a nail. They were largely looking at sophisticated, cyber-based attacks. But there are simple physical attacks, as we proved, that are easier to do and harder to prevent."

The voting-machine companies never responded to the Argonne reports. "That's not unusual," says Johnston. "The manufacturers seem to be in denial on some of these issues."

Why the denial? There are at least 3.9 billion good reasons. In 2002, George W. Bush signed the Help America Vote Act (HAVA), offering states $3.9 billion in subsidies to modernize their election administration and equipment, purportedly in response to Florida's hanging-chad fiasco of 2000. HAVA mandated that every polling place provide at least one voting system that allowed disabled people to vote with the same "privacy and independence" accorded to nondisabled voters. Thanks to confusing language in HAVA itself, and even a misleading report issued by the Congressional Research Service, one might easily assume that the mandate called for the purchase of DRE machines. In this way, the blind and visually impaired were unwittingly used as pawns to advance the agenda of the voting-machine industry. One election supervisor claims that Diebold went so far as to send him threatening letters after he sought out less expensive alternatives to service the disabled, even when these machines were compatible with Diebold's systems.

This was not the only deception surrounding the rollout of these electoral Trojan horses. In a 2007 Dan Rather exposé, *The Trouble with Touch Screens,* seven whistle-blowers at Sequoia charged that company executives had forced them to use inferior paper stock for ballots during the 2000 election. What's more, said the whistle-blowers, they had been instructed to misalign the chads on punch cards destined for the Democratic stronghold of Palm Beach County. "My own personal opinion was the touchscreen-voting system wasn't getting off the ground like they would hope," said Greg Smith, a thirty-two-year Sequoia employee. "So, I feel like they deliberately did all this to have problems with the paper ballots."

Such blockbuster allegations are perhaps unsurprising given the group of Beltway insiders who helped to pass HAVA. One central player was former Republican representative Bob Ney of Ohio, sentenced in 2006 to thirty months in prison for crimes connected with disgraced lobbyist Jack Abramoff—whose firm was paid at least $275,000 by Diebold.

HAVA's impact has been huge, accelerating a deterioration of our electoral system that most Americans have yet to recognize, let alone understand. We are literally losing our ballot—the key physical proof of our power as citizens.

Even a former major elections official has heaped scorn upon HAVA's mission. DeForest Soaries was appointed by George W. Bush to head the Election Assistance Commission (EAC), which HAVA created to oversee security standards for new voting devices. Soaries stepped down in 2005, calling his office a "charade" and claiming that he had been deceived by both the White House and Congress. Washington politicians, Soaries declared in a 2006 radio interview, have apparently concluded that our voting system can't be all that bad—after all, it got them elected. "But there's an erosion of voting rights implicit in our inability to trust the technology that we use," he added. "And if we were another country being analyzed by America, we would conclude that this country is ripe for stealing elections and for fraud."

The sheer unreliability of this new technology is only half the problem. The other half is a series of mergers and acquisitions that have further centralized the voting-machine industry over the past decade or so. Election Day is now dominated by a handful of secretive corporations with interlocking ownership, strong partisan ties to the far right, and executives who revolve among them like beans in a shell game.

Bob and Todd Urosevich are hardly household names. Yet the two brothers have succeeded in monopolizing American election technology for decades through a pair of supposedly competing corporations: the Ohio-based Diebold and the Nebraska-based ES&S. The latter was founded by the Urosevich brothers in 1979 and is headquartered in Omaha, where it has an Ayn Rand–flavored corporate address on John Galt Boulevard. It is also, let us recall, the same company that may have won Chuck Hagel his Senate seat.

Diebold became the most infamous name in the industry in 2003, when its CEO, Walden O'Dell, a top fund-raiser for George W. Bush, made a jaw-dropping public promise to "deliver" Ohio's electoral votes to Bush. The following year, California banned Diebold's touchscreen system, and Secretary of State Kevin Shelley blasted the company as "fraudulent," "despicable," and "deceitful." O'Dell stepped down in 2005, right before the filing of a class-action suit that accused Diebold of fraud, insider trading, and slipshod quality control.

