

PLRC *Pacific Life Research Center*

631 Kiely Boulevard * Santa Clara, CA 95051 * Phone 408/248-1815

PLRC-061212

Last updated 12 December 2006

UNDERSTANDING THE “WAR ON TERRORISM”: MANIPULATING ELECTIONS Part-4: The 2006 Election¹

Compiled by Bob Aldridge

There has been a rush by some to celebrate 2006 as a fair election, but a democratic victory does not equate with a fair election. It's wishful thinking at best to believe that the danger of massive election rigging is somehow past.

– Jonathan Simon, 16 November 2006²

The months, and then the weeks, and then the days leading up to November 7th were filled with apprehension. Election day 2006 was expected to be rife with fraud and manipulation. All 435 seats in the House of Representatives were up for re-election as well as 33 Senate seats. Democrats had to gain 15 seats in the House and 6 in the Senate to gain control. A third of the 172 million registered voters across the country feared their vote would not be counted, according to a late-October Gallup poll. About 32% of those casting a ballot will do so on new and unfamiliar computer voting machines at polls where the workers are understaffed and improperly trained. Only rudimentary federal rules standardize voting procedures whereas a mish mash of varied and conflicting state laws confuse the entire procedure.

Post-election litigation was expected to be higher than any previous election and, as I will

¹This paper is part of a series on understanding why we are fighting terrorism. There is nothing new in it that hasn't been published elsewhere, and of course the coverage is not comprehensive. The purpose of this paper is to compile some pertinent information together so that a pattern can be seen. BA

²EDA Press Release, 16 November 2006. Jonathan Simon, co-founder of Election Defense Alliance (EDA), is an attorney whose prior work as a polling analyst with Peter D. Hart Research Associates helped persuade him of the importance of an exit poll-based election “alarm system.”

explain below, it even started before the election. Meanwhile, both major political parties were amassing thousands of lawyers to observe the voting and answer banks of phones on election day. The Democrats said they wanted to prevent long lines and make sure unnecessary identification is not required so that every qualified voter has a chance to vote. The republicans said they wanted to ascertain that proper identification is shown so ineligible voters don't try to vote.

Lawyers from the NAACP, the Lawyers Committee for Civil Rights Under Law, and the People for the American Way Foundation set up a national hot line to report problems and provide information to both voters and poll workers. "In 2004, a similar hot line fielded more than 200,000 calls and created a database of about 40,000 problems."³ Now let me move on to pre-election and primary election events.

PRE-ELECTION CONFUSION AND PRIMARY PROBLEMS

Media reports indicated the GOP was focusing its efforts on not losing control of the Senate. Missouri, Virginia, and Tennessee were viewed as the crucial states. In an effort claimed to be part of election reform but in reality skewed toward making voting harder for the poorer and minority people – those most inclined to vote democratic – many states have passed tougher voting laws. In addition, absentee voting has taken on new dimensions.

Absentee Voting.

In California, 44% of the voters in the general election were expected to vote by absentee ballot – up from 3% in 1964. If that can be construed as a national trend then a hefty majority of voters in this country will soon be mailing in paper ballots to vote. Oregon voters mandated a law in 1998 requiring all voters in primary and general elections to submit their ballots by mail. Maryland's governor has called touch voting machines unreliable and urged the use of absentee ballots. In 2006, there were 29 states which have made voting by mail readily available for anyone. The other 21 and the District of Columbia restrict absentee ballots to only those who cannot go to the polls.

Those who distrust the new voting machines have chosen the paper ballot of absentee voting as safer. Nevertheless, there are still risks of fraud. First of all, they are tallied by an optical-scan computer which, as I pointed out in a previous paper, can be rigged for vote manipulation in various ways. Then there is the possibility that absentee ballots for one reason or another can be deemed invalid, or spoiled. If they are damaged in such a manner that the machine can't read them they may be simply spoiled or may be reconstituted according to the whims of whomever is doing the job. Also, since absentee voters are not required to show identification, as is now necessary at the polls in some states, some critics say this is an avenue to cheat.

³Urbina, 19 October 2006.

There is also the risk of relying on the postal service. The general requirement is that absentee ballots must be received by election night. That is “received,” not “postmarked.” Mailing a ballot too near election day may mean it won’t get there in time, and be discarded. Or the mail may be slow, as often happens, and the vote won’t count. Incorrect postage could also delay the ballot. Although the US Postal Service’s stated policy is to deliver absentee ballots even if they lack sufficient postage, that rule is not always followed. For instance, in Columbus, Ohio democratic lawyers tried to persuade postal officials to deliver thousands of absentee ballots that did not have sufficient postage. The Postal Service on October 30th directed every post office in the nation to deliver absentee ballots even if they lack sufficient postage.

In past elections, even after taking weeks and even months to request and submit paper ballots, overseas military votes have had a huge rejection rate of 25%. Voting by military personnel overseas is even more dicey in 2006. In trying to minimize rejection and streamline the system, the Pentagon is now allowing voting by e-mail or fax – with all their susceptibility to interception and tampering. Thirty four states accept ballots by fax but only 8 accept e-mail. Service men and women from the other states must, presumably, go through the cumbersome and time-consuming process with paper ballots.

To submit absentee ballots to states receiving faxes, since faxes are hard to find overseas, soldiers can send an e-mail ballot to the Pentagon for conversion into a fax. But here the secrecy issue is raised even further because the Pentagon forwards these ballots to a private contractor – Ecompex of McLean, Virginia – for conversion. If one can judge from the political donations of top Ecompex executives, that company is skewed toward the republican party. Ecompex did not respond to correspondence from the the media on its procedure for insuring ballot privacy.

Critics put forth three main problems with the manner military officials handle fax and e-mail ballots: 1) soldiers are not warned of the privacy and tampering risks, 2) they are required to waive their rights to a secret ballot, and 3) they are not told their ballots e-mailed to the Pentagon are forwarded to a private contractor with possible republican leanings. In addition, an August 2006 internal Pentagon review of the fax/e-mail system found “significant concerns. ... E-mail traffic can flow through equipment owned and operated by various governments, companies and individuals in many different countries. It is easily monitored, blocked and subject to tampering.”⁴ Security specialists cite the same problems with faxes.

Douglas Jones of the University of Iowa said; “I can’t for the life of me figure out how the Defense Department decided this is the right thing to do.”⁵ David Wagner, associate professor of computer science at the University of California in Berkeley, called the fax/e-mail voting even worse than voting via the internet which the Pentagon experimented with and discarded in past years because it was impossible to keep on-line ballots from being altered or erased.

