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Black Box Voting

Ballot Tampering in the 21st Century

By Bev Harris

with David Allen

Edited by Lex Alexander

Cover Art by Brad Guigar

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Dedication

First of all, thank you Lord.

I dedicate this work to my husband, Sonny, my rock and my mentor, who tolerated being ignored and bored and galled by this thing every day for a year, and without fail, stood fast with affection and support and encouragement. He must be nuts.

And to my father, who fought and took a hit in Germany, who lived through Hitler and saw first-hand what can happen when a country gets suckered out of democracy. And to my sweet mother, whose ancestors hosted a stop on the Underground Railroad, who gets that disapproving look on her face when people don't do the right thing.

And to the kids, Megan and CJ and David IV and of course, Casey, who supplied me with constant encouragement and located some hackers to provide a point of view. And Erika, the nosiest child on earth, who grew up to become a reporter for a major news outlet, for telling me, "Mom, that is not a story. You have to prove it." And when I did prove it, for saying "This is good, Mom, but it's B-section. Get some more if you want it on A-1."

— Bev Harris

“What’s being done to ensure that computerized voting systems are trustworthy? ... Bev Harris, author of the book “Black Box Voting,” is the godmother of the movement.”

— Hiawatha Bray
The Boston Globe

“Bev Harris ... found Diebold software – which the company refuses to make available for public inspection, on the grounds that it’s proprietary – on an unprotected server, where anyone could download it...This in itself was an incredible breach of security...Why isn’t this front page news?”

— Paul Krugman
New York Times

“Worried about computerized democracy? You should be. You may have already voted in 2004 — they just haven’t yet told you whom you voted for. Bev Harris gives you the real skinny on the Gatesification of our ballot box.”

— Greg Palast
Author, “The Best Democracy Money Can Buy”

“This book is already required reading for people to learn about electronic voting, in my opinion.”

— Dr. David Dill
Stanford University Computer Science Professor

* * * * *

Black Box Voting: “Any voting system in which the mechanism for recording and/or tabulating the vote is hidden from the voter, and/or the mechanism lacks a tangible record of the vote cast.”

The term “Black Box Voting” was coined by David Allen, who also contributed approximately 11 pages of the 239-page text. *ITAA meeting:* Author Bev Harris obtained info on the meeting from her sources and gave Allen the time, phone number and password. Allen taped the meeting, and provided the detailed notes in Chapter 16. Harris provided the ITAA document quoted in Chapter 16. Harris and Allen co-wrote the commentary on the meeting. Allen wrote part of the 2-page Internet voting section, and contributed his proposal for an open-source solution, and comments on a Talbot Iredale memo in Chapter 13: Volusia County. All research and writing for the remaining 228 pages is by Bev Harris with the help of 75 sources, 22 of whom are computer professionals.

Introduction

When we started digging around on this story, we expected to find the odd body part or two. Little did we know, we were digging in a graveyard. Suddenly, the dead bodies were piling up so fast that everyone was saying “Enough, enough we can’t take any more!”

This book was originally designed to be a handy little activism tool, an easy-to-understand introduction to the concept of electronic voting risks. It was to contain a history, interviews, and a discussion of theoretical vote-rigging. But as we were plugging along, researching the subject, it got a little too real — even for us.

C’mon over. No time to waste. We have a democracy to defend.

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1

I Will Vote

Anthony Dudley, a mulatto from Lee's Mill, North Carolina, believed that he was undereducated. He had a vision in mind for his children: They would become educated — all of them — and one day they would vote.

His country was struggling to recover from a war that had ripped the North from the South, forcibly rejoined them and ordered the Emancipation Proclamation. Now it was trying to decide what to do about voting rights for freed black citizens. Reconstruction Acts ordered voting rights for African-Americans in the South but not the North. The border states wanted nothing to do with black voters.

When the Fifteenth Amendment became part of the Constitution on March 30, 1870, guaranteeing black suffrage in all states, Anthony figured all that remained was to make sure his children got an education.

Anthony's children learned to read and write so well that they looked up the traditional spelling of their own name and changed it to "Dudley," and they also discovered that voting was not as guaranteed as the Constitution promised.

Politicians clashed over the rights of former slaves. Vigilante groups like the Ku Klux Klan found ways to prevent black citizens from voting. Will Dudley, one of Anthony's children, vowed that *his* children would go to college, and by golly, they were going to *vote*.

Will was not an affluent man, but he was a man of conviction, and all nine of his children went to college. Eight of them got their degrees. Will's third child, David, noticed something that caused him to put college life on hold. Around election time in Greensboro, North Carolina, black folks had become so intimidated that they often just locked the door and stayed home on Election Day. Even registering to vote could get you on the "list," and you might get a visit in the middle of the night.

A singular goal took over David's life, and he dropped out of college to drive all over North Carolina, persuading African-Americans to vote.

"We must have the courage to exercise this right," he said. "If we don't vote, we can never truly be a free people." David preached voting and the value of a good education until the day he died.

Jerome Dudley was David's youngest son, and he became the most pissed-off Dudley when it came to voting. It was 1964, nearly 100 years since Anthony had pinned his hopes on the Fifteenth Amendment, and people still were being cheated out of their votes.

The cheating took various forms. Sometimes "challengers" were posted at the voting locations, demanding answers to questions like, "Who was the 29th president of the United States?" before allowing citizens to vote. Sometimes a poll worker would tell you to step aside and let the "regular Americans" vote.

Jerome became student body president at North Carolina A&T State University, leading demonstrations to integrate schools and fighting for voting rights.

It was in this climate that Jerome's nephew was raised. Sonny Dudley spent his younger years projecting his voice in community theater; when he becomes passionate about a topic, he bellows so dramatically that he shocks everyone.

"I will vote for who I want, and no one's gonna stop me," he announced. He said it loud and said it proud, and then Sonny cast his very first vote, for Eldridge Cleaver.

This is the man I married, now 53 years old, a great, gentle bear of a family man. We watched the bizarre 2000 presidential election together, and while I ranted about the disenfranchisement of the Florida voters, Sonny just sat there with a quizzical look.

"But look what they are doing!" I said. "These are violations of

their right to vote!”

“Oh, they’ve always done that,” he said quietly. “You just notice it because now they’re playing games with the white folks, too. How’s it feel?”

Not too good.

Two years later, something made me stay up all night.

“I just got curious,” I told Sonny. “There’s this article by a writer named Lynn Landes that says no one knows who owns the voting-machine companies. I did some research and found out that one of the owners is a Republican senator who is running for office right now. Does that seem right?”

“Heck, no!”

So I wrote it up and posted it on my Web site, along with corporate papers and financial documents. A few days later I got a certified letter from lawyers for Election Systems and Software (ES&S), demanding that I remove information about ES&S ownership from my Web site.

Well yikes. Does *this* seem right?

Heck no, so I sent copies of the ES&S cease-and-desist letter to 3,000 reporters. Then it occurred to me that it might be a good idea to mention it to my husband.

“We can’t afford a lawyer, you know,” I said. “We might lose the house. Maybe I shouldn’t have done that.”

“It was Christmas,” said Sonny, “and my son David was six months old.” He speaks slowly and with great flourish, and it gets me impatient when he goes off on these tangents. “I was so broke that all I had in the refrigerator was a jar of pickles.” He added a long pause for effect. “I went out in the back yard and cut a branch off a tree and decorated it.” His voice softened. “Now what’s the problem?”

He stood up, towering over me.

“My people *died* for the right to vote,” he boomed. “I will vote for who I want, and *no one’s* gonna stop me.”

But I have a question: Can we trust these machines to let us vote for who we want?