Concerned about its tarnished brand, the company removed its label from the front of voting machines. Then Diebold went one step further and changed the name of its voting-machine division to Premier Election Solutions.

In 2009, Diebold, which makes ATMs and other security systems, got out of the elections business altogether, selling Premier to ES&S. Here was a windfall for the Urosevich brothers in more than one sense: Bob had decamped to Diebold in 2002, when the company bought

Global Election Systems, where he then served as president. Todd, meanwhile, remained at ES&S. This cozy arrangement was disrupted by a Justice Department antitrust intervention, which forced ES&S to split ownership of Premier with Dominion, the next big name in election technology. A month later, the deck was shuffled once again with Dominion's purchase of Sequoia.[1]

Between them, Dominion and ES&S now count the majority of American ballots. There are, of course, newer technologies in development, including Web-based voting. This latest innovation is being peddled by the Spanish-owned Scytl, which named Bob Urosevich managing director of its Americas division in 2006.

One would think (or hope) that a private industry entrusted with America's votes would require the highest degree of personal integrity from its employees. As it happens, many of the key staffers behind our major voting-machine companies have been accused or convicted of a dizzying array of white-collar crimes, including conspiracy, bribery, bid rigging, computer fraud, tax fraud, stock fraud, mail fraud, extortion, and drug trafficking.

In 2001, for example, a grand jury indicted Philip Foster, Sequoia's southern regional sales manager, for malfeasance and conspiring to launder money. During the previous decade, he had facilitated a kickback scheme that funneled payments to a Louisiana elections official, who purchased Sequoia equipment while winking at millions of dollars in overcharges. The scheme, which also involved Foster's brother-in-law and fellow Sequoia employee David Philpot, was hardly an advertisement for the company. Yet Foster, who gained immunity for his testimony against the elections official, not only avoided jail time but was promoted to vice president of sales administration and strategies at Sequoia.

One high achiever actually got his start in prison. Jeffrey Dean's vote-by-mail software—developed while Dean was serving a sentence for twenty-three counts of embezzlement—came to dominate the U.S. absentee-voting market. Once out of prison, Dean launched his own ballot-printing company with narcotics trafficker John Elder. They later sold it to Global Election Systems, where, readers will recall, Bob Urosevich served as president and COO, before the company was sold to Diebold.

This leads us to a crazy-making realization. Although many felons (and prior felons) can't cast a ballot in America—an estimated 6 million citizens will be disenfranchised in 2012 due to felony convictions—these particular felons are apparently free to design and manage our entire elections industry.

Since the American Revolution, election fraud has been attempted by every major political party, with frequent intraparty allegations, such as the claim of Ron Paul delegates that the rules were rigged against them at this year's Republican National Convention. To say that Democrats haven't committed their fair share of what were once quaintly called "shenanigans" would be disingenuous. Huey Long was a Democrat, as was virtually every candidate ever floated by Tammany Hall, not to mention Lyndon Johnson—whose election to the U.S. Senate in 1948, according to Robert Caro's *Means of Ascent,* relied on flagrant vote tampering. Still, the main beneficiary of recent trends in election stealing seems to be the American right.

This is no accident. As the twenty-first century unfolds, American politics continues to veer precipitously to the right, even as the demographic base for such a shift—older white conservative males—keeps shrinking. The engine of this seismic movement is a strategic alliance of corporate interests promoted by Rupert Murdoch's News Corp. empire and orchestrated by Karl Rove and the Koch-funded American Legislative Exchange Council. And meanwhile, the American right has in recent years been empowered by a slew of upset victories that range from unexpected to implausible, and that have frequently been accompanied by technical failures and anomalies, which are swept under the rug as rapidly as possible.