⁴Quotation cited in Ackerman, 28 September 2006.

⁵Quotation cited in Ackerman, 28 September 2006.

Provisional Ballots.

The Help America Vote Act (HAVA) of 2002 mandates that if found ineligible for any reason by poll workers, a voter “shall” be notified of the right to cast a provisional ballot. That is to make sure every eligible voter can vote even if there is a mistake in the voter list or election officials disqualify a person for any other reason. A provisional ballot is one that is supposed to be counted if, after investigation, voting officials find that the person is indeed qualified.

However, merely casting a provisional ballot is no assurance that it will be counted. HAVA charges state election officials with “prompt verification” of provisional ballots with follow-up to notify voters – through internet or telephone network – if their ballot was validated. However, vague language in the law gives local and state officials wide latitude. “A study commissioned by the federal government found that some 675,000 provisional ballots cast during the 2004 general election were not counted,” and that the chief reasons for rejection included not being on the registration list, casting the ballot in the wrong precinct, inadequate identification, and the ballot not being completed.⁶ Another survey conducted for the Election Assistance Commission found that HAVA was vague about where a provisional ballot can be cast. “In 2004 researchers counted that in 25 states, provisional ballots were disqualified if not cast in the voter’s ‘home precinct’.”⁷ This problem multiplies as more counties and states use the so-called consolidated polling places where several precincts share one large area or building. This seems most prevalent in the poorer and minority districts which tend to vote democratic. On the other hand, there are 18 states which recognize provisional ballots cast from any precinct.

Voter Identification Laws.

Voter ID laws in many states had already caused confusion during primary elections and early voting in the 2006 general election. Governor Mark Sanford of South Carolina had to leave and come back with identification. Robin Carnahan, the secretary of state and chief of elections in Missouri, and also a democrat who opposed the republican-sponsored voter ID law, was asked for a photo ID.⁸ After explaining three times that the ID law had been struck down in court, she was finally allowed to vote without showing identification. In Indiana, US Representative Julia Carson, a democrat, was challenged when she used her congressional card for identification. That state requires a photo ID issued by the state or federal government and with an expiration date. Hers was for the 109th Congress but didn’t give the date that session would end. After the poll worker called a supervisor, Carson was allowed to vote.

⁶Komp, 2 November 2006.

⁷Komp, 2 November 2006.

⁸Robin Carnahan is the daughter of the late Missouri Governor Mel Carnahan, who died in a suspicious airplane crash while campaigning for a US Senate seat in 2000.

If officials and politicians are prevented from voting because of voter ID laws, even when struck down by a court, one must wonder about the ordinary people and those more easily intimidated. As Robin Carnahan stated: “I’m guessing this may be happening in other parts of the state.”⁹

About a dozen states have enacted voter ID laws. They are being challenged in Arizona, Georgia, Indiana, and Missouri. The Missouri supreme court upheld a lower court’s ruling that threw out the state’s voter ID law. Indiana has the toughest one. Virginia requires identification but not necessarily a photo. Maryland and the District of Columbia require first time voters who registered by mail to show identification. Georgia’s photo ID law has been suspended by a federal court while litigation is underway. Arizona’s voter ID law is being challenged in federal courts but the Supreme Court allowed for some identification and proof of citizenship while the lawsuit is pending. Indiana’s law, which is being contested in court, provides for free state ID cards but those require an official birth certificate and other documents. The US Supreme Court also allowed Arizona’s photo ID law to be enforced while a constitutional challenge is being litigated.

On 20 September 2006 the House of Representatives passed H.R.4844, The Federal Elections Integrity Act of 2006, which a *New York Times* editorial labels “onerous new voter ID requirements.” Effective in 2008, if this became law, voters would have to show photo ID to cast a ballot. In 2010 the requirements would stiffen to something like a passport, driver’s license, or non-driver identification that shows proof of citizenship. The rationale behind this bill – to deter vote fraud – is a phony argument because there are no grounds to believe that large numbers of people show up at the polls pretending to be someone else. “The actual reason for this bill is the political calculus that certain kinds of people – the poor, minorities, disabled people and the elderly – are less likely to have valid ID.”¹⁰ In other words, it will be the same practice of disenfranchising those who are more likely to vote democratic. The bill went to the Senate on 21 September 2006 where it was not immediately acted upon before adjournment.

Voter Data Bases and Voter Purges.

HAVA also required that statewide voter databases be compiled by 1 January 2006, supposedly to streamline voting procedure but also opening the door to voter disenfranchisement. New York University’s Brennan Center for Justice conducted a national survey on these new databases in March 2006. The method of consolidating the many voter rolls into the statewide database, the study showed, was haphazard and could wrongfully remove many people. Most states have not standardized the database procedure through legislation and it is hard to determine what actually happened amid the flurry of activity to meet the deadline.

Washington state did codify its database with a “no-match, no-vote” requirement. Matching is

⁹Quotation cited in *CNN.com*, 7 November 2006.

¹⁰*The New York Times* editorial, 21 September 2006.

done automatically by computer. It means that if names on the voter rolls for the various counties are not on the motor vehicle or social security databases, they will be automatically purged from the statewide voter database. It will be up to the purged person to clear up the discrepancy. This “illegal precondition to registering voters” in Washington caused the Brennan Center in May 2006 to challenge the law. Plaintiffs in the case charged: “This brand new bureaucratic obstacle to voter registration will illegally disenfranchise thousands of eligible Washingtonians. Matching personal information in different databases is an error-prone process that is notoriously unreliable in the elections context.”¹¹ They pointed out that simple typos and misspellings, absence of a middle initial, hyphenated last names, and Asian names where the surname is listed first, could result in a failure to match. In addition is the common occurrence where a woman may be listed by her maiden name on one list and her married name on another. The judge agreed with the plaintiffs and temporarily blocked the law while the lawsuit proceeded. Some states, including California, with similar laws corrected theirs. The *Los Angeles Times* reported that “43 percent of the people who registered to vote in Los Angeles County during the first quarter of 2006 were deemed ineligible by the state’s new database system.”¹²

Nevertheless, some states still use the “no-match, no-vote” principle. Others, such as Ohio, leave it up to the counties to purge ineligible voters from the statewide database. Voting rights attorneys in Ohio filed a lawsuit in October 2006 because “recently, hundreds of thousands of voters – mostly urban apartment dwellers (likely black) and students – who are primarily democratic – were sent notifications that they would be purged from the eligible voter lists if they did not respond to the letter.”¹³ The letter, however, seemed to be especially designed to look like advertising junk mail, which was likely to be casually discarded. Although most assuredly designed in the Secretary of State’s office, these letters were mailed from the individual counties just before the deadline for registration to vote. This technique also severely complicated litigation by having to sue 88 boards of election and face 88 county prosecutors.

