

TESTIMONY BEFORE CUYAHOGA COUNTY (OHIO) BOARD OF ELECTIONS
October 17, 2005

My name is Greg Coleridge. I'm with the Northeast Ohio American Friends Service Committee and the Program on Corporations, Law & Democracy. AFSC and POCLAD have for many years researched and educated on the relationship between democracy and corporations, producing a booklet and documentary on the threats to real self-governance by constitutionally granted corporate "rights."

I oppose Cuyahoga County's BOE's decision to select Touch Screen machines manufactured by the for-profit Diebold corporation to count the votes in the choosing of our elected officials. My primary opposition to this decision is not based on the fact that there was or was not adequate public input, nor that the for-profit vendor chosen was the Diebold corporation, nor that the actual technology chosen was Touch Screen rather than Optical Scan. To me, these are all secondary concerns, arguably even distractions.

The real issue for me is one of authority – one of maintaining public authority to ensure that public officials and institutions are in complete control in the collection, counting and reporting of public votes during public elections in the democratic selection of public officials.

The Diebold Corporation is not a public entity. Nor is ES&S corporation. Nor is any and all other vendors. They are all for-profit business corporations which has a bottom line not to maximize public confidence in elections but to maximize corporate profit and shareholder value.

Voting machine technology is private. It's trademarked. It's private property. Corporations manufacture the machines. Corporations program the machines. Corporations service the machines. Corporations "trouble-shoot" any problems with the machines. Corporations possess the proprietary "keys" to the machines. In other words, corporations have the bottom-line authority over the machines.

This is not public. This is not democratic. This is the main problem. Public "oversight," public "monitoring," public "advisory," public "watchdogging," or any other word to describe the passive and deferential role the public has under this scheme to corporate voting machine vendors doesn't cut it. It's not acceptable. It's a sham.

Issues of Diebold vs ES&E is not a primary concern to me. Issues of Touch Screen vs Optical Scan is akin to choosing between paper vs plastic at the check out line and calling it a real decision to save the environment – while SUVs and smoke stacks are destroying the Earth's ozone. Obviously we need verified voting but the choice as presented is a secondary concern.

The real issue for me is authority. Public authority. The real issue is whether or not the public, via Boards of Elections, can actually be in control of the voting machine technology, proprietary program "keys," servicing and counting. In other words, can public entities be actively in charge rather than passively watching what's going on. There's a huge difference.

The implications of what I suggest is clear. Public entities need to take over and totally control this technology.

Two centuries ago, state legislatures chartered one corporation at a time to perform a certain function for a limited period of time. In some cases, after a corporation built a road and received a fair return on their investment, the road was taken over by the public and the toll road became a public road. The corporation received payment for its investment and a fair profit but thereafter the road became public.

Similar action may need to occur today. Let corporations build the machines but once built and sold at a fair price to Boards of Elections, the machines become transformed from private to public with zero role for the corporations thereafter to play. The technology becomes totally transparent with no proprietary information hidden and with the certainly that votes counted and verified are lodged and recorded.

If this is not an option, then there is an alternative to ensure that public votes are counted by the public via Boards of Elections – paper and pencil.

Public elections are too important to have private for-profit business corporations involved in. Vote counting needs to be open, transparent, and verifiable.

Some of us know how nearly impossible it is to make government open and transparent. What I suggest is not a panacea. But at least citizens possess the capability to influence public officials and public entities to act in responsible and accountable ways. Private business corporations use their property rights shield to prevent such openness, transparency, and verifiability.

The real choice is not paper or plastic. It's authority. Citizen authority vs corporate authority. I urge you to scrap your plans and start over.