In 2002, the G.O.P. regained control of the Senate with such victories. In Georgia, for example, Diebold's voting machines reported the defeat of Democratic senator Max Cleland. Early polls had given the highly popular Cleland a solid lead over his Republican opponent, Saxby Chambliss, a favorite of the Christian right, the NRA, and George W. Bush (who made several campaign appearances on his behalf). As Election Day drew near, the contest narrowed. Chambliss, who had avoided military service, ran attack ads denouncing Cleland—a Silver Star recipient who lost three limbs in Vietnam—as a traitor for voting against the creation of the Department of Homeland Security. Two days before the election, a Zogby poll gave Chambliss a one-point lead among likely voters, while the *Atlanta Journal-Constitution* reported that Cleland maintained a three-point advantage with the same group.

Cleland lost by seven points. In his 2009 autobiography, he accused computerized voting machines of being "ripe for fraud." *Patched for fraud* might have been more apt. In the month leading up to the election, Diebold employees, led by Bob Urosevich, applied a mysterious, uncertified software patch to 5,000 voting machines that Georgia had purchased in May.

"We were told that it was intended to fix the clock in the system, which it didn't do," Diebold consultant and whistle-blower Chris Hood recounted in a 2006 *Rolling Stone* article. "The curious thing is the very swift, covert way this was done.... It was an unauthorized patch, and they were trying to keep it secret from the state.... We were told not to talk to county personnel about it. I received instructions directly from [Bob] Urosevich. It was very unusual that a president of the company would give an order like that and be involved at that level."

Two years later, of course, John Kerry lost the presidency in Ohio. In this key swing state, election monitors were besieged by complaints of G.O.P.-orchestrated voter suppression, intimidation, and fraud. Myriad voting-machine

[1] *At the time of the purchase, Dominion absorbed some key staffers from Sequoia, among them Edwin B. Smith, who now serves as Dominion's vice president of certification and compliance. In 2008, Smith threatened legal action against two computer scientists hired by an association of New Jersey election clerks to examine malfunctioning Sequoia touchscreen machines. The following year, in a farcical conflict of interest, he was appointed to the EAC's Technical Guidelines Development Committee, which helps determine which specific voting machines should be certified for use.*

anomalies were reported, including "glitches" that flipped votes from Kerry to Bush. A phony terror alert in Republican Warren County (the FBI later denied issuing any such warning) allowed officials to move ballots illegally to an auxiliary building and count them out of public view. Presiding over the election was the Republican secretary of state, J. Kenneth Blackwell, a fiercely partisan fundamentalist Christian who also served as co-chair of Ohio's Committee to Re-Elect George W. Bush.

The exhaustive evidence of voting irregularities in Ohio was documented in a 2005 report commissioned by Representative John Conyers, "Preserving Democracy: What Went Wrong in Ohio." At the time of that report, however, a major piece of the puzzle was still missing: the role of G.O.P. computer guru Michael Connell.

Connell was the Bush campaign's chief IT strategist. He was also a zealous anti-abortion activist whose two Ohio-based companies built websites and email systems for the Republican National Committee, Swift Boat Veterans for Truth, and many of the most powerful figures in the G.O.P., including Karl Rove, Jeb Bush, and Jack Abramoff. It was one of Connell's websites that reported the surprising (many say unbelievable) surge of votes in Ohio that handed George W. Bush the White House for the second time.

In 2004, Connell was hired by Blackwell to design a website that would post Ohio election results to the public. Connell's contract also required that he create a "mirror site" that would kick in to display the vote totals if the official Ohio servers were overwhelmed by Election Day traffic. For the latter portion of the job, he turned to SmarTech, a little-known company headquartered in Chattanooga, Tennessee. SmarTech was as partisan as Connell himself, and the company's servers hosted hundreds of high-profile Republican websites (and, later on, an assortment of anti-Obama websites).

Four years later, Ohio attorney (and former Republican) Cliff Arnebeck began gathering evidence to file a racketeering claim against Karl Rove, which included the charge that Rove had masterminded the theft of the 2004 election. "We detected a pattern of criminal activity," Arnebeck told the British journalist Simon Worrall. "We identified Connell as a key witness, as the implementer for Rove." On November 3, 2008, he took a sworn deposition from Connell, who had repeatedly tried to quash Arnebeck's subpoena.