HAVA does require “purging” or “cleansing” of names of people who have died or moved away. This can raise problems if not done carefully. In Kentucky the cleansing removed 8,000 voters from the database. When the attorney general of that state sued the secretary of state, the judge discovered that the system used had a 10% error rate – hundreds of eligible voters were purged.

According to a lawyer with the Brennan Center, the big problem “is that most of this happens out of public light. There’s very little publicity behind voters purged and very little disclosure of the lists being used ... Without someone double checking the work that’s been done, triple checking, it’s possible that entirely benign mistakes can end up disenfranchising eligible voters.”¹⁴ How many were

¹¹Quotation cited in Komp, 2 November 2006.

¹²Komp, 2 November 2006.

¹³Kall, 18 October 2006.

¹⁴Quotation cited in Komp, 2 November 2006.

actually disenfranchised in the 2006 general election, and how that would have affected the election results, will probably never be known.

Another hazard of the central database is vulnerability to hacking. Illinois also showed voted social security numbers on its database which opens another vulnerability – identity theft. In October 2006, Bob Wilson, an official of the non-partisan Illinois Ballot Integrity Project, told ABC News that they hacked into Illinois’ database of 1.35 million people. He pointed out that a hostile hacker could have changed everyone’s status to “inactive,” thus preventing them from voting. “Or we could’ve changed the information on what precinct you were in or what polling place you were supposed to go to,”he said. “So there were ways that we could potentially change the entire online database and disenfranchise voters throughout the entire city of Chicago.”¹⁵ The Chicago Election Board downplayed the event. A spokesperson claimed the website only links to a copy page, not the actual database. He also said the election board was making arrangements to remove social security numbers which were erroneously included when the database was compiled. Wilson countered that this was only one entry point into the database and there were possibly many more.

Exit Polls.

In the 2006 election, as in the past, five news networks (CBS, NBC, ABC, CNN, and Fox) and the Associated Press have formed a media consortium to conduct exit polls called, again, the National Election Pool (NEP). But the states that gave George W. Bush the White House in 2000 (Florida) and 2004 (Ohio) seemed determined to prevent exit polls from functioning effectively this time.

Regarding Ohio, the NEP contested a 2004 verbal directive by Secretary of State Kenneth Blackwell (who was also running for governor in 2006) that outlaws conducting exit polls within 100 feet of a voting station. On 10 October 2006, US District Judge Michael H. Watson declared such a restriction unconstitutional because it violates the press’ rights under the First Amendment, and granted a temporary injunction for this year until Blackwell could order a new directive.

Three days after the court ruling, Blackwell established new guidelines which the NEP defined as vague and confusing with conflicting language. A new lawsuit filed October 23rd argued that these guidelines should be scrapped because: “The October 13th directive deliberately flouts this court’s judgment, decree and injunction and is a direct affront to this court’s authority.”¹⁶ Plaintiff attorney Richard Goehler added: “Given the whole history of the case, how this directive issued on October 13th was written essentially frustrates the entire purpose of the case from the beginning, which was to clear

¹⁵Quotation cited in Tapper and Abrahams, 23 October 2006.

¹⁶Quotation cited in Smyth, 24 October 2006.

up the matter of whether the exit polling could take place.”¹⁷ He asked Judge Watson to specify language allowing exit polling and have it posted at all polling places.

In Florida, a federal judge ruled in 1988 that a state law prohibiting exit polling within 150 feet of a voting booth was unconstitutional. Florida amended the law removing a specific distance but disallowing exit polling where it would obstruct voter access. Then in 2005 the state passed a law which prohibited exit polling, among other activities, within 100 feet of a voting booth. On October 11th, encouraged by the Ohio ruling the day before, the NEP filed a lawsuit with the US District Court in Miami contesting the constitutionality of the 100-foot exclusion range. About 40 Florida polling stations had been chosen for exit polls.

The lawsuit contends that such restrictions violate the media’s rights under the First Amendment. It says that statistical accuracy deteriorates with distance because data about voter behavior becomes more unreliable. Also, voters may disappear into a crowd and representative polling is not accomplished. US District Court Judge Paul C. Huck agreed and, upon finding that exit polls are not disruptive or threatening, threw out the Florida law.

On that same day as the Florida filing, the NEP filed a similar suit in Las Vegas. Nevada has had a law for decades making it illegal “for any person to solicit a vote or to speak to a voter on the subject of marking his ballot” within 100 feet of a polling place.¹⁸ In the past, however, that law had not been enforced for exit polls, and there have been no complaints from election workers. The NEP was apparently concerned that the law might be enforced in 2006.

Successful litigation allowed accurate exit polls to be taken on November 7th. That was one step toward assuring a fair election. But there were other means of preventing certain members of our society from casting a ballot.

Voter Intimidation and Deception.

Many people are unwary and easily confused. Others are subject to intimidation. Some political workers tend to exploit these conditions which seem to prevail mostly in poorer and minority areas – that is, in precincts which tend to vote democratic.

One means of confusion and intimidation is with telephone calls. Announcing a change in polling booth locations is common. Virginia, New Mexico, and Ohio reported a series of phone calls fraudulently notifying voters of a changed location for voting.

Virginia, particularly, attracted national media attention when Jean Jensen, secretary of the state board of elections, said attempts of voter suppression were widespread in heavily democratic and

¹⁷Quotation cited in Associated Press, 24 October 2006.

¹⁸Quotation cited in Associated Press, 11 October 2006.

African American precincts. She called them “a pattern of dirty tricks being employed to confuse and frustrate voters from exercising their right to vote tomorrow.” Besides sending them to wrong polling places, there were also threats of arrest – purportedly from the Elections Commission – if people try to vote, because they are registered in another state. In some areas fliers were passed out telling people to “Skip the Election.”¹⁹ This activity prompted the state democratic party counsel, Jay B. Myerson, to issue a written statement accusing the republican party of trying to suppress votes for James H. Webb, the democrats’ senatorial candidate. Myerson said: “We’ve seen this tactic before, and it is about time the republicans learned it will not work.”²⁰

In California’s Orange County, Vietnamese immigrant Tan D. Nguyen was running against Representative Loretta Sanchez, a democrat, in the 47th Congressional District. A letter written in Spanish was sent to some 40,000 registered democrats, saying: “You are advised that if your residence in this county is illegal or if you are an immigrant, voting in a federal election is a crime and could result in jail time.”²¹ Adult immigrants who have become naturalized citizens can, of course, legally vote. Nguyen blamed the letter on a campaign worker who he subsequently fired.

