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GENERAL ASSEMBLY

Voting bill may clear House

Measure would change Md. ballot machines

BY KELLY BREWINGTON
SUN REPORTER

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A proposal to replace the state's electronic voting equipment with a system that provides paper verification could pass one chamber of the General Assembly this week, House Speaker Michael E. Busch said yesterday.

Under the plan, Maryland's Diebold machines would be shelved for this fall's primary and general elections, with an alternate system taking their place.

Busch said he supports the move to a paper trail as the best way to ensure a secure election.

"The fact is that the Diebold system has come under scrutiny nationally," he said. "Done with accuracy, I think the Diebold machines are the best systems in the world. But the question here is about security."

The replacement proposal also has the backing of Gov. Robert L. Ehrlich Jr., who told the State Board of Elections yesterday he supports the legislation.

"Maryland's lack of a paper trail means we are no longer a national leader in election systems and that our equipment is susceptible to system failures under which we

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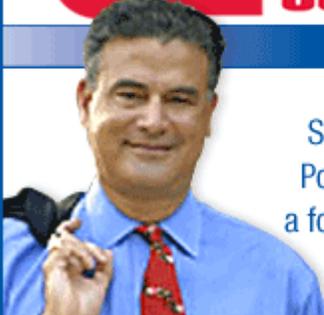
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would be technically unable to re-create election results because we have no paper ballots," Ehrlich said in a letter to the board.

Yesterday's developments show that the long-standing worries of voting reform advocates are reaching the highest levels of state government. Critics have long complained that the state's Diebold technology is vulnerable to hacking, and said that the system should produce a paper record that could be audited after close or contested elections.

The drive to adopt a paper trail is gaining momentum after the governor chided the state elections board two weeks ago, saying he had lost faith in its ability to conduct fair and secure elections.

Ehrlich continued that criticism yesterday in a letter to board Chairman Gilles W. Berger and expressed support for the House bill that would abandon the Diebold Elections System touch-screen voting machines in favor of optical scan equipment, which the state would lease for a year.

Democrats, however, note that the governor vetoed a bill last year that would have studied paper records, and that his administration supported the machines after commissioning a study to examine their flaws in 2003.

Del. Sheila E. Hixson, a Montgomery County Democrat who sponsored the bill, estimated the cost to lease the equipment at between \$12.5 million and \$16 million, while the elections board has indicated it would cost more.

While the paper-trail proposal may have support in the House, its prospects in the Senate remain unclear.

Senate President Thomas V. Mike Miller, who has accused Ehrlich of attempting to cast doubt on the state's election system as an election-year ploy, said yesterday he's concerned there is not enough time to transform Maryland's election system by the September primary.

"This is not something you do willy-nilly or overnight because of the whim and the caprice of the governor in an election year," he said.

Miller said the Senate will consider the bill, and that while the paper trail is a "laudable goal," time is running out.

"The question is, 'Is the juice worth the squeeze?'" he said. "The millions to rent all these machines, train all these people, in a small window of opportunity. ... The concept is ludicrous to think we can do this overnight."

Ehrlich says he supports the House bill but the letter does not specify how the state will pay to lease the equipment. Henry Fawell, an Ehrlich spokesman, did not offer specifics yesterday.

"We will work with the General Assembly to find an appropriate funding solution," he said. "Those discussions will be ongoing in the coming weeks."

In 2003, Maryland spent more than \$55 million to adopt the Diebold electronic voting equipment, abandoning in many places an optical scan system in which voters mark paper ballots that are then recorded by a machine.

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Sen. Paula C. Hollinger, a Baltimore County Democrat who introduced a paper-trail bill in the Senate, said without a promise of funding, the proposal's fate of remains uncertain.

Ehrlich's letter also asks that the State Board of Elections to support legislation that would push the implementation of early voting until 2008. The Democrat-led Assembly passed a bill last year authorizing some polling places to be open for five days before the elections, a move they said would boost turnout. Ehrlich vetoed the legislation but Democrats overrode his veto early this session.

Democrats said yesterday that Ehrlich's criticism of the elections system is an attempt to delay the new law. "He wants to confuse Maryland voters, and most importantly, he does not want to allow early voting," said state Democratic Party Chairman Terry Lierman.

The governor's letter is the latest in a back-and-forth between him and the staff of the state elections board, a relationship that has been highly politicized.

Ehrlich's latest letter to Berger also asks the State Board of Elections to order an independent agency and a security firm to test Maryland's voting equipment, in light of recent controversies over similar Diebold-manufactured machines in California.

Controversy over Diebold's voting products increased in December, when a computer expert successfully hacked into the machines in Leon County, Fla.

The infiltration alarmed California officials, who ordered an independent test of their system's software. Last week, Berger told Ehrlich the codes on California's memory cards - where votes are stored - are the same as those used in Maryland.

Diebold officials have stood by the company's equipment in California and Maryland.

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