Initially Connell denied any role in choosing SmarTech to host the mirror site. Questioned further, he admitted that he "may have" made use of the Tennessee servers, but denied any knowledge of whether the mirror site had even been activated in 2004. His job, he insisted, was simply to display vote counts, "taking the public results as they are currently being reported and aggregating them into totals."

In fact, the SmarTech site went into action at 11:14 P.M. on Election Day. At this point, Arnebeck believes, the data being routed to Tennessee was used by G.O.P. partisans to target Ohio counties that were ripe for vote tampering. "The SmarTech people may have been guiding the manipulation of paper ballots in places like Warren County," Arnebeck told me.

Others argue that SmarTech's role was far more insidious and involved partisan control of the total vote count. Stephen Spoonamore, an IT specialist (and Republican) who has consulted on cybersecurity for Boeing, MasterCard, the Navy, and the State Department, has studied the electronic "architecture map" used by Ohio during the 2004 election. He speculates that SmarTech might have been able to use Connell's interface to gain access to and modify vote totals. In a sworn affidavit, Spoonamore said that the "variable nature of the story" and "lack of documentation available" would, for any of his banking clients, provoke "an immediate fraud investigation."

Arnebeck hoped to have Connell testify in open court against Rove. But the prospective witness died on December 19, 2008, at age forty-seven, when his single-engine Piper Saratoga, which he was piloting alone, crashed en route from Washington, D.C., to Ohio. The circumstances of his death were viewed with suspicion by his family and close friends and sparked a firestorm of conspiracy chatter on the Internet, but no criminal investigation was launched. Whether Rove and his collaborators orchestrated the electronic theft of the 2004 election will likely never be known. Still, Election Day exit polls make a compelling case that somebody may have been tampering with the presidential vote count, in Ohio and elsewhere.

Late on Election Day, John Kerry showed an insurmountable lead in exit polling, and many considered his victory all but certified. Yet the final vote tallies in thirty states deviated widely from exit polls, with discrepancies favoring George W. Bush in all but nine. The greatest disparities were concentrated in battleground states—particularly Ohio. In one Ohio precinct, exit polls indicated that Kerry should have received 67 percent of the vote, but the certified tally gave him only 38 percent. The odds of such an unexpected outcome occurring only as a result of sampling error are 1 in 867,205,553. To quote Lou Harris, who has long been regarded as the father of modern political polling: "Ohio was as dirty an election as America has ever seen."

The statistically anomalous shifting of votes to the conservative right has become so pervasive in post-HAVA America that it now has a name of its own. Experts call it the "red shift."

The Election Defense Alliance (EDA) is a nonprofit organization specializing in election forensics—a kind of dusting for the fingerprints of electronic theft. It is joined in this work by a coalition of independent statisticians, who have compared decades of computer-vote results to exit polls, tracking polls, and hand counts. Their findings show that when disparities occur, they benefit Republicans and right-wing issues far beyond the bounds of probability. "We approach electoral integrity with a nonpartisan goal of transparency," says EDA executive director Jonathan Simon. "But there is nothing nonpartisan about the patterns we keep finding." Simon's verdict is confirmed by David Moore, a former vice president and managing editor of Gallup: "What the exit polls have consistently shown is stronger Democratic support than the election results."

Wouldn't American voters eventually note the constant disparity between poll numbers and election outcomes, and cry foul? They might—except that

polling numbers, too, are being quietly shifted. Exit-poll data is provided by the National Election Pool, a corporate-media consortium consisting of the three major television networks plus CNN, Fox News, and the Associated Press. The NEP relies in turn on two companies, Edison Research and Mitofsky International, to conduct and analyze the actual polling. However, few Americans realize that the final exit polls on Election Day are adjusted by the pollsters—in other words, weighted according to the computerized-voting-machine totals.[2]

When challenged on these disparities, pollsters often point to methodological flaws. Within days of the 2004 election, Warren Mitofsky (who invented exit polls in 1967) appeared on television to unveil what became known as the "reluctant Bush responder" theory: "We suspect that the main reason was that the Kerry voters were more anxious to participate in our exit polls than the Bush voters." But some analysts and pollsters insist this theory is entirely unproven. "I don't think the pollsters have really made a convincing case that it's solely methodological," Moore told me.