Inaccurate sample ballots were passed out in Maryland. They described republican Governor Robert L. Ehrlich Jr., running for reelection, and republican US Senate candidate Michael S. Steele as endorsed by democrats. An unwary democratic voter, using this fake sample ballot as a guide, would cast their ballot for republicans. One of the people passing out these “official voter guides” said he was recruited at a homeless shelter in Pennsylvania and a bunch of them – almost all poor and black – were bussed into Maryland. They were given T-shirts and hats, imprinted with the Ehrlich logo, and paid \$100 plus two meals for the day.

Robocalling And Push Polls.

In the week prior to November 7th, a telemarketing technique called robocalling – i.e. using pre-recorded, computer-generated messages – was started to reach masses of democratic voters. Designed to create anger against democratic Senate or House candidates, they were stepped up 10-fold in the last days and directed towards states where democrats were leading in the polls. The calls typically begin by offering some information about the democratic candidate. If recipients hang up immediately they think it is the democrat who is harassing them. If they listen on, they hear of all the perceived wrongs about that candidate, which also might influence their vote.

Besides being deceptive and harassing – calls at inconvenient times of day and repeated re-calls

¹⁹Quotations in the paragraph cited in *American Chronicle*, 6 November 2006

²⁰Quotation cited in Shapiro, 7 November 2006.

²¹Quotation cited in Associated Press, “Schwarzenegger Calls Immigrant-Threat Letter a ‘Hate Crime’,” 21 October 2006.

if the recipient hangs up – they are also said to be illegal. On election evening, democratic Congressmen John Conyers and John Dingel sent a complaint to Attorney General Alberto Gonzales and the heads of the Federal Election and Communications Commissions, saying: “We write to demand an immediate investigation concerning allegations of ... possibly illegal pre-recorded phone calls designed to confuse voters in Tuesday’s election. These misleading calls are made late in the evening or during the night, in an effort to generate anger at the democratic candidate, who is in no way associated with the harassment. In fact the calls are being funded by the National Republican Campaign Committee, which has reportedly provided more that \$600,000 to fund this deception.”

The letter continues: “Section 441h of the Federal Election Campaign Act provides that no agent of a federal candidate shall ‘fraudulently misrepresent himself or any committee or organization under his control as speaking or otherwise writing or acting for or on behalf of any other candidate or political party.’ Section 441d(d)(2) specifies that communications must provide a statement as to the party responsible for it, and the campaign finance laws generally prohibit fraudulent and deceptive activities.”²² Conyers and Dingell then suggest that some state laws may also have been violated, such as New Hampshire requiring observance of the federal Do-Not-Call registry.

One firm said to be “behind tens of thousands of annoying telephone calls in at least 10 hotly contested districts” is Feather, Larson & Synhorst DCI.²³ According to Sourcewatch.org, this firm “has been one of the largest corporate recipients of funds from the Republican National Committee in 2004,” and “has close ties to key White House advisor Karl Rove and others in the GOP.”²⁴

A more sophisticated telemarketing ploy used prior to November 7th is called the push poll. These are automated calls which ask a series of questions, but the computer picks each question according to the answer given the previous one.

New York Times journalist Christopher Drew explained how Push Polls work: “During the automated calls, which usually last about a minute, the moderator first asks whether the listener is a registered voter or which candidate he favors. Voters receive different sets of questions depending on how they answer. The system then asks a series of ‘yes’ or ‘no’ questions about different issues, and each answer guides the system forward.”²⁵ Drew then offers as an example the close Montana senatorial race between republican incumbent Conrad Burns and democratic challenger Jon Tester. If a person answers yes in agreeing that liberal-leaning judges go too far, the system then goes to the appropriate question that favors Burns over Tester: “Does the fact the Jon Tester says he would have voted against common-sense, pro-life judges like Samuel Alito and John Roberts , and Conrad Burns

²²Quotations of Conyers and Dingell cited in Leopold, 7 November 2006.

²³Reported in Leopold, 7 November 2006.

²⁴Quotation cited in Leopold, 7 November 2006.

²⁵Drew, 6 November 2006.

supported them, make you less favorable toward Jon Tester?”²⁶

This manner of finding a democrat’s undesirable attribute, then distorting it out of context in a voters eyes, has proven very effective in swaying opinions. Even aside from that trickery, push polls are considered deceptive because they lead a prospective voter to believe it’s a survey, or “poll.” The actual intent is to change opinion and “push” people in a desired direction. In practice, push polls seem geared toward “pushing” democrats to vote for the republican candidate.

Provisions for Minority-Language Groups.

The federal Voting Rights Act requires translators at the polls or special-language ballots if a single-language group in the jurisdiction exceeds 10,000. This requirement affects hundreds of jurisdictions in 27 states where some 60 million people live. The Department of Justice (DoJ) sued Philadelphia in October 2006 for past failures to provide adequate and accurate language assistance to tens of thousands of minorities. The DoJ has also investigated several cities and counties in Massachusetts and Texas for the same reason. The charge against Boston is “improperly influencing, coercing or ignoring the ballot choices” for Spanish- and Asian-speaking citizens and treating them “disrespectfully.”²⁷

Glen Magpantay, a Staff attorney for the Asian American Legal Defense and Education Fund, points out: “In recent elections, our election protection volunteers have identified egregiously mistranslated ballots [and] interpreter shortages that led to Asian American voters being turned away, and poll workers who made hostile and racist remarks about Asian American voters.”²⁸

Problems such as these have intimidated minority voters from participating in the electoral process. According to the 2004 Election Day Survey, mandated by HAVA and commissioned by the Election Assistance Commission, language-minority jurisdictions “tended to report more inactive voter registration, lower voter turnout, fewer returned absentee ballots, and much greater numbers of provisional ballots cast.”²⁹

Voting rights groups were afraid this condition would persist during the 2006 general election.

.....

With this understanding of the pre-election difficulties, partisan trickery, and anticipated

²⁶Question cited in Drew, 6 November 2006.

²⁷Quotation cited in Komp, 31 October 2006.

²⁸Quotation cited in Komp, 31 October 2006.

²⁹Quotation cited in Komp, 31 October 2006.

problems I will now proceed to the November 7th election and its aftermath.

