

Philippines Court Bans Computerized Election

The Philippines Supreme Court, in a ruling which must serve as a lesson in constitutional democracy to the United States, nullified a Commission on Elections (COMELEC) contract for computerized voting machines, to be used for the May Presidential elections. While the ruling did not forbid the possible use of computerized elections in the future, the wording of the Jan. 13 ruling goes far beyond the technical issues of the case at hand, to identify the danger to the fundamental interests of the state inherent in computerized elections. The Court wrote that “we are thus confronted with the grim prospect of election fraud on a massive scale by means of just a few keystrokes. The marvels and the woes of the electronic age!”

The contract was signed in early 2003 with Mega Pacific Consortium, a group pulled together specifically for the Philippines project, involving (among others) a South Korean hardware producer, and the British firm election.com, ltd., which made its name running the first legally binding on-line election in the March 2000, Democratic primary in Arizona, and the voting at the 2000 Democratic National Convention. The Philippines court voided the contract, ordering that the May elections proceed with traditional manual voting and counting methods.

The specific charges involve the failure of the contracted computers (which had already been purchased!) to meet the safety criteria specified in the officially mandated

bidding rules and procedures. The court’s ruling, however, includes the following “universal” findings:

***[P]etitioners suing in their capacities as taxpayers, registered voters and concerned citizens respond that the issues central to this case are ‘of transcendental importance and of national interest’ and that ‘any taint on the sanctity of the ballot as the expression of the will of the people would inevitably affect their faith in the democratic system of government’. . . . We agree with petitioners. Our nation’s political and economic future virtually hangs in the balance, pending the outcome of the 2004 election.”

- After reviewing the failure of the computers to pass the required safety and accuracy tests, the court ruled that “COMELEC chose to ignore this crucial deficiency, which should have been a cause for the gravest concern. Come May 2004, unscrupulous persons may take advantage of and exploit such deficiency by repeatedly downloading and feeding into the computers, results favorable to a particular candidate or candidates.”

- In regard to the multiple software problems, the court noted: “The counting machines, as well as the canvassing system, will never work properly without the correct software programs. There is an old adage that is still valid to this day: ‘Garbage in, garbage out.’ No matter how powerful, advanced and sophisticated the computers and the servers are, if the software being utilized is defective or has been compromised, the results will be no better than garbage. And to think that what is at stake here is the 2004 national elections, the very basis of our democratic life! . . . [W]hat will happen to our country in case of failure of the automation?”—*Michael Billington*

ton: Worse than the butterfly ballot, some Democratic candidates watched votes alight, then flutter away. Democrat Al Williams saw 90 votes wander off his tally between election night and the following day, though no new counting had been done. At the same time, his opponent, Republican Tom Tangen, gained 32 votes. At one point several hundred ballots added to returns didn’t result in any increase in the number of votes. But elsewhere, the number of votes added exceeded the number of additional ballots counted. A Republican candidate achieved an amazing surge in his absentee percentage for no apparent reason. The miscounts were sporadic and thus hard to spot, and the errors disproportionately favored just one party. King County’s election manager recommended a countywide recount.

Louisiana: 1994, New Orleans: Voting machine tests performed and videotaped by candidate Susan Barnecker demonstrated that votes she cast for herself were electronically recorded for her opponent. This test was repeated several times with the same result.

Arizona: 1984—some 826 legitimate ballots were discarded in Oro Valley because of a computer error. The error wasn’t discovered until after the deadline for counting them.

1998—9,675 votes were missed in the tabulation. After canvassing, officials realized that no votes had been recorded for 24 precincts even though voter rolls indicated thousands had voted at those polling places. Global Elections Systems (now called Diebold Election Systems) tried to figure out why the computer had failed to record the votes.

Ohio: November 1998, Franklin County, Ohio: One candidate was incorrectly credited with 14,967 votes; another received 6,889 in error. Deborah Pryce and John R. Kasich gained 13,427 votes and 9,784 votes, respectively, after election officials hand-checked vote totals in 371 machines that were affected by a software programming error.

Kansas: September 1998, Kansas City: Republican John Bacon, a staunch conservative, celebrated a resounding victory for the 3rd District Kansas Board of Education seat, defeating moderate Republican Dan Neuenswander by 3,018