In Moore's opinion, the NEP could resolve the whole issue by making raw, unadjusted, precinct-level data available to the public. "Our great, free, and open media are concealing data so that it cannot be analyzed," Moore charges. Their argument that such data is proprietary and would allow analysts to deduce which votes were cast by specific individuals is, Moore insists, "specious at best." He adds: "They have a communal responsibility to clarify whether there is a vote miscount going on. But so far there's been no pressure on them to do so."

Some argue that the Democratic victories in 2006 and 2008 disprove the existence of the red shift. However, this may be a misinterpretation of complex political upheavals that occurred in each of those election years.

While Democrats won a majority in the House of Representatives in 2006,

[2] *Exit polls, of course, are designed to analyze demographic patterns as well as to predict outcomes. It makes sense to adjust for demographic data, but this process troublingly obscures the raw numbers, masking the often wide distance between exit-poll results and final vote tallies.*

and the White House in 2008, post-election analyses did in fact suggest extensive red-shift rigging. But in both election cycles, these efforts simply failed to overcome eleventh-hour events so negative that they drastically undercut the projected wins for the G.O.P.

In 2006, it was the exposure of Republican representative Mark Foley's sexual advances toward male congressional pages, and the long-standing cover-up of his behavior by G.O.P. leadership. The scandal swirling around the outwardly homophobic Foley broke in a very ugly and public way, engulfing the entire party and causing a free fall in its polling numbers. The Democratic margin in the Cook Generic Congressional Ballot poll, which had been at 9 percent in early October, jumped to 26 percent by the week of the election.

The collapse of Lehman Brothers months before the 2008 elections had a similar effect on John McCain's numbers. Pre-election polls showed that the American public blamed the Republicans for the imploding financial markets. "These political sea changes swamped a red shift that turned out to be under-calibrated," argues Jonathan Simon, who speculates that Barack Obama actually won by a historic landslide, driven by an overwhelming backlash against the policies of the Bush Administration.

By 2010, the electoral map was once again littered with upset victories that tipped the balance of power in America back toward the right. In Massachusetts, it was Tea Party candidate Scott Brown who achieved what the *New York Times* called an "extraordinary upset" in his race for the late Ted Kennedy's seat—and thereby erased the Democrats' filibuster-proof supermajority in the Senate. A little more than an hour after the polls closed on January 19, the Associated Press declared that Brown had defeated Attorney General Martha Coakley, becoming the state's first Republican senator in thirty years.

By most accounts, Coakley, who was initially favored to win, ran a lackluster campaign. And her opponent was riding a wave of populist discontent with the Obama Administration. Yet even Brown's victory, widely predicted by January 19, raised some questions about voting technology. According to the EDA, in all seventy-one locations where ballots were counted by hand under public observation—more than 65,000 ballots in all—Coakley beat her opponent by 2.8 percent. Their analysis also showed that computer-counted communities were more Democratic by registration and historically less likely to support Republican candidates.

In Florida, Rick Scott was elected governor in November after an historically close race with his opponent, Alex Sink. Scott, a millionaire and Tea Party favorite, squeaked through with a 1.15 percent margin of victory, representing just 61,550 votes, after a number of Dominion machines in Hillsborough County failed to upload results. In the wake of what was described as a memory-card glitch, election workers manually rescanned about 38,000 early-voting ballots, without any supervision by the public or the press. Sink, who needed only 35,000 more votes to trigger a mandatory recount, conceded the following day.