ELECTION 2006 – THE PRIDE OF HAVA

Early reports on election night told us, in a casual manner, as if it's to be expected and nothing out of the ordinary, that inexperienced poll workers and long lines kept some people from voting. Then more information filtered in. Inexperienced poll workers not knowing how to cope with certain technical problems was widespread, and delayed voting. Voters and poll workers confused over new voter database requirements and voter identification litigation also slowed voting and caused long lines. Shortages of substitute paper ballots and provisional ballots caused many votes to be lost. Regarding the distribution of voting machines proportional to voters registered in a precinct, there are no federal guidelines. That leaves the decision up to the states, or the counties. If they skimp in certain areas it will result in slow moving and long lines. All of these events, of course, discourage voters and cause some to be turned away or leave because of other commitments. Vote audits don't count ballots that were never cast. There were still more problems encountered for those who were able to vote.

Voting Problems.

Some 32% of registered voters cast their ballots on machines that had been added since the 2004 election. Almost half of the voters used some form of paper ballot which was then scanned and tallied on an electronic optical scan machine. And 38% used touchscreen machines, many without a voter verified paper audit trail. Election 2006 was a new, high-tech ball game with new rules and a different playing field for a great majority of America's voters, and problems were experienced.

Those problems were recognized for tens of thousands of voters in at least 25 states. But, being a mid-term election consisting of selecting hundreds of local and state offices, problems may have been more widespread but simply overlooked because the races were not close. Here are some examples that were reported.

Arkansas. In Benton County the votes were tallied three times. The first count was 47,134. Second was 79,331. The third vote was down again to 48,681.

California. I'll start with my home county – Santa Clara County – where Sequoia touch-screen machines with a voter verified paper audit trail are used. This is from an article written by Carolyn Schuk:

I “touched” my choices – poked and punched would be more accurate. The touch-screens were anything but sensitive to touch. I made my choices and reviewed them. In two races no choice was registered. I went back and did it again. And again. And again. Still no selection registered. ...

The poll worker came over. “De-select them and try again.” Still no dice. She called the Board of Elections. And got on hold. Apparently this wasn’t an isolated problem. When she got through they had no suggestions, either, ...

At that point I voted against technology and asked for a paper ballot.

You might think that after that, the machine would be taken offline. You would be wrong. ... the last I heard – after filling out my ballot 45 minutes later – was “Excuse me, there seems to be a problem with this machine.”³⁰

In some of Yolo County’s new electronic voting machines, the audio program for the visually impaired worked only in Vietnamese. Faced with a shortage of technical support workers, the county’s election chief borrowed 60 graduate students from University of California’s computer science department to help out.

Colorado. Democratic party officials sought a court order to keep polling places open longer because of long lines. A federal judge ruled that touch-screen machines should not be used again because they are unreliable – a statement that is certain to open the door for litigation. In Denver, as many as 20,000 people just gave up because a new on-line system for checking voter registration took 20 minutes (instead of one) for each name.

Florida. Florida had at least 60,000 votes in four counties that were not counted. Some south Florida early voters reported a different candidate appearing on the review screen than who they voted for (near Fort Lauderdale the republican candidate showed when the person voted democratic), and poll workers don’t know how widespread the problem is because some counties don’t have a central data base for troubleshooting. In the counties of Charlotte, Lee, and Sumpter there were over 40,000 ballots that showed no vote for the states attorney general. The winner, however, had a 250,000-vote lead so the problem was not pursued. Sarasota County was a different matter.

In Florida’s 13th Congressional District, republican Vern Buchanan edged out democrat Christine Jennings by less than 0.2% of the votes. Under Florida law that means an automatic recount. There were actually two recounts. But with no paper trail that means merely running the votes that were recorded through the machine again, and again, which they did, and Buchanan still came out with a 369-vote lead.³¹

The final count showed that 17,846 people did not vote for a representative in the House – for either candidate. That resulted in an abnormally high undervote of 14.9% for those using the ES&S machines in that county, compared to 2½% undervote for those same candidates on Sarasota’s

³⁰Schuk, Carolyn; “Voting Against Technology,” *Santa Clara Weekly*, 15 November 2006.

³¹According to an astonishing new Florida law, it is illegal to hand-recount paper ballots (such as from absentee and provisional or when requested in preference to a machine) after they have been counted on a machine. (Cited in Kennedy, 5 October 2006.)

absentee ballots, and undervotes ranging from 2.2 to 5.3% in neighboring counties. In Sarasota County, Jennings's strongest county, she received almost 53% of the votes that were counted. If the undervote were divided with that same percentage rate, Jennings would have received 1,070 more than Buchanan. Subtracting Buchanan's previous 369-vote lead, Jennings would have won the election by 701 votes.

There was a glitch on the ballot design for Sarasota County's ES&S touch screens. The US House of Representatives candidates were positioned in an obscure place at the top of the electronic ballot page where it was easy for voters to jump directly from the Senate race to that for governor. The ballot-design problem was discovered during early voting prior to November 7th, and was not fixed. Instead, the county's election chief sent an e-mail to all precincts directing them to warn voters. But the ballot glitch may be a red herring to detract from more devious vote manipulation. One poll worker said that when she received the e-mail, she reminded people as directed. She still had a huge undervote in her precinct. Her theory was: "I am thinking people touched the square and didn't notice that the X didn't come out."

That theory was reinforced by dozens of calls from Sarasota County to the "election protection" hotline reporting that Jennings was not showing on the screen. Some voters were able to correct it, such as postal worker Joe Betits: "I punched in all my candidates including the congressional candidates, and when it came up on the review page, I looked up and noticed that my vote for Christine Jennings hadn't registered."³² He backed up and tried again with success. But how many voters didn't notice or just let it go? If a poorly-designed ballot was intentionally used to cover up more devious vote suppression, then it is indeed likely to be symptomatic of more widespread election fraud.

The Sarasota *Herald-Tribune* had people call in to report problems and interviewed hundreds who did. About a third said they couldn't find the House race on the ballot although many said they looked hard. This sounds like a bad ballot design was at fault. But some 60% said they did cast a vote but it didn't show on the ballot summary page. That sounds like a machine software problem.

The *Orlando Sentinel* investigated all the votes on the undervote ballots and found they strongly favored democratic candidates. In the races for US Senator, Governor, Attorney General, Chief Financial Officer, and Agricultural Commissioner the undervote ballots heavily favored democrats, even though republicans won three of those races in the total county vote.

Christine Jennings filed a lawsuit demanding a new election. If litigation fails, which it could easily do, it may be up to the new House Speaker, Nancy Pelosi, to step in. The US Constitution says the House of Representatives is the final arbitrator in House races.^{33, 34}

³²Quotations in this paragraph are cited in Sword and Scott, 9 November 2006.

³³It is ironic that Sarasota county passed a referendum in this election to have a voter verified paper audit trail next election. Equally ironic is that the House seat being contested here was vacated by Katherine Harris (Florida secretary of state during the 2000 election dispute) so she could run for the US Senate, a bid in which she

Indiana. Poll workers in 100 precincts of Marion County had trouble getting optical scan machines to read paper ballots correctly. In Delaware County poll hours had to be extended because bad software cause early machine trouble.

Maryland. Vendors could not hire enough technicians to service new voting machines.

Mississippi. Vendors could not hire enough technicians to service new voting machines.

Missouri. Because of ballots and the supplies for loading them being late, 600 poll workers in Boone County could not be properly trained on new machines. Hampered by last-minute deliveries and new voting procedures, resulting in improperly trained poll workers, caused long delays and long lines when machine malfunctions could not be immediately remedied. “Similar stories have been repeated across the country – but their scope and severity are impossible to determine because there are no federal rules for reporting such problems, and there’s no repository for keeping them ...”

New Jersey. Some machines in Passaic County had the ballot pre-marked for the democratic senatorial candidate.

North Carolina. At one precinct the person with the key was late, causing some 100 voters to wait almost an hour. In the 8th Congressional District, republican Robin Hayes led democrat Larry Kissel by a mere 339 votes. A manual recount in selected precincts was mandated, which gave Kissel another 15 votes but not enough to help.

Ohio. One precinct in Cleveland had five touchscreen machines and took ten minutes get them started properly. Machines jammed when turned on in Miami County. A break-in at a school polling place in Columbus delayed voting while police investigated. Thousands of voters had to use a provisional ballot or were turned away because poll workers didn’t understand the voter identification law. Ohio’s republican congressman Steve Chabot had to go home for a utility bill to prove his residence because his driver’s license did not show his current address.

In Ohio’s 15th Congressional District, republican Deborah Pryce edged out democrat Mary Jo Kilroy by 1,055 votes, or 0.4%. A recount mandated by state law, because the difference is less than 0.5%, is to be completed by December 8th..

Pennsylvania. Poll workers unsure that the machines had been cleared since the last election caused some precincts to open late. Vendors could not hire enough technicians to service new voting machines. Many machines crashed or refused to start – when they did, vote flipping was experienced – that is, a candidate different from the one chosen registered on the electronic ballot. Polling stations in Lancaster and Lebanon Counties stayed open late because of computer problems. At least 800 machines in Westmoreland County had a programming error which caused long lines. A poll worker in

lost handily.

³⁴“Article I, Section 5 of the US Constitution states “Each House shall be the judge of the elections, returns and qualifications of its own members, ...”

that county said she “had to reset every machine after each voter, or more than 500 times, because the machines kept trying to shut down.”³⁵

South Carolina. During voting, the wrong candidate sometimes appeared on the screen.

Texas. One precinct in Sugar Land had to wait 45 minutes for the right machine. In some precincts the wrong candidate appeared on the screen when a choice was made. Some electronic ballots cut off a candidate’s last name.

Virginia. The last name of democratic senatorial candidate Jim Webb’s name was missing on the ballot in some heavily democratic areas. Jim Webb’s name was split on two pages of the ballot in Essex County. Machines in Isle of White had a fuzzy image of the ballot.

Wisconsin. A bomb threat at one Madison precinct caused a temporary shut-down.

.

These are some of the glitches, errors, and problems reported by the media. They slowed up the election process and caused many legitimate voters to be disenfranchised. They probably affected the election outcome in many races. As stated by Warren Stewart, policy director at VoteTrustUSA: “In a close race, a machine error in one precinct could leave the results in doubt and the losing candidate won’t be able to get a recount.”³⁶

The election in 2006 consisted of hundreds of races where problems were spread out over the entire country. Also, the democrats having won such an astounding victory downplayed many election difficulties. That will be different in the 2008 presidential election where a much higher voter turnout is expected and national attention will be focused on the major race for president.

But then, we might say, all the voting glitches in the past favored the republicans, and the democrats won in this election, so what’s the problem? The problem is that just because the election favored the democrats doesn’t mean it wasn’t rigged. That is the topic I will get into next.

Back to the Exit Polls.

As election 2006 approached I felt the same apprehension that was experienced by many – a dread that we would again face massive vote rigging and malicious hacking. Then when the democrats won both houses of the legislature everyone breathed a little easier because it appeared that credibility might have been restored to the electoral process. That relief was premature.

The glitches and “isolated incidents” described above are what poll workers were able to see and observe. We may even dismiss them as minor – even expected – for the huge number of voting

³⁵Urbina and Drew, 26 November 2006.

³⁶Urbina, 19 October 2006.

machines used on November 7th. But, what went on inside the computers was another matter.

The euphoria bubble burst on November 16th when the Election Defense Alliance (EDA), a national election integrity organization, released its report on exit polls. It is described as a national indictment of the vote counting process in the United States. EDA issued an urgent call for further investigation into the 2006 election results and called for a moratorium on deployment of all electronic election equipment because “analysis of national exit polling data indicated a major undercount of democratic votes and an overcount of republican votes in US House and Senate races across the country.”³⁷ EDA co-founder Jonathan Simon elaborated:

We found evidence of pervasive fraud, but apparently calibrated to political conditions existing before recent developments shifted the political landscape, so the ‘fix’ turned out not to be sufficient for the actual circumstances. When you set out to rig an election, you want to do just enough to win. The greater the shift from expectations, (from exit polling, pre-election polling, demographics) the greater the risk of exposure – of provoking investigation. What was plenty to win on October 1st fell short on November 7th.³⁸

To that Sally Castleman, also a co-founder of EDA and its chairperson, added: “It looks for all the world that they’d already figured out the percentage they needed to rig, when the programming for the vote rigging software was distributed weeks before the election.”³⁹

The National Election Pool (NEP) again hired Edison Media Research and Mitofsky International (Edison/Mitofsky) to do the exit polling. I explained in a previous paper how on election night 2004 the “unadjusted” NEP exit poll results were inadvertently placed on the CNN website. It was Jonathan Simon, co-founder of EDA, who saw it at that time, and captured it before it was removed and replaced by data “adjusted” to agree with the official vote count.⁴⁰ It was that captured screen shot of “unadjusted” data that played the major role in revealing fraud in 2004.