Further darkening Florida's electoral atmosphere was Scott's record of legal travails. He had narrowly avoided indictment in the late 1990s for his role as CEO of Columbia/HCA, a private health-care company. HCA eventually admitted to substantial criminal conduct and paid a record $1.7 billion to the federal government. Whistle-blower lawsuits alleged that HCA engaged in a series of schemes to defraud Medicare, Medicaid, and TRICARE, the military's health-insurance program.

Scott left the company unscathed, with a reported $300 million parachute, then spent $73 million of his own money running for office. Two years later, he targeted 180,000 registered voters in an attempt to purge noncitizens from Florida's voter rolls. Many of the state's sixty-seven county election supervisors refused to carry out the purge. Leon County supervisor Ion Sancho called it un-American behavior. "This is an example of partisan manipulation of the process to try to affect the outcome," he told me. "It's sad but true."

In Wisconsin in 2010, the new Tea Party governor-elect, Scott Walker, unveiled a violently corporatist agenda destined for legal challenge—ensuring that the 2011 race for a seat on the Wisconsin Supreme Court would be of crucial importance. The election was ultimately decided by Waukesha county clerk Kathy Nickolaus, who "discovered" 14,300 votes on her computer late on Election Night. This windfall handed the victory to the conservative incumbent, Justice David Prosser, for whom Nickolaus had worked for seven years. Prosser later joined the court's majority in upholding Walker's union-busting legislation, stripping workers of their collective-bargaining rights in the birthplace of the Progressive movement.

There is, finally, South Carolina's 2010 race for U.S. Senate, which Republican Jim DeMint won with 78 percent of the vote. What is mysterious is not the ultimate outcome, but the Democratic primary that preceded it, which tossed up a fairly fortuitous opponent for DeMint: Alvin Greene, an unemployed thirty-two-year-old accused sex offender living in his father's basement.

Greene, often described as "incoherent," ran no campaign: no website, no appearances at Democratic events, not even a yard sign. Yet he miraculously beat his opponent in the Democratic primary, former judge and four-term state legislator Vic Rawl, by an 18 percent margin. Voters and campaign workers reported that the ES&S touchscreen machines "flipped" votes to Greene all day long. Meanwhile, the absentee ballots—which were counted by hand—told a different story. In half of the state's forty-six counties, there was a 10 percent disparity between absentee ballots and those counted by machine; in Lancaster County, Rawl won 84 percent of the absentee vote.

Greene denied accusations (or, some would say, observations) that he was a G.O.P. plant, while declining to explain where he got the $10,400 needed to file as a candidate. Rawl lodged a formal protest and requested a new primary. That was quickly knocked down by the executive committee of the South Carolina Democratic Party—and DeMint sailed to a rout in November.

In the weeks following the South Carolina spectacle, the press engaged in round after round of analytic Twister, avoiding the most obvious question: Had another extremist just gained federal office on the basis of a rigged

election? Their silence, however, was nothing unusual.

In his 2011 paper "To the American Media: Time to Face the Reality of Election Rigging," Jonathan Simon accuses the press of maintaining a Mafia-style *omertà* on the subject. "The gruesome truth," he writes, "is that American elections can be rigged, and are being rigged, because the American media treats election rigging as something that—all evidence notwithstanding—could never happen here."

Few people know this better than NYU professor Mark Crispin Miller, whose books *Fooled Again* and *Loser Take All* document a wide assortment of G.O.P. vote-stealing tricks in every major election from 2000 to 2006. When the books were published, he told me, "I got no interviews and almost no reviews, despite the wealth of evidence I'd gathered. The corporate media was silent. But the left-wing press was hostile."

Indeed, his colleagues on the left seem most reluctant of anyone to grapple with the concept of large-scale election tampering. "I know Michael Moore, Noam Chomsky, Rachel Maddow," Miller says. "I've tried for years to get them to concede that possibility, but they won't do even that. There's clearly a profound unease at work. They just can't go there."