At 7:07 PM election night 2006, Simon was surprised to again find “unadjusted” exit poll data displayed on CNN.com. Apparently NEP has adopted a transparent methodology of “adjusting” its exit polls to allow later academic analysis of voting dynamics and demographics. In accordance with that, the “unadjusted” data was openly displayed on election night. But by 1:00 PM the following day, the data displayed on CNN.com had been “adjusted” by an intricate method of re-weighting every

³⁷EDA Press Release, 16 November 2006.

³⁸Quotation cited in Kall, 17 November 2006.

³⁹Quotation cited in Kall, 17 November 2006.

⁴⁰“Adjusting exit polls to make them agree with the reported vote count is also called “forced weighting.” During the 2004 election (see earlier paper) this was referred to as “calibrating.”

response so that the sum matched the reported vote count. Simon and Bruce O'Dell⁴¹ say in their paper: "Exit polls are 'adjusted' on the ironclad assumption that the vote counts are valid. This becomes the supreme truth, relative to which all else is measured, ... Logic tells us that if such an adjusted poll yields obviously inaccurate and distorted information about the demographics and voting patterns of the electorate, then the vote count it was forced to match is itself invalid – and quantifiably so."⁴² Let me explain.

EDA's November 16th report only analyzed the voting for the House of Representative.⁴³ The Edison/Mitofsky exit poll had a margin of error of only $\pm 1\%$. But when the "unadjusted" exit poll results displayed at 7:07 PM election night is compared to the vote tally there is an enormous gap. The exit poll showed "a democratic victory margin 3.9% greater than the margin actually recorded by the vote counting machinery. This is far outside the margin of error of the poll and has less than one in 10,000 likelihood of occurring as a matter of chance."⁴⁴ The "unadjusted" exit poll that night showed that 55% voted democratic and 43.5% republican. That gives the democrats an edge of 11.5% of the votes in the House races.

By 1:00 PM the next day the exit polls had been "adjusted" to exactly mirror the reported vote tally. Democrats were now shown with 52.6% of the total House vote and the republicans with 45%, lowering the democrat's lead to 7.6% . But if we are to believe the "unadjusted" and more representative exit poll data, the democratic victory would have been 3.9%, or 3 million votes, higher than what we read in the media.

Those who defend the official vote count do, of course, assert that it is correct. They say the "unadjusted" exit polls reflect a higher democratic victory because republicans were more reluctant to answer exit polls than democrats. That being the case, more democrats were sampled than republicans so the result would naturally reflect a higher democratic vote. This is the same theory – called the reluctant Bush responder (discussed in a previous paper) – that was put forth after the 2004 presidential election in which the exit polls showed Kerry had won by 2.5% of the vote. Dr. Steven F. Freeman and eleven other experts in the field published a report debunking that theory and maintained that the "unadjusted" (called "uncalibrated" in 2004) exit polls which showed Kerry as the winner were correct.⁴⁵

⁴¹Bruce O'Dell is head of the EDA Data Analysis Team. His expertise is in the design of large-scale secure computer and auditing systems for major financial institutions.

⁴²Simon and O'Dell, 16 November 2006.

⁴³Exit polls for the Senate races, which are also replete with discrepancies, are to be analyzed in a separate report.

⁴⁴Simon and O'Dell, 16 November 2006.

⁴⁵See Freeman, *et al*, 31 March 2005.

Now in 2006 that same reluctant republican responder theory has been advanced again. That is mainly because it is the only argument that has any perceived credibility in explaining the difference between polled results and the reported vote tally. This time it is disproved in an even more empirical and emphatic manner. Jonathan Simon pointed out that “this time there is an objective yardstick ... which establishes the validity of the exit poll and challenges the accuracy of election returns.”⁴⁶ This objective yardstick is a background question asked of all respondents – who they voted for in the 2004 presidential election. Answers to this question provided clear proof that democrats and republicans were sampled in correct proportions. Here’s how it worked.

Bush’s “official” victory in 2004 was by a 2.8% margin. Answers to the who-did-you-vote-for-in-2004 question in the “unadjusted” 2006 exit poll at 7:07 PM election night recorded 45% for Kerry and 47% for Bush. That gave Bush a 2% lead which compares to the 2.8% actual – well within the margin of error of the poll. (The “unadjusted” 2006 exit poll was politically weighted to reflect the official 2004 election results.) This was strong evidence that the unadjusted 2006 exit poll accurately reported the answer to that background question.

However, the “adjusted” 2006 exit poll was another story. When a poll is adjusted to agree with one area, every question in that poll must be adjusted in the same proportion. After being adjusted, that same question about who the respondents voted for in 2004 showed 43% for Kerry and 49% for Bush. That moved Bush’s winning margin to 6%, which is a great distortion of his official lead of 2.8%. “In order to match the results of the official tally, the 2006 exit poll adjustment was so extensive that it finally depicted an electorate that voted for Bush over Kerry by a 6% margin – very clearly an undersampling of democrats and an oversampling of republicans.”⁴⁷ So much for the reluctant republican responder theory.

Bruce O’Dell, head of EDA’s Data Analysis Team, said: “The adjusted exit poll is a statistical illusion. The weighted but unadjusted 7 pm exit poll which sampled the correct proportion of Kerry and Bush voters and also indicated a much larger democratic victory got it right.” EDA’s Simon adds: “It required some incredible distortions of the demographic data within the poll to bring about the match with reported vote totals. It not only makes the adjusted exit poll inaccurate, it also reveals the corresponding inaccuracy of the reported election returns which it was forced to equal. The democratic margin of victory in US House races was substantially larger that indicated by the election returns.”⁴⁸

The democratic margin of victory was 11.5% \pm 1%, not the 7.6% in reported vote tallies. But there is even more to it that should be considered. In a footnote to their EDA paper, Simon and O’Dell qualified their methodology: “While we present the reported 2.8% Bush margin in 2004 at face value, it

⁴⁶EDA Press Release, 16 November 2006.

⁴⁷Simon and O’Dell, 16 November 2006.

⁴⁸Quotations in this paragraph cited in EDA Press Release, 16 November 2006.

will not escape notice that the distortions in vote tabulation that we established in the current paper were also alleged in 2004, were evidenced by the 2004 exit polls, and were demonstrably achievable given the electronic voting systems deployed at that time. We note that, if upon retrospective evaluation the unadjusted 2004 exit polls were as accurate as the 2006 exit polls have proven to be, and the 2.5% margin for Kerry in 2004 is taken as the appropriate baseline, a correctly weighted sample in 2006 would have included even more Kerry voters and even fewer Bush voters than Edison/Mitofsky's 7:07 PM poll, with a substantial consequent up-tick in the democratic margin."⁴⁹

That up-tick in the democratic margin would have been 5.3% – the difference between Kerry's polled win and Bush's reported win in 2004. That changes the democratic margin of voters in 2006 from the above-mentioned 11.5% to 16.8% – a landslide, particularly with such a small voter turnout.⁵⁰ It is no wonder that the EDA report concluded "that the degree of statistical distortion now required to force exit polls to match the official tally is the clearest possible warning that the ever-growing catalog of reported vulnerabilities in America's electronic vote counting systems are not only possible to exploit, they are actually being exploited. Any system so clearly at risk of interference and gross manipulation can not and should not be trusted to tally the votes in any future election."⁵¹ And I will add that any such system, when it is available, will be exploited by people who can not and should not be trusted. And I will add that any such system, when it is available, will be exploited by people who can not and should not be trusted.

#####

REFERENCES

Ackerman, Elise; "US Soldiers' Overseas Votes Ripe for Fraud," *San Jose Mercury News*, 28 September 2006.

American Chronicle (Beverly Hills, CA); "Sec. of Virginia State Board of Elections Finds Widespread Incidents of Voter Suppression," 6 November 2006. At <http://www.americanchronicle.com/articles/viewArticle.asp?articleID=16105>

Associated Press; "AP, Networks Sue Over Fla., Nev. Exit Poll Laws," MSNBC.com, 11 October 2006.

Associated Press, "Schwarzenegger Calls Immigrant-Threat Letter a 'Hate Crime'," *San Jose Mercury News*, 21 October 2006.

Associated Press, "Voting Machine Issues Mount," *Columbia Daily Tribune* (Columbia, MO), 21 October 2006.

Associated Press; "Judge Rules on Exit Polls in Florida," *The New York Times*, 24 October 2006.

⁴⁹Simon and O'Dell, 16 November 2006 (Footnote 7).

⁵⁰Had so many democratic voters not been prevented by various means from casting a ballot, this landslide would have been considerably larger.

⁵¹Simon and O'Dell, 16 November 2006.

Associated Press; "Poll Workers Struggle With Vote Machines," *The New York Times*, 7 November 2006.

Associated Press; "Rep. Pryce Wins in Ohio; Recount Will Be Done," *Washington Post*, 28 November 2006.

Babington, Charles and Weisman, Jonathan; "Anxious GOP Focuses On Not Losing Senate," *Washington Post*, 4 November 2006.

Babington, Charles and MacGillis, Alec; "It's A Candidate Calling, Again," *Washington Post*, 7 December 2006.

CNN.com; "Mo. Election Chief Says She Was Asked For Photo ID," 7 November 2006.

EDL Press Release – "Major Miscount of Vote in 2006 Election: Reported Results Skewed by 4 Percent, 3 Million Votes," press release by the Election Defense Alliance, 16 November 2006.

Fears, Darryl and Weisman, Jonathan; "Georgia Law Requiring Voters to Show ID Is Thrown Out," *Washington Post*, 20 September 2006.

Freeman, Steven F. *et al*: "Analysis of the 2004 Presidential Election Exit Poll Discrepancies," a report by US Count Votes' National Election Data Archive Project, 31 March 2005.

Goldstein, Amy; "Democrats Predict Voted ID Problems," *Washington Post*, 3 November 2006.

Kall, Rob; "Ohio Lawsuit to Reinstate Hundreds of Thousands of Purged Democratic Voters to be Filed on Monday," *OpEdNews.com*, 18 October 2006.

Kall, Rob; "Clear Evidence 2006 Congressional Elections Hacked," *OpEdNews.com*, 17 November 2006.

Kateyian, Armen and Hirschhorn, Phil and Rey, Michael; "Florida Recount, 2006 Style," *CBS News*, 11 November 2006.

Kennedy, Robert F., Jr.; "Will the Next Election Be Hacked?" *Rolling Stone*, 5 October 2006.

Komp, Catherine; "Hispanic, Asian, Native Citizens Face Voting Barriers," *The New Standard (Syracuse, NY)*, 31 October 2006.

Komp, Catherine; "Rights Groups: Jumble of State Laws Could Disenfranchise Voters," *The New Standard (Syracuse, NY)*, 2 November 2006.

Krugman, Paul, "When Votes Disappear," *The New York Times*, 24 November 2006.

Leopold, Jason; "Democrats Call for Federal Probe Over GOP 'Robocalling'," Truthout Report, 7 November 2006.

Londono, Ernesto; "Sample Ballots at Pr. George's Misidentify Candidates," *Washington Post*, 7 November 2006.

Mikkelsen, Randall; "Voting Problems Loom In US Election," *Mail & Guardian Online (Zambia)*, 24 October 2006.

New York Times, The; "Keep Away the Vote," Editorial, 21 September 2006.

New York Times, The; "Counting the Vote, Badly," Editorial, 16 November 2006.

New York times, The; "Déjà Vu in Florida," Editorial, 26 November 2006.

Rabin, Charles and Simon, Darren; "Glitches Cited in Early Voting," *The Miami Herald*, 28 October 2006.

Savage, David G.; "High Court Allows Arizona To Enact New Voter ID Law," *Los Angeles Times*, 21 October 2006.

Schapiro, Jeff E.; "Virginia FBI Looks Into Voter Intimidation," *The Richmond Times Dispatch*, 7 November 2006.

Simon, Jonathan and O'Dell, Bruce; "Landside Denied: Exit Polls vs. Vote Count 2006," a research paper for the Election Defense Alliance, 16 November 2006.

Smyth, Julie Carr (Associated Press); "Media Challenges Ohio Exit Poll Rules," *Washington Post*, 24 October 2006.

Stratton, Jim; "Analysis: Ballots Favor Dems," *Orlando Sentinel*, 22 November 2006.

Sword, Doug and Scott, Anna (*New York Times* regional Newspapers); "House May End Up In 13th District Feud.," *The Ledger* (Lakeland, FL), 9 November 2006.

Tapper, Jake and Abrahams, Rebecca; "Chicago Voter Database Hacked," *ABC News*, 23 October 2006.

Urbina, Ian; "New Laws and Machines May Spell Voting Woes," *The New York Times*, 19 October 2006.

Urbina, Ian; "As Vote Nears, Parties Prepare for Legal Fights," *The New York Times*, 4 November 2006.

Urbina, Ian and Drew, Christopher; "Experts Concerned as Ballot Problems Persist," *The New York Times*, 26 November 2006.

Woolfolk, John; "In Santa Clara county, Up To 36% May Vote Early," *San Jose Mercury News*, 4 November 2006.