Why? No doubt the fear of being branded a conspiracy theorist inhibits many—that term having long served as a cudgel to suppress discussion of all sorts of crimes against democracy. As Miller puts it, "There is no more exquisite method of silencing dissent, or shutting down inconvenient inquiry, than to charge someone with conspiracy theory."

Like their counterparts in the media, Democrats in office today appear unwilling to defend what matters most. They stand in complicit silence as improbable results are spat from the innards of unaccountable voting machines.

"For Democratic legislators and candidates, openly questioning the integrity of American democracy feels like committing political suicide," says Ben Ptashnik. A former Vermont state senator, Ptashnik ran for office in 1996 specifically to spearhead the state's Clean Elections Act—whose provisions were largely struck down by the U.S. Supreme Court nearly a decade after its passage. Ptashnik believes that election rigging remains an untouchable phenomenon in American politics. "Very few leaders are willing to fight it, which is probably why Kerry backed off in 2004. But the evidence is piling up. Democrats have to get their heads out of the sand and realize we're looking at our worst nightmare: Karl Rove's projected forty-year G.O.P. dynasty."

Ptashnik speaks with particular bluntness about the state of American democracy. "Today, Karl Rove and the Koch brothers are pushing a corporatist, anti-union agenda," he says, "cynically allying with anti-immigrant nativists and Christian fundamentalists." He compares the situation to that of Germany during the 1930s, when anticommunism drove industrialists and much of the working class into the arms of fascism.

It is Germany, however, that has now become the standard-bearer for clean elections. In 2009, that nation's constitutional court upheld the basic principle of the public nature of democratic elections. By ruling that the vote count must be something the public can authenticate—and without any specialized expertise—the decision directly challenged the use of computers in elections.

Ireland followed suit in June 2012, sending all its electronic voting machines to the scrap heap. Minister for the Environment Phil Hogan called the computerized voting system a poorly conceived, scandalous waste of money and said he was "glad to bring this sorry episode to a conclusion on behalf of the taxpayer."

The November elections will be a watershed for American democracy. A handful of contested Senate seats stand between a right-wing juggernaut and a moderate-progressive counterforce. A few battleground states—notably Florida, Ohio, Virginia, and Wisconsin—hold the key to the presidential election, which may determine the ideological balance of the Supreme Court for decades to come.

Mitt Romney is regarded tepidly by the right wing of his own party. His Mormon faith and the moderate positions he took as governor of Massachusetts have limited his ability to rally the activist base. Consequently, even a weakened Obama may prove too powerful an incumbent to rig out of the White House.

But if the Republicans gain complete control of Congress, they can probably render Obama toothless for his second term and blame him for the economic upheavals that are sure to come in the next four years. Their focus, then, will probably be on the Senate, where Democrats still hold a precarious edge.

No matter how cynical we may have become about our elections, doing nothing to secure an accurate vote count is not an option. It may be too late to completely prevent vote rigging in the 2012 election. But the spotlight of increased public scrutiny may deter the most brazen acts of fraud—and perhaps dissuade those who believe that shifting votes by minuscule percentages in the electronic dark will go unseen.

Where paper ballots still exist, we can demand that local election clerks allow them to be counted by hand before they leave the precinct. Organizing citizen volunteer groups to count them may be necessary. Sheila Parks, who founded the Center for Hand-Counted Paper Ballots, has also urged citizens with legal standing to file injunctions to impound ballots, memory cards, and even voting machines after the polls close. "This prevents tampering with any of these items after an election," she told me, "and gives us access to them with a secure chain of custody."

Staring at the outside of a black-box voting system and attempting to detect fraud, however, will not ultimately produce clean elections. It is an exercise in futility if we do not take the next steps now. In preparation for the 2014 election, we must demand that our representatives pass comprehensive election reform, including publicly financed races and a secure, transparent vote count. A privatized, secret ballot count must be viewed as a violation of our civil rights. Once that principle is clear, as it is now in Germany and Ireland, the rest will naturally follow. If we the people do not feel the outrage, or lack the courage to fight for this most basic right of American self-governance, who will? ■